

March 22, 2002

The Honorable John M. McKay
President of the Senate

The Honorable Tom Feeney
Speaker, House of Representatives

Dear Mr. President and Mr. Speaker:


Your Conference Committee on the disagreeing votes of the two houses on CS/CS/SB 1564, 1st ENG., same being:

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

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

1. That the House recede from its amendment 1.
2. That the Senate and the House of Representatives adopt the Conference Committee amendments attached hereto, and by reference made a part of this report.


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The Honorable Tom Feeney
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Sen. J. Alex Villalobos, Chair




Sen. Rudy Garcia



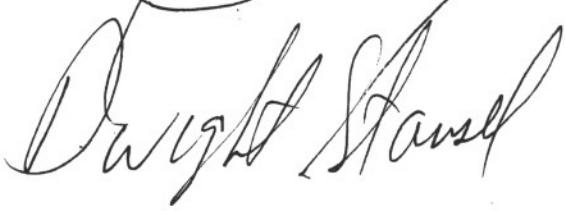
Sen. Ron Klein

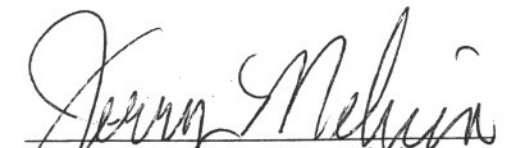


Sen. Lesley "Les" Miller, Jr.

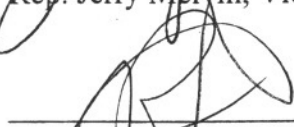


Sen. Donald Sullivan







Rep. Jerry Melvin, Vice Chair

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Rep. Ralph Arza

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Rep. Dennis Baxley



Rep. Heather Fiorentino

Rep. Bev Kilmer

Conference Report on CS/CS/SB 1564, 1ST ENG
Changes in bill sent to conference

- 1. Allows school board members to set their own pay with no cap.**
- 2. Removes the Access to Better Learning and Education (ABLE) Grant Program.**
- 3. Clarifies that university boards of trustees have sovereign immunity.**
- 4. Removes an amendment regarding the disposal of educational facilities.**
- 5. Restores to current law requirements associated with a community college's proposal to offer baccalaureate degrees.**
- 6. Limits school categorical funding flexibility to one year.**
- 7. Removes language relating to funding for a cancer research facility associated with the Moffitt Cancer Center at USF.**
- 8. Inserts language regarding the state employee fee waiver program that was inadvertently omitted when an earlier amendment was engrossed. The new language directs the Auditor General to review cost assessment data and defines "employees of the state" for purposes of the program to include employees of the executive, legislative, and judicial branches of state government.**
- 9. Removes language relating to chiropractors.**
- 10. Makes technical changes in terminology relating to "Secretary of Education", "Commissioner of Education", "State Board of Education", and "Florida Board of Education".**

Senate

House

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ORIGINAL STAMP BELOW

The Conference Committee on CS for CS for SB 1564 offered the following:

Conference Committee Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

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

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

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

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

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

(2) LIBERAL CONSTRUCTION.--The provisions of the Florida K-20 Education Code shall be liberally construed to

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1 the end that its objectives may be effected. It is the
2 legislative intent that if any section, subsection, sentence,
3 clause, or provision of the Florida K-20 Education Code is
4 held invalid, the remainder of the code shall not be affected.

5 (3) PURPOSE.--The purpose of the Florida K-20
6 Education Code is to provide by law for a state system of
7 schools, courses, classes, and educational institutions and
8 services adequate to allow, for all Florida's students, the
9 opportunity to obtain a high quality education. The Florida
10 K-20 education system is established to accomplish this
11 purpose; however, nothing in this code shall be construed to
12 require the provision of free public education beyond grade
13 12.

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

28 (5) EDUCATION GOVERNANCE TRANSFERS.--

29 (a) Effective July 1, 2001:

30 1. The Board of Regents is abolished.

31 2. All of the powers, duties, functions, records,

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1 personnel, and property; unexpended balances of
2 appropriations, allocations, and other funds; administrative
3 authority; administrative rules; pending issues; and existing
4 contracts of the Board of Regents are transferred by a type
5 two transfer, pursuant to s. 20.06(2), to the Florida Board of
6 Education.

7 3. The State Board of Community Colleges is abolished.

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

16 5. The Postsecondary Education Planning Commission is
17 abolished.

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

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

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

29 (b) All rules of the State Board of Education, the
30 Commissioner of Education, and the Department of Education,
31 and all rules of the district school boards, the community

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1 college boards of trustees, and the state university boards of
2 trustees, in effect on January 2, 2003, remain in effect until
3 specifically amended or repealed in the manner provided by
4 law.

5 (c) Effective January 7, 2003:

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

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

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

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

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

28 1000.02 Policy and guiding principles for the Florida
29 K-20 education system.--

30 (1) It is the policy of the Legislature:

31 (a) To achieve within existing resources a seamless

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1 academic educational system that fosters an integrated
2 continuum of kindergarten through graduate school education
3 for Florida's students.

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

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

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

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

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

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

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

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

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

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

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

31 Section 5. Section 1000.03, Florida Statutes, is

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1 created to read:

2 1000.03 Function, mission, and goals of the Florida
3 K-20 education system.--

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

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

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

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

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

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1 educational authorities have a duty to fully and faithfully
2 comply with state laws, standards, and rules and to
3 efficiently use the resources available to them to assist the
4 state in allowing adequate educational opportunities.

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

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

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

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

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

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

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

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1 global economy.

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

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

14 1000.04 Components for the delivery of public
15 education within the Florida K-20 education system.--Florida's
16 K-20 education system provides for the delivery of public
17 education through publicly supported and controlled K-12
18 schools, community colleges, state universities and other
19 postsecondary educational institutions, other educational
20 institutions, and other educational services as provided or
21 authorized by the Constitution and laws of the state.

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

30 (2) PUBLIC POSTSECONDARY EDUCATIONAL
31 INSTITUTIONS.--Public postsecondary educational institutions

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1 include workforce development education; community colleges;
2 colleges; state universities; and all other state-supported
3 postsecondary educational institutions that are authorized and
4 established by law.

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

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

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

14 1000.05 Discrimination against students and employees
15 in the Florida K-20 public education system prohibited;
16 equality of access required.--

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

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

30 (b) The criteria for admission to a program or course
31 shall not have the effect of restricting access by persons of

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1 a particular race, ethnicity, national origin, gender,
2 disability, or marital status.

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

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

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

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

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1 (b) Notwithstanding the requirements of paragraph (a),
2 a public K-20 educational institution may operate or sponsor
3 separate teams for members of each gender if the selection for
4 such teams is based upon competitive skill or the activity
5 involved is a bodily contact sport. However, when a public
6 K-20 educational institution operates or sponsors a team in a
7 particular sport for members of one gender but does not
8 operate or sponsor such a team for members of the other
9 gender, and athletic opportunities for that gender have
10 previously been limited, members of the excluded gender must
11 be allowed to try out for the team offered.

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

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

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

29 2. The provision of equipment and supplies.

30 3. Scheduling of games and practice times.

31 4. Travel and per diem allowances.

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- 1 5. Opportunities to receive coaching and academic
2 tutoring.
3 6. Assignment and compensation of coaches and tutors.
4 7. Provision of locker room, practice, and competitive
5 facilities.
6 8. Provision of medical and training facilities and
7 services.
8 9. Provision of housing and dining facilities and
9 services.
10 10. Publicity.

11
12 Unequal aggregate expenditures for members of each gender or
13 unequal expenditures for male and female teams if a public
14 K-20 educational institution operates or sponsors separate
15 teams do not constitute nonimplementation of this subsection,
16 but the Commissioner of Education shall consider the failure
17 to provide necessary funds for teams for one gender in
18 assessing equality of opportunity for members of each gender.

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

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

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1 technology, engineering, and career and technical education.

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

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

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

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

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

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

30 (e) Requiring all district school boards, community
31 college boards of trustees, and state university boards of

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1 trustees to submit data and information necessary to determine
2 compliance with this section. The Commissioner of Education
3 shall prescribe the format and the date for submission of such
4 data and any other educational equity data. If any board does
5 not submit the required compliance data or other required
6 educational equity data by the prescribed date, the
7 commissioner shall notify the board of this fact and, if the
8 board does not take appropriate action to immediately submit
9 the required report, the State Board of Education shall impose
10 monetary sanctions.

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

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

31 1. Declare the educational agency ineligible for

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1 competitive state grants.

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

5
6 The educational agency shall remain ineligible and the funds
7 shall not be paid until the agency comes into compliance or
8 the State Board of Education approves a plan for compliance.

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

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

16 1000.06 Display of flags.--Every public K-20
17 educational institution that is provided or authorized by the
18 Constitution and laws of Florida shall display daily the flag
19 of the United States and the official flag of Florida when the
20 weather permits upon one building or on a suitable flagstaff
21 upon the grounds of each public postsecondary educational
22 institution and upon every district school board building or
23 grounds except when the institution or school is closed for
24 vacation, provided that, if two or more buildings are located
25 on the same or on adjacent sites, one flag may be displayed
26 for the entire group of buildings.

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

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

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1 1000.21 Systemwide definitions.--As used in the
2 Florida K-20 Education Code:

3 (1) "Articulation" is the systematic coordination that
4 provides the means by which students proceed toward their
5 educational objectives in as rapid and student-friendly manner
6 as their circumstances permit, from grade level to grade
7 level, from elementary to middle to high school, to and
8 through postsecondary education, and when transferring from
9 one educational institution or program to another.

10 (2) "Commissioner" is the Commissioner of Education.

11 (3) "Community college," except as otherwise
12 specifically provided, includes the following institutions and
13 any branch campuses, centers, or other affiliates of the
14 institution:

15 (a) Brevard Community College.

16 (b) Broward Community College.

17 (c) Central Florida Community College.

18 (d) Chipola Junior College.

19 (e) Daytona Beach Community College.

20 (f) Edison Community College.

21 (g) Florida Community College at Jacksonville.

22 (h) Florida Keys Community College.

23 (i) Gulf Coast Community College.

24 (j) Hillsborough Community College.

25 (k) Indian River Community College.

26 (l) Lake City Community College.

27 (m) Lake-Sumter Community College.

28 (n) Manatee Community College.

29 (o) Miami-Dade Community College.

30 (p) North Florida Community College.

31 (q) Okaloosa-Walton Community College.

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

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1 (k) New College of Florida.

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

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

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

16 1000.31 Regional education; state policy.--It is
17 hereby declared to be the policy of the state to promote the
18 development and maintenance of regional education services and
19 facilities in the Southern States in the professional,
20 technological, scientific, literary and other fields so as to
21 provide greater educational advantages for the citizens of the
22 state and the citizens in the several states in said region;
23 and it is found and determined by the Legislature of the state
24 that greater educational advantages and facilities for the
25 citizens of the state in certain phases of the professional,
26 technological, scientific, literary and other fields in
27 education can best be accomplished by the development and
28 maintenance of regional educational services and facilities,
29 under the plan embodied in "The Regional Pact" hereinafter
30 adopted; and this law shall be liberally construed to
31 accomplish such purposes.

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1 Section 13. Section 1000.32, Florida Statutes, is
2 created to read:

3 1000.32 Regional compact.--The compact entered into by
4 the state and other Southern States by and through their
5 respective governors on February 8, 1948, as amended, relative
6 to the development and maintenance of regional education
7 services and schools in the Southern States in the
8 professional, technological, scientific, literary and other
9 fields so as to promote greater educational facilities for the
10 citizens of the several states who reside in said region, a
11 copy of said compact, as amended, being as follows:

12
13 THE REGIONAL COMPACT

14 (as amended)

15
16 WHEREAS, The States who are parties hereto have during
17 the past several years conducted careful investigation looking
18 toward the establishment and maintenance of jointly owned and
19 operated regional educational institutions in the Southern
20 States in the professional, technological, scientific,
21 literary, and other fields, so as to provide greater
22 educational advantages and facilities for the citizens of the
23 several states who reside within such region; and

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

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1 condition of the institution, has been approved by the said
2 states who are parties hereto; and

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

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

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

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

30 It shall be the duty of the board to submit plans and
31 recommendations to the states from time to time for their

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1 approval and adoption by appropriate legislative action for
2 the development, establishment, acquisition, operation and
3 maintenance of educational schools and institutions within the
4 geographical limits of the regional area of the states, of
5 such character and type and for such educational purposes,
6 professional, technological, scientific, literary, or
7 otherwise, as they may deem and determine to be proper,
8 necessary or advisable. Title to all such educational
9 institutions when so established by appropriate legislative
10 actions of the states and to all properties and facilities
11 used in connection therewith shall be vested in said board as
12 the agency of and for the use and benefit of the said states
13 and the citizens thereof, and all such educational
14 institutions shall be operated, maintained and financed in the
15 manner herein set out, subject to any provisions or
16 limitations which may be contained in the legislative acts of
17 the states authorizing the creation, establishment and
18 operation of such educational institutions.

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

29 Any two or more states who are parties of this compact
30 shall have the right to enter into supplemental agreements
31 providing for the establishment, financing and operation of

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1 regional educational institutions for the benefit of citizens
2 residing within an area which constitutes a portion of the
3 general region herein created, such institutions to be
4 financed exclusively by such states and to be controlled
5 exclusively by the members of the board representing such
6 states provided such agreement is submitted to and approved by
7 the board prior to the establishment of such institutions.

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

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

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1 approving this compact, at which time the board shall elect
2 officers, adopt bylaws, appoint committees and otherwise fully
3 organize. Other states whose names are subscribed hereto
4 shall thereafter become parties hereto upon approval of this
5 compact by legislative action within two years from the date
6 hereof, upon such conditions as may be agreed upon at the
7 time. Provided, however, that with respect to any state whose
8 constitution may require amendment in order to permit
9 legislative approval of the compact, such state or states
10 shall become parties hereto upon approval of this compact by
11 legislative action within seven years from the date hereof,
12 upon such conditions as may be agreed upon at the time.

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

27 If any state shall at any time become in default in the
28 performance of any of its obligations assumed herein or with
29 respect to any obligation imposed upon said state as
30 authorized by and in compliance with the terms and provisions
31 of this compact, all rights, privileges and benefits of such

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

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

21 STATE OF FLORIDA BY Millard F. Caldwell, Governor.
22 STATE OF MARYLAND BY Wm. Preston Lane, Jr., Governor. STATE
23 OF GEORGIA BY M. E. Thompson, Governor. STATE OF LOUISIANA
24 BY J. H. Davis, Governor. STATE OF ALABAMA BY James E.
25 Folsom, Governor. STATE OF MISSISSIPPI BY F. L. Wright,
26 Governor. STATE OF TENNESSEE BY Jim McCord, Governor. STATE
27 OF ARKANSAS BY Ben Laney, Governor. COMMONWEALTH OF VIRGINIA
28 BY Wm. M. Tuck, Governor. STATE OF NORTH CAROLINA BY R. Gregg
29 Cherry, Governor. STATE OF SOUTH CAROLINA BY J. Strom
30 Thurmond, Governor. STATE OF TEXAS BY Beauford H. Jester,
31 Governor. STATE OF OKLAHOMA BY Roy J. Turner, Governor. STATE

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1 OF WEST VIRGINIA BY Clarence W. Meadows, Governor.

2

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

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

9 1000.33 Copies to other states approving.--After the
10 effective date of this law the Secretary of State of Florida
11 shall furnish to each of the states approving the said compact
12 an engrossed copy of this bill.

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

15 1000.34 Member jurisdictions.--The compact for
16 education is entered into with all jurisdictions legally
17 joining therein and enacted into law in the following form:

18

19 COMPACT FOR EDUCATION

20

21 ARTICLE I

22

23 PURPOSE AND POLICY.--

24 A. It is the purpose of this compact to:

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

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

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1 3. Provide a clearinghouse of information on matters
2 relating to educational problems and how they are being met in
3 different places throughout the nation, so that the executive
4 and legislative branches of state government and of local
5 communities may have ready access to the experience and record
6 of the entire country, and so that both lay and professional
7 groups in the field of education may have additional avenues
8 for the sharing of experience and the interchange of ideas in
9 the formation of public policy in education.

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

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

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

29
30 ARTICLE II

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1 STATE DEFINED.--

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

5

6 ARTICLE III

7

8 THE COMMISSION.--

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

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1 administration.

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

16 C. The commission shall have a seal.

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

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

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1 for the personnel policies and programs of the commission.

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

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

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

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

30 J. The commission annually shall make to the governor
31 and legislature of each party state a report covering the

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1 activities of the commission for the preceding year. The
2 commission may make such additional reports as it may deem
3 desirable.

4
5 ARTICLE IV

6
7 POWERS.--

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

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

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

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

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

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

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1 public officials.

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

5

6 ARTICLE V

7

8 COOPERATION WITH FEDERAL GOVERNMENT.--

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

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

25

26 ARTICLE VI

27

28 COMMITTEES.--

29 A. To assist in the expeditious conduct of its
30 business when the full commission is not meeting, the
31 commission shall elect a steering committee of thirty-two

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1 members which, subject to the provisions of this compact and
2 consistent with the policies of the commission, shall be
3 constituted and function as provided in the bylaws of the
4 commission. One-fourth of the voting membership of the
5 steering committee shall consist of governors, one-fourth
6 shall consist of legislators, and the remainder shall consist
7 of other members of the commission. A federal representative
8 on the commission may serve with the steering committee, but
9 without vote. The voting members of the steering committee
10 shall serve for terms of two years, except that members
11 elected to the first steering committee of the commission
12 shall be elected as follows: sixteen for one year and sixteen
13 for two years. The chair, vice chair, and treasurer of the
14 commission shall be members of the steering committee and,
15 anything in this paragraph to the contrary notwithstanding,
16 shall serve during their continuance in these offices.
17 Vacancies in the steering committee shall not affect its
18 authority to act, but the commission at its next regularly
19 ensuing meeting following the occurrence of any vacancy shall
20 fill it for the unexpired term. No person shall serve more
21 than two terms as a member of the steering committee; provided
22 that service for a partial term of one year or less shall not
23 be counted toward the two term limitations.

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

31 C. The commission may establish such additional

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1 committees as its bylaws may provide.

2

3

ARTICLE VII

4

5

FINANCE.--

6

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

13

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

18

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

29

D. The commission shall keep accurate accounts of all
30 receipts and disbursements. The receipts and disbursements of
31 the commission shall be subject to the audit and accounting

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1 procedures established by its bylaws. However, all receipts
2 and disbursements of funds handled by the commission shall be
3 audited yearly by a qualified public accountant, and the
4 report of the audit shall be included in and become part of
5 the annual reports of the commission.

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

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

14
15 ARTICLE VIII

16
17 ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.--

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

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

29 C. Adoption of the compact may be either by enactment
30 thereof or by adherence thereto by the governor; provided that
31 in the absence of enactment, adherence by the governor shall

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1 be sufficient to make his or her state a party only until
2 December 31, 1967. During any period when a state is
3 participating in this compact through gubernatorial action,
4 the governor shall appoint those persons who, in addition to
5 himself or herself, shall serve as the members of the
6 commission from his or her state, and shall provide to the
7 commission an equitable share of the financial support of the
8 commission from any source available to him or her.

9 D. Except for a withdrawal effective on December 31,
10 1967, in accordance with paragraph C of this article, any
11 party state may withdraw from this compact by enacting a
12 statute repealing the same, but no such withdrawal shall take
13 effect until one year after the governor of the withdrawing
14 state has given notice in writing of the withdrawal to the
15 governors of all other party states. No withdrawal shall
16 affect any liability already incurred by or chargeable to a
17 party state prior to the time of such withdrawal.

18
19 ARTICLE IX

20
21 CONSTRUCTION AND SEVERABILITY.--

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

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1 the constitution of any state participating therein, the
2 compact shall remain in full force and effect as to the state
3 affected as to all severable matters.

4 Section 16. Chapter 1001, Florida Statutes, shall be
5 entitled "K-20 Governance" and shall consist of ss.
6 1001.01-1001.75.

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

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

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

15 1001.01 State Board of Education generally.--

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

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

30 (3) Four members of the State Board of Education shall
31 constitute a quorum. No business may be transacted at any

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1 meeting unless a quorum is present.

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

4 1001.02 General powers of State Board of Education.--

5 (1) The State Board of Education is the chief
6 implementing and coordinating body of public education in
7 Florida, and it shall focus on high-level policy decisions. It
8 has authority to adopt rules pursuant to ss. 120.536(1) and
9 120.54 to implement the provisions of law conferring duties
10 upon it for the improvement of the state system of K-20 public
11 education. Except as otherwise provided herein, it may, as it
12 finds appropriate, delegate its general powers to the
13 Commissioner of Education or the directors of the divisions of
14 the department.

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

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

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

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

30 (d) To adopt for state universities and community
31 colleges, and from time to time modify, minimum and uniform

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1 standards of college-level communication and computation
2 skills generally associated with successful performance and
3 progression through the baccalaureate level and to identify
4 college-preparatory high school coursework and
5 postsecondary-level coursework that prepares students with the
6 academic skills necessary to succeed in postsecondary
7 education.

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

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

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

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

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

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1 (j) To create such subordinate advisory bodies as are
2 required by law or as it finds necessary for the improvement
3 of education.

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

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

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

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

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

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

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

28 (r) To enforce systemwide education goals and
29 policies.

30 (s) To establish a detailed procedure for the
31 implementation and operation of a systemwide K-20 technology

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1 plan that is based on a common set of data definitions.

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

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

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

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

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

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

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

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

25 (3) The State Board of Education shall adopt rules to
26 establish the criteria for assigning, reviewing, and removing
27 limited-access status to an educational program. The State
28 Board of Education shall monitor the extent of limited-access
29 programs within the state universities and report to the
30 Legislature admissions and enrollment data for limited-access
31 programs. Such report shall be submitted annually by December

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1 1 and shall assist in determining the potential need for
2 academic program contracts with independent institutions
3 pursuant to paragraph (2)(p). The report must specify, for
4 each limited-access program within each institution, the
5 following categories, by race and gender:

6 (a) The number of applicants.

7 (b) The number of applicants granted admission.

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

10 (d) The number of applicants denied admission.

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

13
14 Each category must be reported for each term. Each category
15 must be reported by type of student, including the following
16 subcategories: native students, community college associate in
17 arts degree transfer students, and other students. Each
18 category and subcategory must further be reported according to
19 the number of students who meet or exceed the minimum
20 eligibility requirements for admission to the program and the
21 number of students who do not meet or exceed the minimum
22 eligibility requirements for admission to the program.

23 (4) The State Board of Education shall review, and
24 approve or disapprove, baccalaureate-degree programs that
25 exceed 120 semester hours, after considering accreditation
26 requirements, employment and earnings of graduates,
27 comparative program lengths nationally, and comparisons with
28 similar programs offered by independent institutions. By
29 December 31 of each year, the State Board of Education must
30 report to the Legislature any degrees in the state
31 universities that require more than 120 hours, along with

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1 appropriate evidence of need. At least every 5 years, the
2 State Board of Education must determine whether the programs
3 still require more than the standard length of 120 hours.

4 (5)(a) The State Board of Education shall adopt a
5 systemwide strategic plan that specifies goals and objectives
6 for the state universities and community colleges. In
7 developing this plan, the State Board of Education shall
8 consider the role of individual public and independent
9 institutions within the state. The plan shall provide for the
10 roles of the universities and community colleges to be
11 coordinated to best meet state needs and reflect
12 cost-effective use of state resources. The strategic plan must
13 clarify mission statements and identify degree programs to be
14 offered at each university and community college in accordance
15 with the objectives provided in this subsection. The
16 systemwide strategic plan must cover a period of 5 years, with
17 modification of the program lists after 2 years. Development
18 of each 5-year plan must be coordinated with and initiated
19 after completion of the master plan. The systemwide and
20 university and community college strategic plans must
21 specifically include programs and procedures for responding to
22 the educational needs of teachers and students in the public
23 schools of this state. The state board shall submit a report
24 to the President of the Senate and the Speaker of the House of
25 Representatives upon modification of the system plan.

26 (b) The State Board of Education shall develop
27 long-range plans and annual reports for financial aid in this
28 state. The long-range plans shall establish goals and
29 objectives for a comprehensive program of financial aid for
30 Florida students and shall be updated every 5 years. The
31 annual report shall include an assessment of progress made in

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

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

21 (7) The State Board of Education shall:

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

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

29 (c) Establish an effective information system that
30 will provide composite data concerning the community colleges
31 and state universities and ensure that special analyses and

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1 studies concerning the institutions are conducted, as
2 necessary, for provision of accurate and cost-effective
3 information concerning the institutions.

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

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

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

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

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

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

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

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1 (a) Personnel.

2 (b) Contracting.

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

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

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

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

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

24
25 The rules should encourage community colleges to enter into
26 agreements with state universities that allow community
27 college students to complete upper-division-level courses at a
28 community college. An agreement may provide for concurrent
29 enrollment at the community college and the state university
30 and may authorize the community college to offer an
31 upper-division-level course or distance learning.

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1 (e) Student admissions, conduct and discipline,
2 nonclassroom activities, and fees.

3 (f) Budgeting.

4 (g) Business and financial matters.

5 (h) Student services.

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

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

10 1001.03 Specific powers of State Board of Education.--

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

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

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

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1 (4) PROFESSIONAL TEACHER ASSOCIATIONS.--The State
2 Board of Education shall ensure that not-for-profit,
3 professional teacher associations that offer membership to all
4 teachers, noninstructional personnel, and administrators, and
5 that offer teacher training and staff development at no fee to
6 the district, shall be given equal access to voluntary teacher
7 meetings, be provided access to teacher mailboxes for
8 distribution of professional literature, and be authorized to
9 collect voluntary membership fees through payroll deduction.

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

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

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

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

28 (9) MANAGEMENT INFORMATION DATABASES.--The State Board
29 of Education shall continue to collect and maintain, at a
30 minimum, the management information databases for state
31 universities, and all other components of the public K-20

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1 education system as such databases existed on June 30, 2002.

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

8 (11) MINIMUM STANDARDS FOR NONPUBLIC POSTSECONDARY
9 EDUCATION.--The State Board of Education shall adopt minimum
10 standards relating to nonpublic postsecondary education and
11 institutions, in accordance with the provisions of chapter
12 1005.

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

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

26 (14) UNIFORM CLASSIFICATION SYSTEM FOR SCHOOL DISTRICT
27 ADMINISTRATIVE AND MANAGEMENT PERSONNEL.--The State Board of
28 Education shall recommend to the Legislature by February 1,
29 2003, a uniform classification system for school district
30 administrative and management personnel that will facilitate
31 the uniform coding of administrative and management personnel

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1 to total district employees.

2 Section 22. Part I.b. of chapter 1001, Florida
3 Statutes, shall be entitled "Commissioner of Education" and
4 shall consist of ss. 1001.10-1001.11.

5 Section 23. Section 1001.10, Florida Statutes, is
6 created to read:

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

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1 (1) To appoint staff necessary to carry out his or her
2 powers and duties.

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

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

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

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

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

25 (7) To submit to the State Board of Education, on or
26 before August 1 of each year, recommendations for a
27 coordinated K-20 education budget that estimates the
28 expenditures for the State Board of Education, including the
29 Department of Education, the Commissioner of Education, and
30 all of the boards, institutions, agencies, and services under
31 the general supervision of the State Board of Education for

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1 the ensuing fiscal year. Any program recommended to the State
2 Board of Education that will require increases in state
3 funding for more than 1 year must be presented in a multiyear
4 budget plan.

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

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

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

24 (11) To implement a program of school improvement and
25 education accountability designed to provide all students the
26 opportunity to make adequate learning gains in each year of
27 school as provided by statute and State Board of Education
28 rule based upon the achievement of the state education goals,
29 recognizing the following:

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

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1 education.

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

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

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

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

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

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

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

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

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

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

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

1001.11 Commissioner of Education; other duties.--

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

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

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

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

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

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

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

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

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

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

28 (a) Growth at the institutions.

29 (b) Need for specific skills statewide.

30 (c) Need for maintaining and repairing existing
31 facilities.

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1 (4) The commissioner shall develop and implement an
2 integrated K-20 information system for educational management
3 in accordance with the requirements of chapter 1008.

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

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

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

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

20 1001.20 Department under direction of state board.--

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

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

31 (3) The Department of Education shall maintain an

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

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

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

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

30 (c) Office of Educational Facilities and SMART Schools
31 Clearinghouse.--Responsible for validating all educational

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1 plant surveys and verifying Florida Inventory of School Houses
2 (FISH) data. The office shall provide technical assistance to
3 public school districts when requested.

4 (d) Office of Student Financial
5 Assistance.--Responsible for providing access to and
6 administering state and federal grants, scholarships, and
7 loans to those students seeking financial assistance for
8 postsecondary study pursuant to program criteria and
9 eligibility requirements.

10 (e) Office of Inspector General.--Organized using
11 existing resources and funds and responsible for promoting
12 accountability, efficiency, and effectiveness and detecting
13 fraud and abuse within school districts, community colleges,
14 and state universities in Florida. If the Commissioner of
15 Education determines that a district school board or public
16 postsecondary educational institution board is unwilling or
17 unable to address substantiated allegations made by any person
18 relating to waste, fraud, or financial mismanagement, the
19 office shall conduct, coordinate, or request investigations
20 into substantiated allegations made by any person relating to
21 waste, fraud, or financial mismanagement within school
22 districts, community colleges, and state universities in
23 Florida. The office shall have access to all information and
24 personnel necessary to perform its duties and shall have all
25 of its current powers, duties, and responsibilities authorized
26 in s. 20.055.

27 Section 27. Section 1001.21, Florida Statutes, is
28 created to read:

29 1001.21 Office of Private Schools and Home Education
30 Programs.--The state recognizes the contributions of private
31 schools and home education programs in providing alternatives

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1 to public school education. These nongovernmental educational
2 systems serve the public, but are not considered to be a part
3 of the public system of education.

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

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

11 (b) Serve the interests of private institutions.

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

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

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

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

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

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

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

30 (f) Represent issues and concerns relating to home
31 education programs and private schools on all applicable ad

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1 hoc advisory bodies.

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

4 1001.22 Commission for Independent Education.--The
5 Commission for Independent Education shall authorize granting
6 of certificates, diplomas, and degrees for independent
7 postsecondary educational institutions pursuant to chapter
8 1005.

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

11 1001.23 Specific powers and duties of the Department
12 of Education.--In addition to all other duties assigned to it
13 by law or by rule of the State Board of Education, the
14 department shall:

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

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

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

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

27 (a) Photograph, microphotograph, or reproduce on film
28 or prints, documents, records, data, and information of a
29 permanent character and destroy any of the documents after
30 they have been photographed and after audit of the department
31 has been completed for the period embracing the dates of the

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1 instruments. Photographs or microphotographs in the form of
2 film or prints made in compliance with the provisions of this
3 subsection shall have the same force and effect as the
4 originals would have, and shall be treated as originals for
5 the purpose of their admissibility in evidence. Duly certified
6 or authenticated reproductions of such photographs or
7 microphotographs shall be admitted in evidence equally with
8 the original photographs or microphotographs.

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

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

18 1001.24 Direct-support organization; use of property;
19 board of directors; audit.--

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

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

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

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

31 3. That the State Board of Education, after review,

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1 has certified to be operating in a manner consistent with the
2 goals and best interest of the Department of Education.

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

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

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

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

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

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

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

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1 from the provisions of s. 119.07(1).

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

4 1001.25 Educational television.--

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

27 (2) POWERS OF DEPARTMENT.--

28 (a) The department may encourage:

29 1. The extension of educational television network
30 facilities.

31 2. The coordination of Florida's educational

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1 television with that of other states and with the Federal
2 Government.

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

5 (b) The department shall provide through educational
6 television and other electronic media a means of extending
7 educational services to all the state system of public
8 education, except the state universities, which provision by
9 the department is limited by paragraph (c) and by s.
10 1006.26(1). The department shall recommend to the State Board
11 of Education rules necessary to provide such services.

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

25 (3) PROHIBITED USE, PENALTY.--

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

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

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

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

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

24 1001.26 Public broadcasting program system.--

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

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1 (a) Support for existing Corporation for Public
2 Broadcasting qualified program system educational radio and
3 television stations and new stations meeting Corporation for
4 Public Broadcasting qualifications and providing a first
5 service to an audience that does not currently receive a
6 broadcast signal or providing a significant new program
7 service as defined by rule by the State Board of Education.

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

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

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

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

29 (2)(a) The Department of Education is responsible for
30 implementing the provisions of this section pursuant to part
31 III of chapter 287 and may employ personnel, acquire equipment

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1 and facilities, and perform all duties necessary for carrying
2 out the purposes and objectives of this section.

3 (b) The department shall provide through educational
4 television and other electronic media a means of extending
5 educational services to all the state system of public
6 education. The department shall recommend to the State Board
7 of Education rules necessary to provide such services.

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

22 (3) The State Board of Education shall adopt rules for
23 the proper enforcement and carrying out of these provisions.

24 Section 33. Section 1001.27, Florida Statutes, is
25 created to read:

26 1001.27 State satellite network.--

27 (1) There is created a state satellite network, which
28 shall provide one-way video and audio transmissions with
29 regional access for all Floridians, state agencies, county and
30 municipal governments, business and industry, and other public
31 and private entities to participate in classroom instruction,

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1 continuing education, special events programs, and one-way
2 video teleconferencing.

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

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

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

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

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

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

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

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

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

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1 5. Availability of existing telecommunications
2 equipment which is compatible or adaptable for use in the
3 network.

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

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

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

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

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

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

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

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

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

31 1001.28 Distance learning duties.--The duties of the

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1 Department of Education concerning distance learning include,
2 but are not limited to, the duty to:

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

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

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

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

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

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

31 (7) Secure and administer funding for programs and

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1 activities for distance learning from federal, state, local,
2 and private sources and from fees derived from services and
3 materials.

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

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

17
18 Nothing in this section shall be construed to abrogate,
19 supersede, alter, or amend the powers and duties of any state
20 agency, district school board, community college board of
21 trustees, university board of trustees, or the State Board of
22 Education.

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

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

28 1001.30 District unit.--Each county shall constitute a
29 school district and shall be known as the school district of
30 ... County, Florida. Each district shall constitute a unit
31 for the control, organization, and administration of schools.

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1 The responsibility for the actual operation and administration
2 of all schools needed within the districts in conformity with
3 rules and minimum standards prescribed by the state, and also
4 the responsibility for the provision of any desirable and
5 practicable opportunities authorized by law beyond those
6 required by the state, are delegated by law to the school
7 officials of the respective districts.

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

10 1001.31 Scope of district system.--A district school
11 system shall include all public schools, classes, and courses
12 of instruction and all services and activities directly
13 related to education in that district which are under the
14 direction of the district school officials. A district school
15 system may also include alternative site schools for
16 disruptive or violent youth. Such schools for disruptive or
17 violent youth may be funded by each district or provided
18 through cooperative programs administered by a consortium of
19 school districts, private providers, state and local law
20 enforcement agencies, and the Department of Juvenile Justice.
21 Pursuant to cooperative agreement, a district school system
22 shall provide instructional personnel at juvenile justice
23 facilities of 50 or more beds or slots with access to the
24 district school system database for the purpose of accessing
25 student academic, immunization, and registration records for
26 students assigned to the programs. Such access shall be in the
27 same manner as provided to other schools in the district.

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

30 1001.32 Management, control, operation,
31 administration, and supervision.--The district school system

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1 must be managed, controlled, operated, administered, and
2 supervised as follows:

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

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

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

24 (4) SCHOOL PRINCIPAL OR HEAD OF
25 SCHOOL.--Responsibility for the administration of any school
26 or schools at a given school center, for the supervision of
27 instruction therein, and for providing leadership in the
28 development or revision and implementation of a school
29 improvement plan required pursuant to s. 1001.42(16) shall be
30 delegated to the school principal or head of the school or
31 schools in accordance with rules established by the district

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1 school board.

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

4 1001.33 Schools under control of district school board
5 and district school superintendent.--Except as otherwise
6 provided by law, all public schools conducted within the
7 district shall be under the direction and control of the
8 district school board with the district school superintendent
9 as executive officer.

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

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

15 1001.34 Membership of district school board.--Each
16 district school board shall be composed of not less than five
17 members. Each member of the district school board shall be a
18 qualified elector of the district in which she or he serves,
19 shall be a resident of the district school board member
20 residence area from which she or he is elected, and shall
21 maintain said residency throughout her or his term of office.

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

24 1001.35 Term of office.--District school board members
25 shall be elected at the general election in November for terms
26 of 4 years.

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

29 1001.36 District school board member residence
30 areas.--

31 (1) For the purpose of electing district school board

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1 members, each district shall be divided into at least five
2 district school board member residence areas, which shall be
3 numbered one to five, inclusive, and which shall, as nearly as
4 practicable, be equal in population.

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

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

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

25 (3) Such changes in boundaries shall be shown by
26 resolutions spread upon the minutes of the district school
27 board, shall be recorded in the office of the clerk of the
28 circuit court, and shall be published at least once in a
29 newspaper published in the district within 30 days after the
30 adoption of the resolution, or, if there be no newspaper
31 published in the district, shall be posted at the county

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1 courthouse door for 4 weeks thereafter. A certified copy of
2 this resolution shall be transmitted to the Department of
3 State.

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

6 1001.361 Election of board by districtwide
7 vote.--Notwithstanding any provision of local law or any
8 county charter, the election of members of the district school
9 board shall be by vote of the qualified electors of the entire
10 district in a nonpartisan election as provided in chapter 105.
11 Each candidate for district school board member shall, at the
12 time she or he qualifies, be a resident of the district school
13 board member residence area from which the candidate seeks
14 election. Each candidate who qualifies to have her or his name
15 placed on the ballot shall be listed according to the district
16 school board member residence area in which she or he resides.
17 Each qualified elector of the district shall be entitled to
18 vote for one candidate from each district school board member
19 residence area. The candidate from each district school board
20 member residence area who receives the highest number of votes
21 in the general election shall be elected to the district
22 school board.

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

25 1001.362 Alternate procedure for the election of
26 district school board members to provide for single-member
27 representation.--

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

31 (2) District school board members shall be elected to

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1 office in accordance with the provisions of ss. 1001.36 and
2 1001.361, or as otherwise provided by law, unless a
3 proposition calling for single-member representation within
4 the residence areas of the district is submitted to and
5 approved by a majority of the qualified electors voting on
6 such proposition in the manner provided in subsection (3).

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

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

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

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

30 (c) All members shall be elected for 4-year terms, but
31 such terms shall be staggered so that, alternately, one more

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

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

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

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

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

29 (5)(a) Each petition form circulated for single-member
30 representation within the residence areas of a district where
31 the school board is composed of five members shall include the

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1 wording: "As a registered elector of the school district of
2 County, Florida, I am petitioning for a referendum
3 election to determine whether the five school board members of
4 said district shall be elected from single-member residence
5 areas by electors residing in each of those areas only."

6 (b) Each petition form circulated for single-member
7 representation within the residence areas of a district where
8 the district school board is composed of seven members, none
9 of whom are to be elected at large, shall include the wording:

10 "As a registered elector of the school district of
11 County, Florida, I am petitioning for a referendum election to
12 determine whether the seven members of said district shall be
13 elected from single-member residence areas by electors
14 residing in each of those areas only."

15 (c) Each petition form circulated for single-member
16 representation within the residence areas of a district where
17 the school board is composed of seven members, two of whom are
18 to be elected at large, shall include the wording: "As a
19 registered elector of the school district of County,
20 Florida, I am petitioning for a referendum election to
21 determine whether five of the seven district school board
22 members of said district shall be elected from single-member
23 residence areas by electors residing in each of those areas
24 only, with the two remaining members being elected at large."

25
26 The petition shall also include space for the signature and
27 address of the elector. Each signature obtained shall be
28 dated when made and is valid for a period of 4 years following
29 that date.

30 (6) Upon the filing of the petitions with the district
31 school board by the chair of the committee, the district

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1 school board shall submit the petitions to the supervisor of
2 elections for verification of the signatures. Within a period
3 of not more than 30 days, the supervisor of elections shall
4 determine whether the petitions contain the required number of
5 valid signatures. The supervisor of elections shall be paid
6 by the committee seeking verification the sum of 10 cents for
7 each name checked.

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

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

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

28 (10) No district school board member elected prior to
29 or at the election that approves any revision as permitted
30 herein shall be affected in his or her term of office. The
31 resolution adopted by the district school board under

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1 paragraph (3)(a) or subsection (7) which presents the proposed
2 revision to the electorate for approval shall specify an
3 orderly method and procedure for implementing the revision
4 contemplated in the resolution.

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

7 1001.363 District school board members to represent
8 entire district.--Each district school board of each district
9 shall represent the entire district. Each member of the
10 district school board shall serve as the representative of the
11 entire district, rather than as the representative of a
12 district school board member residence area.

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

15 1001.37 District school board members shall
16 qualify.--Before entering upon the duties of office after
17 being elected, or, if appointed, within 10 days after
18 receiving notice of appointment, each member of the district
19 school board shall take the prescribed oath of office.

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

22 1001.371 Organization of district school board.--On
23 the third Tuesday after the first Monday in November of each
24 year, the district school board shall organize by electing a
25 chair. It may elect a vice chair, and the district school
26 superintendent shall act ex officio as the secretary. If a
27 vacancy should occur in the position of chair, the district
28 school board shall proceed to elect a chair at the next
29 ensuing regular or special meeting. At the organization
30 meeting, the district school superintendent shall act as chair
31 until the organization is completed. The chair and secretary

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

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

9 1001.372 District school board meetings.--

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

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1 (2) PLACE OF MEETINGS.--

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

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

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

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

30 (4) MAJORITY A QUORUM.--A majority shall constitute a
31 quorum for any meeting of the district school board. No

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1 business may be transacted at any meeting unless a quorum is
2 present, except that a minority of the district school board
3 may adjourn the meeting from time to time until a quorum is
4 present.

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

7 1001.38 Vacancies; how filled.--The office of any
8 district school board member shall be vacant when the member
9 removes his or her residence from the district school board
10 member residence area from which he or she was elected. All
11 vacancies on the district school board shall be filled by
12 appointment by the Governor.

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

15 1001.39 District school board members; travel
16 expenses.--

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

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

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1 function and return.

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

4 1001.395 District school board members;
5 compensation.--

6 (1) Each district school board shall annually
7 determine the salary of its members at the first regular
8 meeting following the organizational meeting held pursuant to
9 s. 1001.371. The proposed salary to be adopted shall be
10 noticed at the time of the meeting notice and shall not be
11 increased during the meeting. The salary adopted by the
12 district school board shall be in effect during the succeeding
13 12 months.

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

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

20 1001.40 District school board to constitute a
21 corporation.--The governing body of each school district shall
22 be a district school board. Each district school board is
23 constituted a body corporate by the name of "The School Board
24 of County, Florida." In all suits against district
25 school boards, service of process shall be had on the chair of
26 the district school board or, if he or she cannot be found, on
27 the district school superintendent as executive officer of the
28 district school board or, in the absence of the chair and the
29 district school superintendent, on another member of the
30 district school board.

31 Section 54. Section 1001.41, Florida Statutes, is

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1 created to read:

2 1001.41 General powers of district school board.--The
3 district school board, after considering recommendations
4 submitted by the district school superintendent, shall
5 exercise the following general powers:

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

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

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

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

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

25 (6) Assign students to schools.

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

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

31 1001.42 Powers and duties of district school

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1 board.--The district school board, acting as a board, shall
2 exercise all powers and perform all duties listed below:

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

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

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

31 (2) CONTROL PROPERTY.--Subject to rules of the State

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1 Board of Education, control property and convey the title to
2 real and personal property.

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

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

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

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

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

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

27 1. Establishment.--The establishment of a school to
28 serve attendance areas lying in more than one district and the
29 plans for maintaining the school and providing educational
30 services to students shall be effected by annual resolutions
31 spread upon the minutes of each district school board

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1 concerned, which resolutions shall set out the territorial
2 limits of the areas from which children are to attend the
3 school and the plan to be followed in maintaining and
4 operating the school.

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

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

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

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

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

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

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1 (i) District school boards may establish public
2 evening schools.--Have the authority to establish public
3 evening schools.

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

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

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

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

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

23 (5) PERSONNEL.--Designate positions to be filled,
24 prescribe qualifications for those positions, and provide for
25 the appointment, compensation, promotion, suspension, and
26 dismissal of employees, subject to the requirements of chapter
27 1012. Notwithstanding s. 1012.55 or any other provision of law
28 or rule to the contrary, the district school board may,
29 consistent with adopted district school board policy relating
30 to alternative certification for school principals, appoint
31 persons to the position of school principal who do not hold

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1 educator certification.

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

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

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

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

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

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

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

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1 projected students to be accommodated.

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

5 3. Expand existing sites.

6 4. Rent buildings when necessary.

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

26 6. Provide for the proper supervision of construction.

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

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

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1 (c) Maintenance and upkeep of school plant.--Provide
2 adequately for the proper maintenance and upkeep of school
3 plants, so that students may attend school without sanitary or
4 physical hazards, and provide for the necessary heat, lights,
5 water, power, and other supplies and utilities necessary for
6 the operation of the schools.

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

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

23 (10) FINANCE.--Take steps to assure students adequate
24 educational facilities through the financial procedure
25 authorized in chapters 1010 and 1011 and as prescribed below:

26 (a) Provide for all schools to operate at least 180
27 days.--Provide for the operation of all public schools, both
28 elementary and secondary, as free schools for a term of at
29 least 180 days or the equivalent on an hourly basis as
30 specified by rules of the State Board of Education; determine
31 district school funds necessary in addition to state funds to

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1 operate all schools for such minimum term; and arrange for the
2 levying of district school taxes necessary to provide the
3 amount needed from district sources.

4 (b) Annual budget.--Cause to be prepared, adopt, and
5 have submitted to the Department of Education as required by
6 law and rules of the State Board of Education, the annual
7 school budget, such budget to be so prepared and executed as
8 to promote the improvement of the district school system.

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

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

26 (e) Borrow money.--Borrow money, as prescribed in ss.
27 1011.12-1011.16, when necessary in anticipation of funds
28 reasonably to be expected during the year as shown by the
29 budget.

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

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1 (g) Approval and payment of accounts.--Implement a
2 system of accounting and budgetary control to ensure that
3 payments do not exceed amounts budgeted, as required by law;
4 make available all records for proper audit by state officials
5 or independent certified public accountants; and have prepared
6 required periodic statements to be filed with the Department
7 of Education as provided by rules of the State Board of
8 Education.

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

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

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

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

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

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

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

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

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1 State Board of Education.

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

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

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

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1 establishment, funding, administration, and operation of such
2 consortia.

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

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

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

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

22 (b) Encourage teachers and administrators to keep
23 parents informed of student progress, student programs,
24 student attendance requirements pursuant to ss. 1003.26,
25 1003.27, 414.1251, and 984.151, and availability of resources
26 for academic assistance.

27 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
28 ACCOUNTABILITY.--Maintain a system of school improvement and
29 education accountability as provided by statute and State
30 Board of Education rule. This system of school improvement and
31 education accountability shall be consistent with, and

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1 implemented through, the district's continuing system of
2 planning and budgeting required by this section and ss.
3 1008.385, 1010.01, and 1011.01. This system of school
4 improvement and education accountability shall include, but is
5 not limited to, the following:

6 (a) School improvement plans.--Annually approve and
7 require implementation of a new, amended, or continuation
8 school improvement plan for each school in the district,
9 except that a district school board may establish a district
10 school improvement plan that includes all schools in the
11 district operating for the purpose of providing educational
12 services to youth in Department of Juvenile Justice programs.
13 Such plan shall be designed to achieve the state education
14 priorities pursuant to s. 1000.03(5) and student performance
15 standards. Each plan shall also address issues relative to
16 budget, training, instructional materials, technology,
17 staffing, student support services, specific school safety and
18 discipline strategies, and other matters of resource
19 allocation, as determined by district school board policy, and
20 shall be based on an analysis of student achievement and other
21 school performance data.

22 (b) Approval process.--Develop a process for approval
23 of a school improvement plan presented by an individual school
24 and its advisory council. In the event a district school board
25 does not approve a school improvement plan after exhausting
26 this process, the Department of Education shall be notified of
27 the need for assistance.

28 (c) Assistance and intervention.--
29 1. Develop a 2-year plan of increasing individualized
30 assistance and intervention for each school in danger of not
31 meeting state standards or making adequate progress, as

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1 defined pursuant to statute and State Board of Education rule,
2 toward meeting the goals and standards of its approved school
3 improvement plan.

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

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

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

24 (d) After 2 years.--Notify the Commissioner of
25 Education and the State Board of Education in the event any
26 school does not make adequate progress toward meeting the
27 goals and standards of a school improvement plan by the end of
28 2 years of failing to make adequate progress and proceed
29 according to guidelines developed pursuant to statute and
30 State Board of Education rule. School districts shall provide
31 intervention and assistance to schools in danger of being

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1 designated as performance grade category "F," failing to make
2 adequate progress.

3 (e) Public disclosure.--Provide information regarding
4 performance of students and educational programs as required
5 pursuant to ss. 1008.385 and 1008.22 and implement a system of
6 school reports as required by statute and State Board of
7 Education rule that shall include schools operating for the
8 purpose of providing educational services to youth in
9 Department of Juvenile Justice programs, and for those
10 schools, report on the elements specified in s. 1003.52(20).
11 Annual public disclosure reports shall be in an easy-to-read
12 report card format and shall include the school's student and
13 school performance grade category designation and performance
14 data as specified in state board rule.

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

19 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

31 (c) Develop policies for periodically monitoring the

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1 membership composition of school advisory councils to ensure
2 compliance with requirements established in s. 1001.452.

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

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

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

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

30 (21) FLORIDA VIRTUAL SCHOOL.--Provide students with
31 access to enroll in courses available through the Florida

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1 Virtual School and award credit for successful completion of
2 such courses. Access shall be available to students during or
3 after the normal school day, and through summer school
4 enrollment.

5 (22) ADOPT RULES.--Adopt rules pursuant to ss.
6 120.536(1) and 120.54 to implement this section.

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

9 1001.43 Supplemental powers and duties of district
10 school board.--The district school board may exercise the
11 following supplemental powers and duties as authorized by this
12 code or State Board of Education rule.

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

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

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

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

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

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1 disobedience.

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

4 (f) Regulate student automobile use and parking.

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

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

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

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

23 (d) Payment of contractors and other service
24 providers.

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

30 (f) District budgeting system, including setting
31 budget deadlines and schedules, budget planning, and

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1 implementation and determination of budget priorities.

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

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

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

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

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

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

30 (5) SCHOOL COMMUNITY RELATIONS.--The district school
31 board may adopt policies governing public gifts and donations

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1 to schools; input from the community concerning instruction
2 resources; advertising in schools; participation in community
3 affairs, including coordination with local governments and
4 planning authorities; protocols for interagency agreements;
5 business community partnerships; community use of school
6 facilities; public solicitations in schools, including the
7 distribution and posting of promotional materials and
8 literature; visitors to the school campus; school advisory
9 councils; and parent volunteers and chaperones.

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

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

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

23 (b) The provision of school safety patrol.

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

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

30 (e) Procedures for reporting accidents, including
31 traffic accidents and traffic violations involving

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1 district-owned vehicles.

2 (f) Student insurance programs.

3 (8) STUDENT ASSESSMENT AND AFFAIRS.--The district
4 school board may adopt policies and procedures governing
5 attendance monitoring and checks; truancy; graduation
6 requirements and graduation exercises; fees, fines, and
7 charges imposed on students; evaluation of student records and
8 transcripts; transfer of student records; grading and academic
9 evaluation of students; tests and examinations, including
10 early examinations; guidance and counseling; and student
11 participation in competitions, student performances and
12 exhibitions, contests for students, and social events.

13 (9) ADMINISTRATIVE SUPPORT SERVICES.--The district
14 school board may adopt policies and procedures governing
15 purchase of property insurance, including comprehensive
16 general liability insurance; transportation of students for
17 extracurricular activities and special events, including
18 transportation of students in privately owned vehicles;
19 transportation of district personnel, including personal use
20 of district owned vehicles; computer security and computer
21 room access and computer database resources; mail and delivery
22 services, including use of couriers; copyright compliance; and
23 computerized data systems, including computer use,
24 transmission of data, access to the Internet, and other
25 technology-based services.

26 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND
27 OPERATIONS.--The district school board may adopt policies and
28 procedures necessary for the daily business operation of the
29 district school board, including, but not limited to, the
30 provision of legal services for the district school board;
31 conducting a district legislative program; district school

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1 board member participation at conferences, conventions, and
2 workshops, including member compensation and reimbursement for
3 expenses; district school board policy development, adoption,
4 and repeal; district school board meeting procedures,
5 including participation via telecommunications networks, use
6 of technology at meetings, and presentations by nondistrict
7 personnel; citizen communications with the district school
8 board and with individual district school board members;
9 collaboration with local government and other entities as
10 required by law; and organization of the district school
11 board, including special committees and advisory committees.

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

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

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

21 1001.44 Technical centers.--

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

28 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
29 ESTABLISH OR ACQUIRE TECHNICAL CENTERS.--The district school
30 boards of any two or more contiguous districts may, upon first
31 obtaining the approval of the department, enter into an

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1 agreement to organize, establish and operate, or acquire and
2 operate, a technical center under this section.

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

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

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

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

26 1001.451 Regional consortium service
27 organizations.--In order to provide a full range of programs
28 to larger numbers of students, minimize duplication of
29 services, and encourage the development of new programs and
30 services:

31 (1) School districts with 20,000 or fewer unweighted

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1 full-time equivalent students may enter into cooperative
2 agreements to form a regional consortium service organization.
3 Each regional consortium service organization shall provide,
4 at a minimum, three of the following services: exceptional
5 student education; teacher education centers; environmental
6 education; federal grant procurement and coordination; data
7 processing; health insurance; risk management insurance; staff
8 development; purchasing; or planning and accountability.

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

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

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

21 1001.452 District and school advisory councils.--

22 (1) ESTABLISHMENT.--

23 (a) The district school board shall establish an
24 advisory council for each school in the district and shall
25 develop procedures for the election and appointment of
26 advisory council members. Each school advisory council shall
27 include in its name the words "school advisory council." The
28 school advisory council shall be the sole body responsible for
29 final decisionmaking at the school relating to implementation
30 of the provisions of ss. 1008.345, and 1001.42(16). A majority
31 of the members of each school advisory council must be persons

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1 who are not employed by the school. Each advisory council
2 shall be composed of the principal and an appropriately
3 balanced number of teachers, education support employees,
4 students, parents, and other business and community citizens
5 who are representative of the ethnic, racial, and economic
6 community served by the school. Technical center and high
7 school advisory councils shall include students, and middle
8 and junior high school advisory councils may include students.
9 School advisory councils of technical and adult education
10 centers are not required to include parents as members.
11 Council members representing teachers, education support
12 employees, students, and parents shall be elected by their
13 respective peer groups at the school in a fair and equitable
14 manner as follows:
15 1. Teachers shall be elected by teachers.
16 2. Education support employees shall be elected by
17 education support employees.
18 3. Students shall be elected by students.
19 4. Parents shall be elected by parents.
20
21 The district school board shall establish procedures for use
22 by schools in selecting business and community members that
23 include means of ensuring wide notice of vacancies and of
24 taking input on possible members from local business, chambers
25 of commerce, community and civic organizations and groups, and
26 the public at large. The district school board shall review
27 the membership composition of each advisory council. If the
28 district school board determines that the membership elected
29 by the school is not representative of the ethnic, racial, and
30 economic community served by the school, the district school
31 board shall appoint additional members to achieve proper

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1 representation. The commissioner shall determine if schools
2 have maximized their efforts to include on their advisory
3 councils minority persons and persons of lower socioeconomic
4 status. Although schools are strongly encouraged to establish
5 school advisory councils, the district school board of any
6 school district that has a student population of 10,000 or
7 fewer may establish a district advisory council which shall
8 include at least one duly elected teacher from each school in
9 the district. For the purposes of school advisory councils
10 and district advisory councils, the term "teacher" shall
11 include classroom teachers, certified student services
12 personnel, and media specialists. For purposes of this
13 paragraph, "education support employee" means any person
14 employed by a school who is not defined as instructional or
15 administrative personnel pursuant to s. 1012.01 and whose
16 duties require 20 or more hours in each normal working week.

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

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

31 (2) DUTIES.--Each advisory council shall perform such

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1 functions as are prescribed by regulations of the district
2 school board; however, no advisory council shall have any of
3 the powers and duties now reserved by law to the district
4 school board. Each school advisory council shall assist in the
5 preparation and evaluation of the school improvement plan
6 required pursuant to s. 1001.42(16). With technical assistance
7 from the Department of Education, each school advisory council
8 shall assist in the preparation of the school's annual budget
9 and plan as required by s. 1008.385(1). A portion of funds
10 provided in the annual General Appropriations Act for use by
11 school advisory councils must be used for implementing the
12 school improvement plan.

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

15 1001.453 Direct-support organization; use of property;
16 board of directors; audit.--

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

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

- 21 1. Is approved by the district school board;
- 22 2. Is a Florida corporation not for profit,
23 incorporated under the provisions of chapter 617 and approved
24 by the Department of State; and
- 25 3. Is organized and operated exclusively to receive,
26 hold, invest, and administer property and to make expenditures
27 to or for the benefit of public kindergarten through 12th
28 grade education and adult career and technical and community
29 education programs in this state.

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

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1 (2) USE OF PROPERTY.--A district school board:
2 (a) Is authorized to permit the use of property,
3 facilities, and personal services of the district by a
4 direct-support organization, subject to the provisions of this
5 section.

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

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

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

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

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

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

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

14 1001.46 District school superintendent; election and
15 term of office.--The district school superintendent shall be
16 elected for a term of 4 years or until the election or
17 appointment and qualification of his or her successor.

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

20 1001.461 District school superintendent; procedures
21 for making office appointive.--

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

28 (2) To submit the proposition to the electors, the
29 district school board by formal resolution shall request an
30 election, that shall be at a general election or a statewide
31 primary or special election. The board of county

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1 commissioners, upon such timely request from the district
2 school board, shall cause to be placed on the ballot at such
3 election the proposition to make the office of district school
4 superintendent appointive.

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

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

12 1001.462 Oath of district school
13 superintendent.--Before entering upon the duties of his or her
14 office, the district school superintendent shall take the oath
15 of office prescribed by the State Constitution.

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

18 1001.463 Vacancy in office of district school
19 superintendent.--The office of district school superintendent
20 in any district shall be vacant when the district school
21 superintendent removes his or her residence from the district.

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

24 1001.464 District school superintendent to devote full
25 time to office.--The position of district school
26 superintendent shall be considered a full-time position.

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

29 1001.47 District school superintendent; salary.--

30 (1) Each district school superintendent shall receive
31 as salary the amount indicated pursuant to this section.

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1 However, a district school board, by majority vote, may
2 approve a salary in excess of the amount specified in this
3 section.

4 (2) Notwithstanding the provisions of chapter 145 to
5 the contrary, the annual salaries of elected district school
6 superintendents for 1993 and each year thereafter shall be
7 established at the same amounts as the district school
8 superintendents were paid for fiscal year 1991-1992, adjusted
9 by each annual increase provided for in chapter 145.

10 (3) This section does not apply to a district school
11 superintendent appointed pursuant to the terms of s. 1001.50.

12 (4)(a) There shall be an additional \$2,000 per year
13 special qualification salary for each district school
14 superintendent who has met the certification requirements
15 established by the Department of Education. Any district
16 school superintendent who is certified during a calendar year
17 shall receive in that year a pro rata share of the special
18 qualification salary based on the remaining period of the
19 year.

20 (b) In order to qualify for the special qualification
21 salary provided by paragraph (a), the district school
22 superintendent must complete the requirements established by
23 the Department of Education within 6 years after first taking
24 office.

25 (c) After a district school superintendent meets the
26 requirements of paragraph (a), in order to remain certified
27 the district school superintendent shall thereafter be
28 required to complete each year a course of continuing
29 education as prescribed by the Department of Education.

30 (5)(a) The Department of Education shall provide a
31 leadership development and performance compensation program

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1 for district school superintendents, comparable to chief
2 executive officer development programs for corporate executive
3 officers, to include:

4 1. A content-knowledge-and-skills phase consisting of:
5 creative leadership models and theory, demonstration of
6 effective practice, simulation exercises and personal skills
7 practice, and assessment with feedback, taught in a
8 professional training setting under the direction of
9 experienced, successful trainers.

10 2. A competency-acquisition phase consisting of
11 on-the-job application of knowledge and skills for a period of
12 not less than 6 months following the successful completion of
13 the content-knowledge-and-skills phase. The
14 competency-acquisition phase shall be supported by adequate
15 professional technical assistance provided by experienced
16 trainers approved by the department. Competency acquisition
17 shall be demonstrated through assessment and feedback.

18 (b) Upon the successful completion of both phases and
19 demonstrated successful performance, as determined by the
20 department, a district school superintendent shall be issued a
21 Chief Executive Officer Leadership Development Certificate and
22 shall be given an annual performance salary incentive of not
23 less than \$3,000 or more than \$7,500 based upon his or her
24 performance evaluation.

25 (c) A district school superintendent's eligibility to
26 continue receiving the annual performance salary incentive is
27 contingent upon his or her continued performance assessment
28 and followup training prescribed by the department.

29 Section 68. Section 1001.48, Florida Statutes, is
30 created to read:

31 1001.48 Secretary and executive officer of the

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

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

16 1001.49 General powers of district school
17 superintendent.--The district school superintendent shall have
18 the authority, and when necessary for the more efficient and
19 adequate operation of the district school system, the district
20 school superintendent shall exercise the following powers:

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

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

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

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1 (4) RECOMMEND AND EXECUTE RULES.--Prepare and organize
2 by subjects and submit to the district school board for
3 adoption such rules to supplement those adopted by the State
4 Board of Education as, in the district school superintendent's
5 opinion, will contribute to the efficient operation of any
6 aspect of education in the district. When rules have been
7 adopted, the district school superintendent shall see that
8 they are executed.

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

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

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

25 1001.50 Superintendents employed under Art. IX of the
26 State Constitution.--

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

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1 to tenure of employment or contracts of other school
2 personnel. The district school superintendent's duties
3 relating to the district school system shall be as provided by
4 law and rules of the State Board of Education.

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

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

13 (a) The population of the district.

14 (b) The rate and character of population growth.

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

17 (d) The geographic extent of the district.

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

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

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

25 1001.51 Duties and responsibilities of district school
26 superintendent.--The district school superintendent shall
27 exercise all powers and perform all duties listed below and
28 elsewhere in the law, provided that, in so doing, he or she
29 shall advise and counsel with the district school board. The
30 district school superintendent shall perform all tasks
31 necessary to make sound recommendations, nominations,

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1 proposals, and reports required by law to be acted upon by the
2 district school board. All such recommendations, nominations,
3 proposals, and reports by the district school superintendent
4 shall be either recorded in the minutes or shall be made in
5 writing, noted in the minutes, and filed in the public records
6 of the district school board. It shall be presumed that, in
7 the absence of the record required in this section, the
8 recommendations, nominations, and proposals required of the
9 district school superintendent were not contrary to the action
10 taken by the district school board in such matters.

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

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

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

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

30 (5) SCHOOL PROGRAM; PREPARE PLANS.--Supervise the
31 assembling of data and sponsor studies and surveys essential

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1 to the development of a planned school program for the entire
2 district and prepare and recommend such a program to the
3 district school board as the basis for operating the district
4 school system.

5 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
6 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,
7 organization, and operation of such schools, classes, and
8 services as are needed to provide adequate educational
9 opportunities for all children in the district.

10 (7) PERSONNEL.--Be responsible, as required herein,
11 for directing the work of the personnel, subject to the
12 requirements of chapter 1012.

13 (8) COURSES OF STUDY AND OTHER INSTRUCTIONAL
14 AIDS.--Recommend such plans for improving, providing,
15 distributing, accounting for, and caring for textbooks and
16 other instructional aids as will result in general improvement
17 of the district school system, as prescribed in chapter 1006.

18 (9) TRANSPORTATION OF STUDENTS.--Provide for student
19 transportation as prescribed in s. 1006.21.

20 (10) SCHOOL PLANT.--Recommend plans, and execute such
21 plans as are approved, regarding all phases of the school
22 plant program, as prescribed in chapter 1013.

23 (11) FINANCE.--Recommend measures to the district
24 school board to assure adequate educational facilities
25 throughout the district, in accordance with the financial
26 procedure authorized in chapters 1010 and 1011 and as
27 prescribed below:

28 (a) Plan for operating all schools for minimum
29 term.--Determine and recommend district funds necessary in
30 addition to state funds to provide for at least a 180-day
31 school term or the equivalent on an hourly basis as specified

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1 by rules adopted by the State Board of Education and recommend
2 plans for ensuring the operation of all schools for the term
3 authorized by the district school board.

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

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

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

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

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

31 (g) Payrolls and accounts.--Maintain accurate and

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1 current statements of accounts due to be paid by the district
2 school board; certify these statements as correct; liquidate
3 district school board obligations in accordance with the
4 official budget and rules of the district school board; and
5 prepare periodic reports as required by rules of the State
6 Board of Education, showing receipts, balances, and
7 disbursements to date, and file copies of such periodic
8 reports with the Department of Education.

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

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

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

27 (k) Protection against loss.--Recommend programs and
28 procedures to the district school board necessary to protect
29 the school system adequately against loss or damage to school
30 property or against loss resulting from any liability for
31 which the district school board or its officers, agents, or

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1 employees may be responsible under law.

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

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

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

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

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

31 (b) Reports to the department.--Prepare, for the

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

13
14 Any district school superintendent who knowingly signs and
15 transmits to any state official a false or incorrect report
16 shall forfeit his or her right to any salary for the period of
17 1 year from that date.

18 (13) COOPERATION WITH OTHER AGENCIES.--

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

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

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1 (14) ENFORCEMENT OF LAWS AND RULES.--Require that all
2 laws and rules of the State Board of Education, as well as
3 supplementary rules of the district school board, are properly
4 observed and report to the district school board any violation
5 that the district school superintendent does not succeed in
6 having corrected.

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

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

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

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

29 (19) RECOMMEND REVOKING CERTIFICATES.--Recommend in
30 writing to the Department of Education the revoking of any
31 certificate for good cause, including a full statement of the

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1 reason for the district school superintendent's
2 recommendation.

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

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

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

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

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

25 1001.52 Reproduction and destruction of district
26 school records.--

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

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1 (2) After complying with the provisions of s. 257.37,
2 the district school superintendent may photograph,
3 microphotograph, or reproduce documents, records, data, and
4 information of a permanent character which in his or her
5 discretion he or she may select, and the district school
6 superintendent may destroy any of the said documents after
7 they have been reproduced and after audit of the district
8 school superintendent's office has been completed for the
9 period embracing the dates of said instruments. Information
10 made in compliance with the provisions of this section shall
11 have the same force and effect as the originals thereof would
12 have, and shall be treated as originals for the purpose of
13 their admissibility into evidence. Duly certified or
14 authenticated reproductions shall be admitted into evidence
15 equally with the originals.

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

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

24 1001.53 District school superintendent responsible for
25 enforcement of attendance.--The district school superintendent
26 shall be responsible for the enforcement of the attendance
27 provisions of chapters 1003 and 1006. In a district in which
28 no attendance assistant is employed, the district school
29 superintendent shall have those duties and responsibilities
30 and exercise those powers assigned by law to attendance
31 assistants.

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1 Section 74. Part II.c. of chapter 1001, Florida
2 Statutes, shall be entitled "School Principals" and shall
3 consist of s. 1001.54.

4 Section 75. Section 1001.54, Florida Statutes, is
5 created to read:

6 1001.54 Duties of school principals.--

7 (1) A district school board shall employ, through
8 written contract, public school principals. The school
9 principal has authority over school district personnel in
10 accordance with s. 1012.28.

11 (2) Each school principal shall provide leadership in
12 the development or revision and implementation of a school
13 improvement plan, pursuant to s. 1001.42(16).

14 (3) Each school principal must make the necessary
15 provisions to ensure that all school reports are accurate and
16 timely, and must provide the necessary training opportunities
17 for staff to accurately report attendance, FTE program
18 participation, student performance, teacher appraisal, and
19 school safety and discipline data.

20 (4) Each school principal is responsible for the
21 management and care of instructional materials, in accordance
22 with the provisions of chapter 1006.

23 Section 76. Part III of chapter 1001, Florida
24 Statutes, shall be entitled "Community Colleges" and shall
25 consist of ss. 1001.61-1001.65.

26 Section 77. Section 1001.61, Florida Statutes, is
27 created to read:

28 1001.61 Community college boards of trustees;
29 membership.--

30 (1) Community college boards of trustees shall be
31 comprised of five members when a community college district is

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1 confined to one school board district; seven members when a
2 community college district is confined to one school board
3 district and the board of trustees so elects; and not more
4 than nine members when the district contains two or more
5 school board districts, as provided by rules of the State
6 Board of Education. However, Florida Community College at
7 Jacksonville shall have an odd number of trustees.

8 (2) Trustees shall be appointed by the Governor and
9 confirmed by the Senate in regular session.

10 (3) Members of the board of trustees shall receive no
11 compensation but may receive reimbursement for expenses as
12 provided in s. 112.061.

13 (4) At its first regular meeting after July 1 of each
14 year, each community college board of trustees shall organize
15 by electing a chair, whose duty as such is to preside at all
16 meetings of the board, to call special meetings thereof, and
17 to attest to actions of the board, and a vice chair, whose
18 duty as such is to act as chair during the absence or
19 disability of the elected chair. It is the further duty of the
20 chair of each board of trustees to notify the Governor, in
21 writing, whenever a board member fails to attend three
22 consecutive regular board meetings in any one fiscal year,
23 which absences may be grounds for removal.

24 (5) A community college president shall serve as the
25 executive officer and corporate secretary of the board of
26 trustees and shall be responsible to the board of trustees for
27 setting the agenda for meetings of the board of trustees in
28 consultation with the chair. The president also serves as the
29 chief administrative officer of the community college, and all
30 the components of the institution and all aspects of its
31 operation are responsible to the board of trustees through the

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1 president.

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

4 1001.62 Transfer of benefits arising under local or
5 special acts.--All local or special acts in force on July 1,
6 1968, that provide benefits for a community college through a
7 district school board shall continue in full force and effect,
8 and such benefits shall be transmitted to the community
9 college board of trustees.

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

12 1001.63 Community college board of trustees; board of
13 trustees to constitute a corporation.--Each community college
14 board of trustees is constituted a body corporate by the name
15 of "The District Board of Trustees of ...(name of community
16 college)..., Florida" with all the powers and duties of a body
17 corporate, including the power to adopt a corporate seal, to
18 contract and be contracted with, to sue or be sued, to plead
19 and be impleaded in all courts of law or equity, and to give
20 and receive donations. In all suits against a board of
21 trustees, service of process shall be made on the chair of the
22 board of trustees or, in the absence of the chair, the
23 corporate secretary or designee of the chair.

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

26 1001.64 Community college boards of trustees; powers
27 and duties.--

28 (1) The boards of trustees shall be responsible for
29 cost-effective policy decisions appropriate to the community
30 college's mission, the implementation and maintenance of
31 high-quality education programs within law and rules of the

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1 State Board of Education, the measurement of performance, the
2 reporting of information, and the provision of input regarding
3 state policy, budgeting, and education standards.

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

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

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

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

29 (5) Each board of trustees shall have responsibility
30 for the use, maintenance, protection, and control of community
31 college owned or community college controlled buildings and

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1 grounds, property and equipment, name, trademarks and other
2 proprietary marks, and the financial and other resources of
3 the community college. Such authority may include placing
4 restrictions on activities and on access to facilities,
5 firearms, food, tobacco, alcoholic beverages, distribution of
6 printed materials, commercial solicitation, animals, and
7 sound.

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

15 (7) Each board of trustees has responsibility for:
16 ensuring that students have access to general education
17 courses as identified in rule; requiring no more than 60
18 semester hours of degree program coursework, including 36
19 semester hours of general education coursework, for an
20 associate in arts degree; notifying students that earned hours
21 in excess of 60 semester hours may not be accepted by state
22 universities; notifying students of unique program
23 prerequisites; and ensuring that degree program coursework
24 beyond general education coursework is consistent with degree
25 program prerequisite requirements adopted pursuant to s.
26 1007.25(5).

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

31 (a) Each board of trustees shall govern admission of

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1 students pursuant to s. 1007.263 and rules of the State Board
2 of Education. A board of trustees may establish additional
3 admissions criteria, which shall be included in the district
4 interinstitutional articulation agreement developed according
5 to s. 1007.235, to ensure student readiness for postsecondary
6 instruction. Each board of trustees may consider the past
7 actions of any person applying for admission or enrollment and
8 may deny admission or enrollment to an applicant because of
9 misconduct if determined to be in the best interest of the
10 community college.

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

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

17 (d) Boards of trustees shall identify their core
18 curricula, which shall include courses required by the State
19 Board of Education, pursuant to the provisions of s.
20 1007.25(6).

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

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

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1 or dismissal.

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

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

12 (10) Each board of trustees shall establish fees
13 pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and
14 1009.27.

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

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

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

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

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

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1 (16) Each board of trustees must expend performance
2 funds provided for workforce development education pursuant to
3 the provisions of s. 1011.80.

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

7 (18) Each board of trustees shall establish the
8 personnel program for all employees of the community college,
9 including the president, pursuant to the provisions of chapter
10 1012 and rules and guidelines of the State Board of Education,
11 including: compensation and other conditions of employment;
12 recruitment and selection; nonreappointment; standards for
13 performance and conduct; evaluation; benefits and hours of
14 work; leave policies; recognition; inventions and work
15 products; travel; learning opportunities; exchange programs;
16 academic freedom and responsibility; promotion; assignment;
17 demotion; transfer; ethical obligations and conflict of
18 interest; restrictive covenants; disciplinary actions;
19 complaints; appeals and grievance procedures; and separation
20 and termination from employment.

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

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1 accountability program implemented pursuant to s. 1012.86.

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

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

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

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

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

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1 funds at each community college for student financial aid
2 purposes.

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

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

19 (27) Each board of trustees shall be responsible for
20 managing and protecting real and personal property acquired or
21 held in trust for use by and for the benefit of such community
22 college. To that end, any board of trustees is authorized to
23 be self-insured, to enter into risk management programs, or to
24 purchase insurance for whatever coverage it may choose, or to
25 have any combination thereof, in anticipation of any loss,
26 damage, or destruction. A board of trustees may contract for
27 self-insurance services pursuant to s. 1001.64(27).

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

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1 authorized to establish accounts in credit card, charge card,
2 and debit card banks for the deposit of sales invoices.

3 (29) Each board of trustees may provide incubator
4 facilities to eligible small business concerns pursuant to s.
5 1004.79.

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

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

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

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

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

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

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

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

16 (38) Each board of trustees is authorized to borrow
17 funds and incur debt, including entering into lease-purchase
18 agreements and the issuance of revenue bonds as specifically
19 authorized and only for the purposes authorized in ss.
20 1009.22(6) and (9) and 1009.23(11) and (12). At the option of
21 the board of trustees, bonds may be issued which are secured
22 by a combination of revenues authorized to be pledged to bonds
23 pursuant to ss. 1009.22(6) and 1009.23(11) or ss. 1009.22(9)
24 and 1009.23(12). Lease-purchase agreements may be secured by a
25 combination of revenues as specifically authorized pursuant to
26 ss. 1009.22(7) and 1009.23(10).

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

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1 (40) Each board of trustees may adopt policies
2 pursuant to s. 1010.02 that provide procedures for
3 transferring to the direct-support organization of that
4 community college for administration by such organization
5 contributions made to the community college.

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

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

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

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

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

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

31 Section 81. Section 1001.65, Florida Statutes, is

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1 created to read:

2 1001.65 Community college presidents; powers and
3 duties.--The president is the chief executive officer of the
4 community college, shall be corporate secretary of the
5 community college board of trustees, and is responsible for
6 the operation and administration of the community college.

7 Each community college president shall:

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

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

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

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

28 (5) Approve, execute, and administer contracts for and
29 on behalf of the community college board of trustees for
30 licenses; the acquisition or provision of commodities, goods,
31 equipment, and services; leases of real and personal property;

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1 and planning and construction to be rendered to or by the
2 community college, provided such contracts are within law and
3 guidelines of the State Board of Education and in conformance
4 with policies of the community college board of trustees, and
5 are for the implementation of approved programs of the
6 community college.

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

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

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

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

22 (10) Award degrees.

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

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

28 (13) Review periodically the operations of the
29 community college in order to determine how effectively and
30 efficiently the community college is being administered and
31 whether it is meeting the goals of its strategic plan adopted

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1 by the State Board of Education.

2 (14) Enter into agreements for student exchange
3 programs that involve students at the community college and
4 students in other institutions of higher learning.

5 (15) Approve the internal procedures of student
6 government organizations and provide purchasing, contracting,
7 and budgetary review processes for these organizations.

8 (16) Ensure compliance with federal and state laws,
9 rules, regulations, and other requirements that are applicable
10 to the community college.

11 (17) Maintain all data and information pertaining to
12 the operation of the community college, and report on the
13 attainment by the community college of institutional and
14 statewide performance accountability goals.

15 (18) Certify to the department a project's compliance
16 with the requirements for expenditure of PECO funds prior to
17 release of funds pursuant to the provisions of chapter 1013.

18 (19) Provide to the law enforcement agency and fire
19 department that has jurisdiction over the community college a
20 copy of the floor plans and other relevant documents for each
21 educational facility as defined in s. 1013.01(6). After the
22 initial submission of the floor plans and other relevant
23 documents, the community college president shall submit, by
24 October 1 of each year, revised floor plans and other relevant
25 documents for each educational facility that was modified
26 during the preceding year.

27 (20) Establish a committee to consider requests for
28 waivers from the provisions of s. 1008.29 and approve or
29 disapprove the committee's recommendations.

30 (21) Develop and implement jointly with school
31 superintendents a comprehensive articulated acceleration

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1 program, including a comprehensive interinstitutional
2 articulation agreement, for the students enrolled in their
3 respective school districts and service areas pursuant to the
4 provisions of s. 1007.235.

5 (22) Have authority, after notice to the student of
6 the charges and after a hearing thereon, to expel, suspend, or
7 otherwise discipline any student who is found to have violated
8 any law, ordinance, or rule or regulation of the State Board
9 of Education or of the board of trustees of the community
10 college pursuant to the provisions of s. 1006.62.

11 (23) Submit an annual employment accountability plan
12 to the Department of Education pursuant to the provisions of
13 s. 1012.86.

14 (24) Annually evaluate, or have a designee annually
15 evaluate, each department chairperson, dean, provost, and vice
16 president in achieving the annual and long-term goals and
17 objectives of the community college's employment
18 accountability plan.

19 (25) Have vested with the president or the president's
20 designee the authority that is vested with the community
21 college.

22 Section 82. Part IV of chapter 1001, Florida Statutes,
23 shall be entitled "State Universities" and shall consist of
24 ss. 1001.71-1001.75.

25 Section 83. Section 1001.71, Florida Statutes, is
26 created to read:

27 1001.71 University boards of trustees; membership.--

28 (1) University boards of trustees shall be comprised
29 of 12 members appointed by the Governor and confirmed by the
30 Senate in the regular legislative session immediately
31 following his or her appointment. In addition, the student

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1 body president elected on the main campus of the university
2 shall serve ex officio as a voting member of his or her
3 university board of trustees. There shall be no state
4 residency requirement for university board members, but the
5 Governor shall consider diversity and regional representation.

6 (2) Members of the boards of trustees shall receive no
7 compensation but may be reimbursed for travel and per diem
8 expenses as provided in s. 112.061.

9 (3) The Governor may remove a trustee upon the
10 recommendation of the State Board of Education, or for cause.

11 (4) Boards of trustees' members shall be appointed for
12 staggered 4-year terms, and may be reappointed for additional
13 terms not to exceed 8 years of service.

14 (5) Each board of trustees shall select its chair and
15 vice chair from the appointed members at its first regular
16 meeting after July 1. The chair shall serve for 2 years and
17 may be reselected for one additional consecutive term. The
18 duties of the chair shall include presiding at all meetings of
19 the board of trustees, calling special meetings of the board
20 of trustees, attesting to actions of the board of trustees,
21 and notifying the Governor in writing whenever a board member
22 fails to attend three consecutive regular board meetings in
23 any fiscal year, which failure may be grounds for removal. The
24 duty of the vice chair is to act as chair during the absence
25 or disability of the chair.

26 (6) The university president shall serve as executive
27 officer and corporate secretary of the board of trustees and
28 shall be responsible to the board of trustees for all
29 operations of the university and for setting the agenda for
30 meetings of the board of trustees in consultation with the
31 chair.

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1 Section 84. Section 1001.72, Florida Statutes, is
2 created to read:

3 1001.72 University boards of trustees; boards to
4 constitute a corporation.--

5 (1) Each board of trustees shall be a public body
6 corporate by the name of "The (name of university) Board of
7 Trustees," with all the powers of a body corporate, including
8 the power to adopt a corporate seal, to contract and be
9 contracted with, to sue and be sued, to plead and be impleaded
10 in all courts of law or equity, and to give and receive
11 donations. In all suits against a board of trustees, service
12 of process shall be made on the chair of the board of trustees
13 or, in the absence of the chair, on the corporate secretary or
14 designee.

15 (2) It is the intent of the Legislature that the
16 university boards of trustees are not departments of the
17 executive branch of state government within the scope and
18 meaning of s. 6, Art. IV of the State Constitution.

19 (3) The corporation is constituted as a public
20 instrumentality, and the exercise by the corporation of the
21 power conferred by this section is considered to be the
22 performance of an essential public function. The corporation
23 shall constitute an agency for the purposes of s. 120.52. The
24 corporation is subject to chapter 119, subject to exceptions
25 applicable to the corporation, and to the provisions of
26 chapter 286; however, the corporation shall be entitled to
27 provide notice of internal review committee meetings for
28 competitive proposals or procurement to applicants by mail or
29 facsimile rather than by means of publication. The corporation
30 is not governed by chapter 607, but by the provisions of this
31 part.

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1 (4) No bureau, department, division, agency, or
2 subdivision of the state shall exercise any responsibility and
3 authority to operate any state university except as
4 specifically provided by law or rules of the State Board of
5 Education. This section shall not prohibit any department,
6 bureau, division, agency, or subdivision of the state from
7 providing access to programs or systems or providing other
8 assistance to a state university pursuant to an agreement
9 between the board of trustees and such department, bureau,
10 division, agency, or subdivision of the state.

11 (5) University boards of trustees shall be
12 corporations primarily acting as instrumentalities or agencies
13 of the state, pursuant to s. 768.28(2), for purposes of
14 sovereign immunity.

15 Section 85. Section 1001.73, Florida Statutes, is
16 created to read:

17 1001.73 University board empowered to act as
18 trustee.--

19 (1) Whenever appointed by any competent court of the
20 state, or by any statute, or in any will, deed, or other
21 instrument, or in any manner whatever as trustee of any funds
22 or real or personal property in which any of the institutions
23 or agencies under its management, control, or supervision, or
24 their departments or branches or students, faculty members,
25 officers, or employees, may be interested as beneficiaries, or
26 otherwise, or for any educational purpose, a university board
27 of trustees is hereby authorized to act as trustee with full
28 legal capacity as trustee to administer such trust property,
29 and the title thereto shall vest in said board as trustee. In
30 all such cases, the university board of trustees shall have
31 the power and capacity to do and perform all things as fully

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1 as any individual trustee or other competent trustee might do
2 or perform, and with the same rights, privileges, and duties,
3 including the power, capacity, and authority to convey,
4 transfer, mortgage, or pledge such property held in trust and
5 to contract and execute all other documents relating to said
6 trust property which may be required for, or appropriate to,
7 the administration of such trust or to accomplish the purposes
8 of any such trust.

9 (2) Deeds, mortgages, leases, and other contracts of
10 the university board of trustees relating to real property of
11 any such trust or any interest therein may be executed by the
12 university board of trustees, as trustee, in the same manner
13 as is provided by the laws of the state for the execution of
14 similar documents by other corporations or may be executed by
15 the signatures of a majority of the members of the board of
16 trustees; however, to be effective, any such deed, mortgage,
17 or lease contract for more than 10 years of any trust
18 property, executed hereafter by the university board of
19 trustees, shall be approved by a resolution of the State Board
20 of Education; and such approving resolution may be evidenced
21 by the signature of either the chair or the secretary of the
22 State Board of Education to an endorsement on the instrument
23 approved, reciting the date of such approval, and bearing the
24 seal of the State Board of Education. Such signed and sealed
25 endorsement shall be a part of the instrument and entitled to
26 record without further proof.

27 (3) Any and all such appointments of, and acts by, the
28 Board of Regents as trustee of any estate, fund, or property
29 prior to May 18, 1949, are hereby validated, and said board's
30 capacity and authority to act as trustee subject to the
31 provisions of s. 1000.01(5)(a) in all of such cases is

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1 ratified and confirmed; and all deeds, conveyances, lease
2 contracts, and other contracts heretofore executed by the
3 Board of Regents, either by the signatures of a majority of
4 the members of the board or in the board's name by its chair
5 or chief executive officer, are hereby approved, ratified,
6 confirmed, and validated.

7 (4) Nothing herein shall be construed to authorize a
8 university board of trustees to contract a debt on behalf of,
9 or in any way to obligate, the state; and the satisfaction of
10 any debt or obligation incurred by the university board as
11 trustee under the provisions of this section shall be
12 exclusively from the trust property, mortgaged or encumbered;
13 and nothing herein shall in any manner affect or relate to the
14 provisions of ss. 1010.61-1010.619, or s. 1013.78.

15 Section 86. Section 1001.74, Florida Statutes, is
16 created to read:

17 1001.74 Powers and duties of university boards of
18 trustees.--

19 (1) The boards of trustees shall be responsible for
20 cost-effective policy decisions appropriate to the
21 university's mission, the implementation and maintenance of
22 high quality education programs within law and rules of the
23 State Board of Education, the measurement of performance, the
24 reporting of information, and the provision of input regarding
25 state policy, budgeting, and education standards.

26 (2) Each board of trustees is vested with the
27 authority to govern its university, as necessary to provide
28 proper governance and improvement of the university in
29 accordance with law and with rules of the State Board of
30 Education. Each board of trustees shall perform all duties
31 assigned by law or by rule of the State Board of Education or

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1 the Commissioner of Education.

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

7 (4) Each board of trustees may adopt rules pursuant to
8 ss. 120.536(1) and 120.54 to implement the provisions of law
9 conferring duties upon it. Such rules must be consistent with
10 rules of the State Board of Education.

11 (5) Each board of trustees shall have the authority to
12 acquire real and personal property and contract for the sale
13 and disposal of same and approve and execute contracts for the
14 purchase, sale, lease, license, or acquisition of commodities,
15 goods, equipment, contractual services, leases of real and
16 personal property, and construction. The acquisition may
17 include purchase by installment or lease-purchase. Such
18 contracts may provide for payment of interest on the unpaid
19 portion of the purchase price. Title to all real property
20 acquired prior to January 7, 2003, and to all real property
21 acquired with funds appropriated by the Legislature shall be
22 vested in the Board of Trustees of the Internal Improvement
23 Trust Fund and shall be transferred and conveyed by it.
24 Notwithstanding any other provisions of this subsection, each
25 board of trustees shall comply with the provisions of s.
26 287.055 for the procurement of professional services as
27 defined therein.

28 (6) Each board of trustees shall have responsibility
29 for the use, maintenance, protection, and control of
30 university-owned or university-controlled buildings and
31 grounds, property and equipment, name, trademarks and other

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1 proprietary marks, and the financial and other resources of
2 the university. Such authority may include placing
3 restrictions on activities and on access to facilities,
4 firearms, food, tobacco, alcoholic beverages, distribution of
5 printed materials, commercial solicitation, animals, and
6 sound. The authority vested in the board of trustees in this
7 subsection includes the prioritization of the use of space,
8 property, equipment, and resources and the imposition of
9 charges for those items.

10 (7) Each board of trustees has responsibility for the
11 establishment and discontinuance of degree programs up to and
12 including the master's degree level; the establishment and
13 discontinuance of course offerings; provision of credit and
14 noncredit educational offerings; location of classes; services
15 provided; and dissemination of information concerning such
16 programs and services. Approval of new programs must be
17 pursuant to criteria established by the State Board of
18 Education.

19 (8) Each board of trustees is authorized to create
20 divisions of sponsored research pursuant to the provisions of
21 s. 1011.411 to serve the function of administration and
22 promotion of the programs of research.

23 (9) Each board of trustees has responsibility for:
24 ensuring that students have access to general education
25 courses as identified in rule and requiring no more than 120
26 semester hours of coursework for baccalaureate degree programs
27 unless approved by the State Board of Education. At least half
28 of the required coursework for any baccalaureate degree must
29 be offered at the lower-division level, except in program
30 areas approved by the State Board of Education.

31 (10) Each board of trustees has responsibility for

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1 policies related to students, enrollment of students, student
2 activities and organizations, financial assistance, and other
3 student services.

4 (a) Each board of trustees shall govern admission of
5 students pursuant to s. 1007.261 and rules of the State Board
6 of Education. Each board of trustees may consider the past
7 actions of any person applying for admission or enrollment and
8 may deny admission or enrollment to an applicant because of
9 misconduct if determined to be in the best interest of the
10 university.

11 (b) Each board of trustees shall establish student
12 performance standards for the award of degrees and
13 certificates.

14 (c) Each board of trustees must identify its core
15 curricula and work with school districts to ensure that its
16 curricula coordinate with the core curricula and prepare
17 students for college-level work.

18 (d) Each board of trustees must adopt a written
19 antihazing policy, appropriate penalties for violations of
20 such policy, and a program for enforcing such policy.

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

29 (f) Each board of trustees shall establish a
30 committee, at least one-half of the members of which shall be
31 students appointed by the student body president, to

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1 periodically review and evaluate the student judicial system.

2 (g) Each board of trustees must adopt a policy
3 pursuant to s. 1006.53 that reasonably accommodates the
4 religious observance, practice, and belief of individual
5 students in regard to admissions, class attendance, and the
6 scheduling of examinations and work assignments.

7 (h) A board of trustees may establish
8 intrainstitutional and interinstitutional programs to maximize
9 articulation pursuant to s. 1007.22.

10 (i) Each board of trustees shall approve the internal
11 procedures of student government organizations.

12 (11) Each board of trustees shall establish fees
13 pursuant to ss. 1009.24 and 1009.26.

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

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

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

25 (15) Each board of trustees shall develop an
26 accountability plan pursuant to guidelines established by the
27 State Board of Education.

28 (16) Each board of trustees shall maintain an
29 effective information system to provide accurate, timely, and
30 cost-effective information about the university.

31 (17) Each board of trustees is authorized to secure

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1 comprehensive general liability insurance pursuant to s.
2 1004.24.

3 (18) Each board of trustees may provide for payment of
4 the costs of civil actions against officers, employees, or
5 agents of the board pursuant to s. 1012.965.

6 (19) Each board of trustees shall establish the
7 personnel program for all employees of the university,
8 including the president, pursuant to the provisions of chapter
9 1012 and, in accordance with rules and guidelines of the State
10 Board of Education, including: compensation and other
11 conditions of employment, recruitment and selection,
12 nonreappointment, standards for performance and conduct,
13 evaluation, benefits and hours of work, leave policies,
14 recognition and awards, inventions and works, travel, learning
15 opportunities, exchange programs, academic freedom and
16 responsibility, promotion, assignment, demotion, transfer,
17 tenure and permanent status, ethical obligations and conflicts
18 of interest, restrictive covenants, disciplinary actions,
19 complaints, appeals and grievance procedures, and separation
20 and termination from employment.

21 (20) Each board of trustees may consider the past
22 actions of any person applying for employment and may deny
23 employment to a person because of misconduct if determined to
24 be in the best interest of the university.

25 (21) Each board of trustees shall appoint a
26 presidential search committee to make recommendations to the
27 full board of trustees, from which the board of trustees may
28 select a candidate for ratification by the State Board of
29 Education.

30 (22) Each board of trustees shall conduct an annual
31 evaluation of the president in accordance with rules of the

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1 State Board of Education and submit such evaluations to the
2 State Board of Education for review. The evaluation must
3 address the achievement of the performance goals established
4 by the accountability process implemented pursuant to s.
5 1008.46 and the performance of the president in achieving the
6 annual and long-term goals and objectives established in the
7 institution's employment equity accountability program
8 implemented pursuant to s. 1012.95.

9 (23) Each board of trustees constitutes the
10 contracting agent of the university.

11 (24) Each board of trustees may enter into agreements
12 for, and accept, credit card payments as compensation for
13 goods, services, tuition, and fees.

14 (25) Each board of trustees may establish educational
15 research centers for child development pursuant to s. 1011.48.

16 (26) Each board of trustees may develop and produce
17 work products relating to educational endeavors that are
18 subject to trademark, copyright, or patent statutes pursuant
19 to s. 1004.23.

20 (27) Each board of trustees shall submit to the State
21 Board of Education, for approval, all new campuses and
22 instructional centers.

23 (28) Each board of trustees shall administer a program
24 for the maintenance and construction of facilities pursuant to
25 chapter 1013.

26 (29) Each board of trustees shall ensure compliance
27 with the provisions of s. 287.09451 for all procurement and
28 ss. 255.101 and 255.102 for construction contracts, and rules
29 adopted pursuant thereto, relating to the utilization of
30 minority business enterprises, except that procurements
31 costing less than the amount provided for in CATEGORY FIVE as

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1 provided in s. 287.017 shall not be subject to s. 287.09451.

2 (30) Each board of trustees may exercise the right of
3 eminent domain pursuant to the provisions of chapter 1013. Any
4 suits or actions brought by the board of trustees shall be
5 brought in the name of the board of trustees, and the
6 Department of Legal Affairs shall conduct the proceedings for,
7 and act as the counsel of, the board of trustees.

8 (31) Notwithstanding the provisions of s. 253.025,
9 each board of trustees may, with the consent of the Board of
10 Trustees of the Internal Improvement Trust Fund, sell, convey,
11 transfer, exchange, trade, or purchase real property and
12 related improvements necessary and desirable to serve the
13 needs and purposes of the university.

14 (a) The board of trustees may secure appraisals and
15 surveys. The board of trustees shall comply with the rules of
16 the Board of Trustees of the Internal Improvement Trust Fund
17 in securing appraisals. Whenever the board of trustees finds
18 it necessary for timely property acquisition, it may contract,
19 without the need for competitive selection, with one or more
20 appraisers whose names are contained on the list of approved
21 appraisers maintained by the Division of State Lands in the
22 Department of Environmental Protection.

23 (b) The board of trustees may negotiate and enter into
24 an option contract before an appraisal is obtained. The option
25 contract must state that the final purchase price may not
26 exceed the maximum value allowed by law. The consideration for
27 such an option contract may not exceed 10 percent of the
28 estimate obtained by the board of trustees or 10 percent of
29 the value of the parcel, whichever is greater, unless
30 otherwise authorized by the board of trustees.

31 (c) This subsection is not intended to abrogate in any

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1 manner the authority delegated to the Board of Trustees of the
2 Internal Improvement Trust Fund or the Division of State Lands
3 to approve a contract for purchase of state lands or to
4 require policies and procedures to obtain clear legal title to
5 parcels purchased for state purposes. Title to property
6 acquired by a university board of trustees prior to January 7,
7 2003, and to property acquired with funds appropriated by the
8 Legislature shall vest in the Board of Trustees of the
9 Internal Improvement Trust Fund.

10 (32) Each board of trustees shall prepare and adopt a
11 campus master plan pursuant to s. 1013.30.

12 (33) Each board of trustees shall prepare, adopt, and
13 execute a campus development agreement pursuant to s. 1013.30.

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

17 (35) Each board of trustees may govern traffic on the
18 grounds of that campus pursuant to s. 1006.66.

19 (36) A board of trustees has responsibility for
20 supervising faculty practice plans for the academic health
21 science centers.

22 (37) Each board of trustees shall prescribe conditions
23 for direct-support organizations and university health
24 services support organizations to be certified and to use
25 university property and services. Conditions relating to
26 certification must provide for audit review and oversight by
27 the board of trustees.

28 (38) Each board of trustees shall actively implement a
29 plan, in accordance with guidelines of the State Board of
30 Education, for working on a regular basis with the other
31 university boards of trustees, representatives of the

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1 community college boards of trustees, and representatives of
2 the district school boards, to achieve the goals of the
3 seamless education system.

4 (39) Notwithstanding the provisions of s. 216.351, a
5 board of trustees may authorize the rent or lease of parking
6 facilities, provided that such facilities are funded through
7 parking fees or parking fines imposed by a university. A board
8 of trustees may authorize a university to charge fees for
9 parking at such rented or leased parking facilities.

10 (40) Each board of trustees may adopt rules and
11 procedures related to data and technology, including
12 information systems, communications systems, computer hardware
13 and software, and networks.

14 (41) A board of trustees shall perform such other
15 duties as are provided by law or rule of the State Board of
16 Education.

17 Section 87. Section 1001.75, Florida Statutes, is
18 created to read:

19 1001.75 University presidents; powers and duties.--The
20 president is the chief executive officer of the state
21 university, shall be corporate secretary of the university
22 board of trustees, and is responsible for the operation and
23 administration of the university. Each state university
24 president shall:

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

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1 (2) Prepare a budget request and an operating budget
2 for approval by the university board of trustees.

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

9 (4) Govern admissions, subject to law and rules or
10 policies of the university board of trustees and the State
11 Board of Education.

12 (5) Approve, execute, and administer contracts for and
13 on behalf of the university board of trustees for licenses;
14 the acquisition or provision of commodities, goods, equipment,
15 and services; leases of real and personal property; and
16 planning and construction to be rendered to or by the
17 university, provided such contracts are within law and rules
18 of the State Board of Education and in conformance with
19 policies of the university board of trustees, and are for the
20 implementation of approved programs of the university.
21 University presidents shall comply with the provisions of s.
22 287.055 for the procurement of professional services and may
23 approve and execute all contracts on behalf of the board of
24 trustees for planning, construction, and equipment. For the
25 purposes of a university president's contracting authority, a
26 "continuing contract" for professional services under the
27 provisions of s. 287.055 is one in which construction costs do
28 not exceed \$1 million or the fee for study activity does not
29 exceed \$100,000.

30 (6) Act for the university board of trustees as
31 custodian of all university property.

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1 (7) Establish the internal academic calendar of the
2 university within general guidelines of the State Board of
3 Education.

4 (8) Administer the university's program of
5 intercollegiate athletics.

6 (9) Recommend to the board of trustees the
7 establishment and termination of undergraduate and
8 master's-level degree programs within the approved role and
9 scope of the university.

10 (10) Award degrees.

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

14 (12) Organize the university to efficiently and
15 effectively achieve the goals of the university.

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

21 (14) Enter into agreements for student exchange
22 programs that involve students at the university and students
23 in other postsecondary educational institutions.

24 (15) Provide purchasing, contracting, and budgetary
25 review processes for student government organizations.

26 (16) Ensure compliance with federal and state laws,
27 rules, regulations, and other requirements that are applicable
28 to the university.

29 (17) Maintain all data and information pertaining to
30 the operation of the university, and report on the attainment
31 by the university of institutional and statewide performance

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1 accountability goals.

2 (18) Adjust property records and dispose of
3 state-owned tangible personal property in the university's
4 custody in accordance with procedures established by the
5 university board of trustees. Notwithstanding the provisions
6 of s. 273.055(5), all moneys received from the disposition of
7 state-owned tangible personal property shall be retained by
8 the university and disbursed for the acquisition of tangible
9 personal property and for all necessary operating
10 expenditures. The university shall maintain records of the
11 accounts into which such moneys are deposited.

12 (19) Have vested with the president or the president's
13 designee the powers, duties, and authority that is vested with
14 the university.

15 Section 88. Chapter 1002, Florida Statutes, shall be
16 entitled "Student and Parental Rights and Educational Choices"
17 and shall consist of ss. 1002.01-1002.44.

18 Section 89. Part I of chapter 1002, Florida Statutes,
19 shall be entitled "General Provisions" and shall consist of s.
20 1002.01.

21 Section 90. Section 1002.01, Florida Statutes, is
22 created to read:

23 1002.01 Definitions.--

24 (1) A "home education program" means the sequentially
25 progressive instruction of a student directed by his or her
26 parent in order to satisfy the attendance requirements of ss.
27 1002.41, 1003.01(4), and 1003.21(1).

28 (2) A "private school" is a nonpublic school defined
29 as an individual, association, copartnership, or corporation,
30 or department, division, or section of such organizations,
31 that designates itself as an educational center that includes

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1 kindergarten or a higher grade or as an elementary, secondary,
2 business, technical, or trade school below college level or
3 any organization that provides instructional services that
4 meet the intent of s. 1003.01(14) or that gives preemployment
5 or supplementary training in technology or in fields of trade
6 or industry or that offers academic, literary, or career and
7 technical training below college level, or any combination of
8 the above, including an institution that performs the
9 functions of the above schools through correspondence or
10 extension, except those licensed under the provisions of
11 chapter 1005. A private school may be a parochial, religious,
12 denominational, for-profit, or nonprofit school. This
13 definition does not include home education programs conducted
14 in accordance with s. 1002.41.

15 Section 91. Part II of chapter 1002, Florida Statutes,
16 shall be entitled "Student and Parental Rights" and shall
17 consist of ss. 1002.20-1002.22.

18 Section 92. Section 1002.20, Florida Statutes, is
19 created to read:

20 1002.20 K-12 student and parent rights.--K-12 students
21 and their parents are afforded numerous statutory rights
22 including, but not limited to, the following:

23 (1) SYSTEM OF EDUCATION.--In accordance with s. 1,
24 Art. IX of the State Constitution, all K-12 public school
25 students are entitled to a uniform, safe, secure, efficient,
26 and high quality system of education, one that allows students
27 the opportunity to obtain a high quality education. Parents
28 are responsible to ready their children for school; however,
29 the State of Florida cannot be the guarantor of each
30 individual student's success.

31 (2) ATTENDANCE.--

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1 (a) Compulsory school attendance.--The compulsory
2 school attendance laws apply to all children between the ages
3 of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a),
4 and, in accordance with the provisions of s. 1003.21(1) and
5 (2)(a):

6 1. A student who attains the age of 16 years during
7 the school year has the right to file a formal declaration of
8 intent to terminate school enrollment if the declaration is
9 signed by the parent. The parent has the right to be notified
10 by the school district of the district's receipt of the
11 student's declaration of intent to terminate school
12 enrollment.

13 2. Students who become or have become married or who
14 are pregnant and parenting have the right to attend school and
15 receive the same or equivalent educational instruction as
16 other students.

17 (b) Regular school attendance.--Parents of students
18 who have attained the age of 6 years by February 1 of any
19 school year but who have not attained the age of 16 years must
20 comply with the compulsory school attendance laws. Parents
21 have the option to comply with the school attendance laws by
22 attendance of the student in a public school; a parochial,
23 religious, or denominational school; a private school; a home
24 education program; or a private tutoring program, in
25 accordance with the provisions of s. 1003.01(14).

26 (c) Absence for religious purposes.--A parent of a
27 public school student may request and be granted permission
28 for absence of the student from school for religious
29 instruction or religious holidays, in accordance with the
30 provisions of s. 1003.21(2)(b).

31 (d) Dropout prevention and academic intervention

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1 programs.--The parent of a public school student has the right
2 to receive written notice by certified mail prior to placement
3 of the student in a dropout prevention and academic
4 intervention program and shall be notified in writing and
5 entitled to an administrative review of any action by school
6 personnel relating to the student's placement, in accordance
7 with the provisions of s. 1003.53(5).

8 (3) HEALTH ISSUES.--

9 (a) School-entry health examinations.--The parent of
10 any child attending a public or private school shall be exempt
11 from the requirement of a health examination upon written
12 request stating objections on religious grounds in accordance
13 with the provisions of s. 1003.22(1) and (2).

14 (b) Immunizations.--The parent of any child attending
15 a public or private school shall be exempt from the school
16 immunization requirements upon meeting any of the exemptions
17 in accordance with the provisions of s. 1003.22(5).

18 (c) Biological experiments.--Parents may request that
19 their child be excused from performing surgery or dissection
20 in biological science classes in accordance with the
21 provisions of s. 1003.47.

22 (d) Reproductive health and disease education.--A
23 public school student whose parent makes written request to
24 the school principal shall be exempted from the teaching of
25 reproductive health or any disease, including HIV/AIDS, in
26 accordance with the provisions of s. 1003.42(3).

27 (e) Contraceptive services to public school
28 students.--In accordance with the provisions of s.
29 1006.062(7), students may not be referred to or offered
30 contraceptive services at school facilities without the
31 parent's consent.

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1 (f) Career and technical education courses involving
2 hazardous substances.--High school students must be given
3 plano safety glasses or devices in career and technical
4 education courses involving the use of hazardous substances
5 likely to cause eye injury, in accordance with the provisions
6 of s. 1006.65.

7 (g) Substance abuse reports.--The parent of a public
8 school student must be timely notified of any verified report
9 of a substance abuse violation by the student, in accordance
10 with the provisions of s. 1006.09(8).

11 (h) Inhaler use.--Asthmatic students whose parent and
12 physician provide their approval to the school principal may
13 carry a metered dose inhaler on their person while in school.
14 The school principal shall be provided a copy of the parent's
15 and physician's approval.

16 (4) DISCIPLINE.--

17 (a) Suspension of public school student.--In
18 accordance with the provisions of s. 1006.09(1)-(4):

19 1. A student may be suspended only as provided by rule
20 of the district school board. A good faith effort must be made
21 to immediately inform the parent by telephone of the student's
22 suspension and the reason. Each suspension and the reason
23 must be reported in writing within 24 hours to the parent by
24 U.S. mail. A good faith effort must be made to use parental
25 assistance before suspension unless the situation requires
26 immediate suspension.

27 2. A student with a disability may only be recommended
28 for suspension or expulsion in accordance with State Board of
29 Education rules.

30 (b) Expulsion.--Public school students and their
31 parents have the right to written notice of a recommendation

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1 of expulsion, including the charges against the student and a
2 statement of the right of the student to due process, in
3 accordance with the provisions of s. 1001.51(8).

4 (c) Corporal punishment.--In accordance with the
5 provisions of s. 1003.32, corporal punishment of a public
6 school student may only be administered by a teacher or school
7 principal within guidelines of the school principal and
8 according to district school board policy. Another adult must
9 be present and must be informed in the student's presence of
10 the reason for the punishment. Upon request, the teacher or
11 school principal must provide the parent with a written
12 explanation of the reason for the punishment and the name of
13 the other adult who was present.

14 (5) SAFETY.--In accordance with the provisions of s.
15 1006.13(5), students who have been victims of certain felony
16 offenses by other students, as well as the siblings of the
17 student victims, have the right to be kept separated from the
18 student offender both at school and during school
19 transportation.

20 (6) EDUCATIONAL CHOICE.--

21 (a) Public school choices.--Parents of public school
22 students may seek whatever public school choice options that
23 are applicable to their students and are available to students
24 in their school districts. These options may include
25 controlled open enrollment, lab schools, charter schools,
26 charter technical career centers, magnet schools, alternative
27 schools, special programs, advanced placement, dual
28 enrollment, International Baccalaureate, early admissions,
29 credit by examination or demonstration of competency, the New
30 World School of the Arts, the Florida School for the Deaf and
31 the Blind, and the Florida Virtual School. These options may

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1 also include the public school choice options of the
2 Opportunity Scholarship Program and the McKay Scholarships for
3 Students with Disabilities Program.

4 (b) Private school choices.--Parents of public school
5 students may seek private school choice options under certain
6 programs.

7 1. Under the Opportunity Scholarship Program, the
8 parent of a student in a failing public school may request and
9 receive an opportunity scholarship for the student to attend a
10 private school in accordance with the provisions of s.
11 1002.38.

12 2. Under the McKay Scholarships for Students with
13 Disabilities Program, the parent of a public school student
14 with a disability who is dissatisfied with the student's
15 progress may request and receive a McKay Scholarship for the
16 student to attend a private school in accordance with the
17 provisions of s. 1002.39.

18 3. Under the corporate income tax credit scholarship
19 program, the parent of a student who qualifies for free or
20 reduced-price school lunch may seek a scholarship from an
21 eligible nonprofit scholarship-funding organization in
22 accordance with the provisions of s. 220.187.

23 (c) Home education.--The parent of a student may
24 choose to place the student in a home education program in
25 accordance with the provisions of s. 1002.41.

26 (d) Private tutoring.--The parent of a student may
27 choose to place the student in a private tutoring program in
28 accordance with the provisions of s. 1002.43(1).

29 (7) NONDISCRIMINATION.--All education programs,
30 activities, and opportunities offered by public educational
31 institutions must be made available without discrimination on

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1 the basis of race, ethnicity, national origin, gender,
2 disability, or marital status, in accordance with the
3 provisions of s. 1000.05.

4 (8) STUDENTS WITH DISABILITIES.--Parents of public
5 school students with disabilities and parents of public school
6 students in residential care facilities are entitled to notice
7 and due process in accordance with the provisions of ss.
8 1003.57 and 1003.58. Public school students with disabilities
9 must be provided the opportunity to meet the graduation
10 requirements for a standard high school diploma in accordance
11 with the provisions of s. 1003.43(4). Certain public school
12 students with disabilities may be awarded a special diploma
13 upon high school graduation.

14 (9) BLIND STUDENTS.--Blind students have the right to
15 an individualized written education program and appropriate
16 instructional materials to attain literacy, in accordance with
17 provisions of s. 1003.55.

18 (10) LIMITED ENGLISH PROFICIENT STUDENTS.--In
19 accordance with the provisions of s. 1003.56, limited English
20 proficient students have the right to receive ESOL (English
21 for Speakers of Other Languages) instruction designed to
22 develop the student's mastery of listening, speaking, reading,
23 and writing in English as rapidly as possible, and the
24 students' parents have the right of parental involvement in
25 the ESOL program.

26 (11) BASIC RELIGIOUS FREEDOMS.--In accordance with the
27 joint statement of current case law by the American Jewish
28 Congress, the ACLU, the Anti-Defamation League, and others:

29 (a) Right to pray.--Students have the right to pray
30 individually or in groups or to discuss their religious views
31 with their peers so long as they are not disruptive.

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1 (b) Right to express.--Students may express their
2 religious beliefs in the form of reports, homework, and
3 artwork, and such expressions are constitutionally protected.
4 Teachers may not reject or correct such submissions simply
5 because they include a religious symbol or address religious
6 themes.

7 (c) Right to distribute.--Students have the right to
8 distribute religious literature to their schoolmates, subject
9 to those reasonable time, place, and manner or other
10 constitutionally acceptable restrictions imposed on the
11 distribution of all nonschool literature.

12 (d) Right to participate.--Student participation in
13 before-school or after-school events, such as "See you at the
14 pole," is permissible.

15 (e) Right to speak.--Students have the right to speak
16 to, and attempt to persuade, their peers about religious
17 topics just as they do with regard to political topics.

18 (f) Right to meet.--Student religious clubs in
19 secondary schools must be permitted to meet and to have equal
20 access to campus media to announce their meetings if a school
21 receives federal funds and permits any student noncurricular
22 club to meet during noninstructional time.

23 (12) PLEDGE OF ALLEGIANCE.--A public school student
24 must be excused from reciting the pledge of allegiance upon
25 written request by the student's parent, in accordance with
26 the provisions of s. 1003.44.

27 (13) STUDENT RECORDS.--

28 (a) Parent rights.--Parents have rights regarding the
29 student records of their children, including right of access,
30 right of waiver of access, right to challenge and hearing, and
31 right of privacy, in accordance with the provisions of s.

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1 1002.22.

2 (b) Student rights.--In accordance with the provisions
3 of s. 1008.386, a student is not required to provide his or
4 her social security number as a condition for enrollment or
5 graduation.

6 (14) STUDENT REPORT CARDS.--Students and their parents
7 have the right to receive student report cards on a regular
8 basis that clearly depict and grade the student's academic
9 performance in each class or course, the student's conduct,
10 and the student's attendance, in accordance with the
11 provisions of s. 1003.33.

12 (15) STUDENT PROGRESS REPORTS.--Parents of public
13 school students shall be apprised at regular intervals of the
14 academic progress and other needed information regarding their
15 child, in accordance with the provisions of s. 1003.02(1)(h)2.

16 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT
17 RATING REPORTS.--Parents of public school students are
18 entitled to an easy-to-read report card about the grade
19 designation, school accountability including the school
20 financial report, and school improvement rating of their
21 child's school in accordance with the provisions of ss.
22 1008.22, 1003.02(3), and 1010.215(5).

23 (17) ATHLETICS; PUBLIC HIGH SCHOOL.--

24 (a) Eligibility.--Eligibility requirements for all
25 students participating in high school athletic competition
26 must allow a student to be eligible in the school in which he
27 or she first enrolls each school year, or makes himself or
28 herself a candidate for an athletic team by engaging in
29 practice before enrolling, in accordance with the provisions
30 of s. 1006.20(2)(a).

31 (b) Medical evaluation.--Students must satisfactorily

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1 pass a medical evaluation each year before participating in
2 athletics, unless the parent objects in writing based on
3 religious tenets or practices, in accordance with the
4 provisions of s. 1006.20(2)(d).

5 (18) EXTRACURRICULAR ACTIVITIES.--In accordance with
6 the provisions of s. 1006.15:

7 (a) Eligibility.--Students who meet specified academic
8 and conduct requirements are eligible to participate in
9 extracurricular activities.

10 (b) Home education students.--Home education students
11 who meet specified academic and conduct requirements are
12 eligible to participate in extracurricular activities at the
13 public school to which the student would be assigned or could
14 choose to attend according to district school board policies,
15 or may develop an agreement to participate at a private
16 school.

17 (c) Charter school students.--Charter school students
18 who meet specified academic and conduct requirements are
19 eligible to participate in extracurricular activities at the
20 public school to which the student would be assigned or could
21 choose to attend according to district school board policies,
22 unless such activity is provided by the student's charter
23 school.

24 (d) Discrimination prohibited.--Organizations that
25 regulate or govern extracurricular activities of public
26 schools shall not discriminate against any eligible student
27 based on an educational choice of public, private, or home
28 education.

29 (19) INSTRUCTIONAL MATERIALS.--

30 (a) Core courses.--Each public school student is
31 entitled to sufficient instructional materials in the core

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1 courses of mathematics, language arts, social studies,
2 science, reading, and literature, in accordance with the
3 provisions of ss. 1003.02(1)(d) and 1006.40(2).

4 (b) Curricular objectives.--The parent of each public
5 school student has the right to receive effective
6 communication from the school principal as to the manner in
7 which instructional materials are used to implement the
8 school's curricular objectives, in accordance with the
9 provisions of s. 1006.28(3)(a).

10 (c) Sale of instructional materials.--Upon request of
11 the parent of a public school student, the school principal
12 must sell to the parent any instructional materials used in
13 the school, in accordance with the provisions of s.
14 1006.28(3)(c).

15 (d) Dual enrollment students.--Instructional materials
16 purchased by a district school board or community college
17 board of trustees on behalf of public school dual enrollment
18 students shall be made available to the dual enrollment
19 students free of charge, in accordance with the provisions of
20 s. 1007.271(14) and (15).

21 (20) JUVENILE JUSTICE PROGRAMS.--Students who are in
22 juvenile justice programs have the right to receive
23 educational programs and services in accordance with the
24 provisions of s. 1003.52.

25 (21) PARENTAL INPUT AND MEETINGS.--

26 (a) Meetings with school district personnel.--Parents
27 of public school students may be accompanied by another adult
28 of their choice at any meeting with school district personnel.

29 (b) School district best financial management practice
30 reviews.--Public school students and their parents may provide
31 input regarding their concerns about the operations and

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1 management of the school district both during and after the
2 conduct of a school district best financial management
3 practices review, in accordance with the provisions of s.
4 1008.35.

5 (c) District school board educational facilities
6 programs.--Parents of public school students and other members
7 of the public have the right to receive proper public notice
8 and opportunity for public comment regarding the district
9 school board's educational facilities work program, in
10 accordance with the provisions of s. 1013.35.

11 (22) TRANSPORTATION.--

12 (a) Transportation to school.--Public school students
13 shall be provided transportation to school, in accordance with
14 the provisions of s. 1006.21(3)(a).

15 (b) Hazardous walking conditions.--K-6 public school
16 students shall be provided transportation if they are
17 subjected to hazardous walking conditions, in accordance with
18 the provisions of ss. 1006.21(3)(b) and 1006.23.

19 (c) Parental consent.--Each parent of a public school
20 student must be notified in writing and give written consent
21 before the student may be transported in a privately owned
22 motor vehicle to a school function, in accordance with the
23 provisions of s. 1006.22(2)(b).

24 Section 93. Section 1002.21, Florida Statutes, is
25 created to read:

26 1002.21 Postsecondary student and parent rights.--

27 (1) STUDENT RECORDS.--Parents have rights regarding
28 the student records of their children, and students 18 years
29 of age and older have rights regarding their student records,
30 including right of access, right of waiver of access, right to
31 challenge and hearing, and right of privacy, in accordance

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1 with the provisions of ss. 1002.22, 1005.36, and 1006.52.

2 (2) LEARNING DISABLED STUDENTS.--Impaired and learning
3 disabled students may be eligible for reasonable substitution
4 for admission, graduation, and upper-level division
5 requirements of public postsecondary educational institutions,
6 in accordance with the provisions of s. 1007.264.

7 (3) EXPULSION, SUSPENSION, DISCIPLINE.--Public
8 postsecondary education students may be expelled, suspended,
9 or otherwise disciplined by the president of a public
10 postsecondary educational institution after notice to the
11 student of the charges and a hearing on the charges, in
12 accordance with the provisions of s. 1006.62.

13 (4) RELIGIOUS BELIEFS.--Public postsecondary
14 educational institutions must provide reasonable
15 accommodations for the religious practices and beliefs of
16 individual students in regard to admissions, class attendance,
17 and the scheduling of examinations and work assignments, in
18 accordance with the provisions of s. 1006.53, and must provide
19 and describe in the student handbook a grievance procedure for
20 students to seek redress when they feel they have been
21 unreasonably denied an educational benefit due to their
22 religious beliefs or practices.

23 (5) STUDENT HANDBOOKS.--Each state university and
24 community college shall provide its students with an
25 up-to-date student handbook that includes student rights and
26 responsibilities, appeals processes available to students,
27 contact persons available to help students, student conduct
28 code, and information regarding HIV and AIDS, in accordance
29 with the provisions of s. 1006.50.

30 (6) STUDENT OMBUDSMAN OFFICE.--Each state university
31 and community college shall maintain a student ombudsman

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1 office and established procedures for students to appeal to
2 the office regarding decisions about the student's access to
3 courses and credit granted toward the student's degree, in
4 accordance with the provisions of s. 1006.51.

5 Section 94. Section 1002.22, Florida Statutes, is
6 created to read:

7 1002.22 Student records and reports; rights of parents
8 and students; notification; penalty.--

9 (1) PURPOSE.--The purpose of this section is to
10 protect the rights of students and their parents with respect
11 to student records and reports as created, maintained, and
12 used by public educational institutions in the state. The
13 intent of the Legislature is that students and their parents
14 shall have rights of access, rights of challenge, and rights
15 of privacy with respect to such records and reports, and that
16 rules shall be available for the exercise of these rights.

17 (2) DEFINITIONS.--As used in this section:

18 (a) "Chief executive officer" means that person,
19 whether elected or appointed, who is responsible for the
20 management and administration of any public educational body
21 or unit, or the chief executive officer's designee for student
22 records; that is, the district school superintendent, the
23 director of an area technical center, the president of a
24 public postsecondary educational institution, or their
25 designees.

26 (b) "Directory information" includes the student's
27 name, address, telephone number if it is a listed number, date
28 and place of birth, major field of study, participation in
29 officially recognized activities and sports, weight and height
30 of members of athletic teams, dates of attendance, degrees and
31 awards received, and the most recent previous educational

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1 agency or institution attended by the student.

2 (c) "Records" and "reports" mean official records,
3 files, and data directly related to students that are created,
4 maintained, and used by public educational institutions,
5 including all material that is incorporated into each
6 student's cumulative record folder and intended for school use
7 or to be available to parties outside the school or school
8 system for legitimate educational or research purposes.
9 Materials that shall be considered as part of a student's
10 record include, but are not necessarily limited to:

11 identifying data, including a student's social security
12 number; academic work completed; level of achievement records,
13 including grades and standardized achievement test scores;
14 attendance data; scores on standardized intelligence,
15 aptitude, and psychological tests; interest inventory results;
16 health data; family background information; teacher or
17 counselor ratings and observations; verified reports of
18 serious or recurrent behavior patterns; and any other
19 evidence, knowledge, or information recorded in any medium,
20 including, but not limited to, handwriting, typewriting,
21 print, magnetic tapes, film, microfilm, and microfiche, and
22 maintained and used by an educational agency or institution or
23 by a person acting for such agency or institution. However,
24 the terms "records" and "reports" do not include:

25 1. Records of instructional, supervisory, and
26 administrative personnel, and educational personnel ancillary
27 to those persons, that are kept in the sole possession of the
28 maker of the record and are not accessible or revealed to any
29 other person except a substitute for any of such persons. An
30 example of records of this type is instructor's grade books.

31 2. Records of law enforcement units of the institution

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1 that are maintained solely for law enforcement purposes and
2 that are not available to persons other than officials of the
3 institution or law enforcement officials of the same
4 jurisdiction in the exercise of that jurisdiction.

5 3. Records made and maintained by the institution in
6 the normal course of business that relate exclusively to a
7 student in his or her capacity as an employee and that are not
8 available for use for any other purpose.

9 4. Records created or maintained by a physician,
10 psychiatrist, psychologist, or other recognized professional
11 or paraprofessional acting in his or her professional or
12 paraprofessional capacity, or assisting in that capacity, that
13 are created, maintained, or used only in connection with the
14 provision of treatment to the student and that are not
15 available to anyone other than persons providing such
16 treatment. However, such records shall be open to a physician
17 or other appropriate professional of the student's choice.

18 5. Directory information as defined in this section.

19 6. Other information, files, or data that do not
20 permit the personal identification of a student.

21 7. Letters or statements of recommendation or
22 evaluation that were confidential under Florida law and that
23 were received and made a part of the student's educational
24 records prior to July 1, 1977.

25 8. Copies of the student's fingerprints. No public
26 educational institution shall maintain any report or record
27 relative to a student that includes a copy of the student's
28 fingerprints.

29 (d) "Student" means any child or adult who is enrolled
30 or who has been enrolled in any instructional program or
31 activity conducted under the authority and direction of an

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1 institution comprising a part of the state system of public
2 education and with respect to whom an educational institution
3 maintains educational records and reports or personally
4 identifiable information, but does not include a person who
5 has not been in attendance as an enrollee at such institution.

6 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
7 student who attends or has attended any public school, area
8 technical center, or public postsecondary educational
9 institution shall have the following rights with respect to
10 any records or reports created, maintained, and used by any
11 public educational institution in the state. However,
12 whenever a student has attained 18 years of age, or is
13 attending a postsecondary educational institution, the
14 permission or consent required of, and the rights accorded to,
15 the parents of the student shall thereafter be required of and
16 accorded to the student only, unless the student is a
17 dependent student of such parents as defined in 26 U.S.C. s.
18 152 (s. 152 of the Internal Revenue Code of 1954). The State
19 Board of Education shall adopt rules whereby parents or
20 students may exercise these rights:

21 (a) Right of access.--

22 1. Such parent or student shall have the right, upon
23 request directed to the appropriate school official, to be
24 provided with a list of the types of records and reports,
25 directly related to students, as maintained by the institution
26 that the student attends or has attended.

27 2. Such parent or student shall have the right, upon
28 request, to be shown any record or report relating to such
29 student maintained by any public educational institution.
30 When the record or report includes information on more than
31 one student, the parent or student shall be entitled to

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1 receive, or be informed of, only that part of the record or
2 report that pertains to the student who is the subject of the
3 request. Upon a reasonable request therefor, the institution
4 shall furnish such parent or student with an explanation or
5 interpretation of any such record or report.

6 3. Copies of any list, record, or report requested
7 under the provisions of this paragraph shall be furnished to
8 the parent or student upon request.

9 4. The State Board of Education shall adopt rules to
10 be followed by all public educational institutions in granting
11 requests for lists, or for access to reports and records or
12 for copies or explanations thereof under this paragraph.
13 However, access to any report or record requested under the
14 provisions of subparagraph 2. shall be granted within 30 days
15 after receipt of such request by the institution. Fees may be
16 charged for furnishing any copies of reports or records
17 requested under subparagraph 3., but such fees shall not
18 exceed the actual cost to the institution of producing such
19 copies.

20 (b) Right of waiver of access to confidential letters
21 or statements.--A parent or student shall have the right to
22 waive the right of access to letters or statements of
23 recommendation or evaluation, except that such waiver shall
24 apply to recommendations or evaluations only if:

25 1. The parent or student is, upon request, notified of
26 the names of all persons submitting confidential letters or
27 statements.

28 2. Such recommendations or evaluations are used solely
29 for the purpose for which they were specifically intended.

30
31 Such waivers may not be required as a condition for admission

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1 to, receipt of financial aid from, or receipt of any other
2 services or benefits from, any public agency or public
3 educational institution in this state.

4 (c) Right to challenge and hearing.--A parent or
5 student shall have the right to challenge the content of any
6 record or report to which such person is granted access under
7 paragraph (a), in order to ensure that the record or report is
8 not inaccurate, misleading, or otherwise in violation of the
9 privacy or other rights of the student and to provide an
10 opportunity for the correction, deletion, or expunction of any
11 inaccurate, misleading, or otherwise inappropriate data or
12 material contained therein. Any challenge arising under the
13 provisions of this paragraph may be settled through informal
14 meetings or discussions between the parent or student and
15 appropriate officials of the educational institution. If the
16 parties at such a meeting agree to make corrections, to make
17 deletions, to expunge material, or to add a statement of
18 explanation or rebuttal to the file, such agreement shall be
19 reduced to writing and signed by the parties; and the
20 appropriate school officials shall take the necessary actions
21 to implement the agreement. If the parties cannot reach an
22 agreement, upon the request of either party, a hearing shall
23 be held on such challenge under rules adopted by the State
24 Board of Education. Upon the request of the parent or student,
25 the hearing shall be exempt from the requirements of s.

26 286.011. Such rules shall include at least the following
27 provisions:

28 1. The hearing shall be conducted within a reasonable
29 period of time following the request for the hearing.

30 2. The hearing shall be conducted, and the decision
31 rendered, by an official of the educational institution or

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1 other party who does not have a direct interest in the outcome
2 of the hearing.

3 3. The parent or student shall be afforded a full and
4 fair opportunity to present evidence relevant to the issues
5 raised under this paragraph.

6 4. The decision shall be rendered in writing within a
7 reasonable period of time after the conclusion of the hearing.

8 5. The appropriate school officials shall take the
9 necessary actions to implement the decision.

10 (d) Right of privacy.--Every student shall have a
11 right of privacy with respect to the educational records kept
12 on him or her. Personally identifiable records or reports of a
13 student, and any personal information contained therein, are
14 confidential and exempt from the provisions of s. 119.07(1).
15 No state or local educational agency, board, public school,
16 technical center, or public postsecondary educational
17 institution shall permit the release of such records, reports,
18 or information without the written consent of the student's
19 parent, or of the student himself or herself if he or she is
20 qualified as provided in this subsection, to any individual,
21 agency, or organization. However, personally identifiable
22 records or reports of a student may be released to the
23 following persons or organizations without the consent of the
24 student or the student's parent:

25 1. Officials of schools, school systems, technical
26 centers, or public postsecondary educational institutions in
27 which the student seeks or intends to enroll; and a copy of
28 such records or reports shall be furnished to the parent or
29 student upon request.

30 2. Other school officials, including teachers within
31 the educational institution or agency, who have legitimate

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1 educational interests in the information contained in the
2 records.

3 3. The United States Secretary of Education, the
4 Director of the National Institute of Education, the Assistant
5 Secretary for Education, the Comptroller General of the United
6 States, or state or local educational authorities who are
7 authorized to receive such information subject to the
8 conditions set forth in applicable federal statutes and
9 regulations of the United States Department of Education, or
10 in applicable state statutes and rules of the State Board of
11 Education.

12 4. Other school officials, in connection with a
13 student's application for or receipt of financial aid.

14 5. Individuals or organizations conducting studies for
15 or on behalf of an institution or a board of education for the
16 purpose of developing, validating, or administering predictive
17 tests, administering student aid programs, or improving
18 instruction, if such studies are conducted in such a manner as
19 will not permit the personal identification of students and
20 their parents by persons other than representatives of such
21 organizations and if such information will be destroyed when
22 no longer needed for the purpose of conducting such studies.

23 6. Accrediting organizations, in order to carry out
24 their accrediting functions.

25 7. School readiness coalitions and the Florida
26 Partnership for School Readiness in order to carry out their
27 assigned duties.

28 8. For use as evidence in student expulsion hearings
29 conducted by a district school board pursuant to the
30 provisions of chapter 120.

31 9. Appropriate parties in connection with an

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1 emergency, if knowledge of the information in the student's
2 educational records is necessary to protect the health or
3 safety of the student or other individuals.

4 10. The Auditor General and the Office of Program
5 Policy Analysis and Government Accountability in connection
6 with their official functions; however, except when the
7 collection of personally identifiable information is
8 specifically authorized by law, any data collected by the
9 Auditor General and the Office of Program Policy Analysis and
10 Government Accountability is confidential and exempt from the
11 provisions of s. 119.07(1) and shall be protected in such a
12 way as will not permit the personal identification of students
13 and their parents by other than the Auditor General, the
14 Office of Program Policy Analysis and Government
15 Accountability, and their staff, and such personally
16 identifiable data shall be destroyed when no longer needed for
17 the Auditor General's and the Office of Program Policy
18 Analysis and Government Accountability's official use.

19 11.a. A court of competent jurisdiction in compliance
20 with an order of that court or the attorney of record pursuant
21 to a lawfully issued subpoena, upon the condition that the
22 student and the student's parent are notified of the order or
23 subpoena in advance of compliance therewith by the educational
24 institution or agency.

25 b. A person or entity pursuant to a court of competent
26 jurisdiction in compliance with an order of that court or the
27 attorney of record pursuant to a lawfully issued subpoena,
28 upon the condition that the student, or his or her parent if
29 the student is either a minor and not attending a
30 postsecondary educational institution or a dependent of such
31 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal

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1 Revenue Code of 1954), is notified of the order or subpoena in
2 advance of compliance therewith by the educational institution
3 or agency.

4 12. Credit bureaus, in connection with an agreement
5 for financial aid that the student has executed, provided that
6 such information may be disclosed only to the extent necessary
7 to enforce the terms or conditions of the financial aid
8 agreement. Credit bureaus shall not release any information
9 obtained pursuant to this paragraph to any person.

10 13. Parties to an interagency agreement among the
11 Department of Juvenile Justice, school and law enforcement
12 authorities, and other signatory agencies for the purpose of
13 reducing juvenile crime and especially motor vehicle theft by
14 promoting cooperation and collaboration, and the sharing of
15 appropriate information in a joint effort to improve school
16 safety, to reduce truancy and in-school and out-of-school
17 suspensions, and to support alternatives to in-school and
18 out-of-school suspensions and expulsions that provide
19 structured and well-supervised educational programs
20 supplemented by a coordinated overlay of other appropriate
21 services designed to correct behaviors that lead to truancy,
22 suspensions, and expulsions, and that support students in
23 successfully completing their education. Information provided
24 in furtherance of such interagency agreements is intended
25 solely for use in determining the appropriate programs and
26 services for each juvenile or the juvenile's family, or for
27 coordinating the delivery of such programs and services, and
28 as such is inadmissible in any court proceedings prior to a
29 dispositional hearing unless written consent is provided by a
30 parent or other responsible adult on behalf of the juvenile.

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1 This paragraph does not prohibit any educational institution
2 from publishing and releasing to the general public directory
3 information relating to a student if the institution elects to
4 do so. However, no educational institution shall release, to
5 any individual, agency, or organization that is not listed in
6 subparagraphs 1.-13., directory information relating to the
7 student body in general or a portion thereof unless it is
8 normally published for the purpose of release to the public in
9 general. Any educational institution making directory
10 information public shall give public notice of the categories
11 of information that it has designated as directory information
12 with respect to all students attending the institution and
13 shall allow a reasonable period of time after such notice has
14 been given for a parent or student to inform the institution
15 in writing that any or all of the information designated
16 should not be released.

17 (4) NOTIFICATION.--Every parent and student entitled
18 to rights relating to student records and reports under the
19 provisions of subsection (3) shall be notified annually, in
20 writing, of such rights and that the institution has a policy
21 of supporting the law; the types of information and data
22 generally entered in the student records as maintained by the
23 institution; and the procedures to be followed in order to
24 exercise such rights. The notification shall be general in
25 form and in a manner to be determined by the State Board of
26 Education and may be incorporated with other printed materials
27 distributed to students, such as being printed on the back of
28 school assignment forms or report cards for students attending
29 kindergarten or grades 1 through 12 in the public school
30 system and being printed in college catalogs or in other
31 program announcement bulletins for students attending

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1 postsecondary educational institutions.

2 (5) PENALTY.--In the event that any public school
3 official or employee, district school board official or
4 employee, technical center official or employee, or public
5 postsecondary educational institution official or employee
6 refuses to comply with any of the provisions of this section,
7 the aggrieved parent or student shall have an immediate right
8 to bring an action in the circuit court to enforce the
9 violated right by injunction. Any aggrieved parent or student
10 who brings such an action and whose rights are vindicated may
11 be awarded attorney's fees and court costs.

12 (6) APPLICABILITY TO RECORDS OF DEFUNCT
13 INSTITUTIONS.--The provisions of this section also apply to
14 student records that any nonpublic educational institution
15 that is no longer operating has deposited with the district
16 school superintendent in the county where the nonpublic
17 educational institution was located.

18 Section 95. Part III of chapter 1002, Florida
19 Statutes, shall be entitled "Educational Choice" and shall
20 consist of ss. 1002.31-1002.39.

21 Section 96. Section 1002.31, Florida Statutes, is
22 created to read:

23 1002.31 Public school parental choice.--

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

29 (2) Each district school board may offer controlled
30 open enrollment within the public schools. The controlled open
31 enrollment program shall be offered in addition to the

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1 existing choice programs such as magnet schools, alternative
2 schools, special programs, advanced placement, and dual
3 enrollment.

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

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

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

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

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

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

20 (d) A lottery procedure used by the school district to
21 determine student assignment.

22 (e) An appeals process for hardship cases.

23 (f) The procedures to maintain socioeconomic,
24 demographic, and racial balance.

25 (g) The availability of transportation.

26 (h) A process that promotes strong parental
27 involvement, including the designation of a parent liaison.

28 (i) A strategy that establishes a clearinghouse of
29 information designed to assist parents in making informed
30 choices.

31 (6) Plans shall be submitted to the Commissioner of

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1 Education. The Commissioner of Education shall develop an
2 annual report on the status of school choice and deliver the
3 report to the Governor, the President of the Senate, and the
4 Speaker of the House of Representatives at least 90 days prior
5 to the convening of the regular session of the Legislature.

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

12 (8) Each district school board shall annually report
13 the number of students applying for and attending the various
14 types of public schools of choice in the district, including
15 schools such as magnet schools and public charter schools,
16 according to rules adopted by the State Board of Education.

17 Section 97. Section 1002.32, Florida Statutes, is
18 created to read:

19 1002.32 Developmental research (laboratory) schools.--

20 (1) SHORT TITLE.--This section may be cited as the
21 "Sidney Martin Developmental Research School Act."

22 (2) ESTABLISHMENT.--There is established a category of
23 public schools to be known as developmental research
24 (laboratory) schools (lab schools). Each lab school shall
25 provide sequential instruction and shall be affiliated with
26 the college of education within the state university of
27 closest geographic proximity. A lab school to which a charter
28 has been issued under s. 1002.33(5)(b) must be affiliated with
29 the college of education within the state university that
30 issued the charter, but is not subject to the requirement that
31 the state university be of closest geographic proximity. For

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1 the purpose of state funding, Florida Agricultural and
2 Mechanical University, Florida Atlantic University, Florida
3 State University, the University of Florida, and other
4 universities approved by the State Board of Education and the
5 Legislature are authorized to sponsor one or more lab schools.

6 (3) MISSION.--The mission of a lab school shall be the
7 provision of a vehicle for the conduct of research,
8 demonstration, and evaluation regarding management, teaching,
9 and learning. Programs to achieve the mission of a lab school
10 shall embody the goals and standards established pursuant to
11 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate
12 education for its students.

13 (a) Each lab school shall emphasize mathematics,
14 science, computer science, and foreign languages. The primary
15 goal of a lab school is to enhance instruction and research in
16 such specialized subjects by using the resources available on
17 a state university campus, while also providing an education
18 in nonspecialized subjects. Each lab school shall provide
19 sequential elementary and secondary instruction where
20 appropriate. A lab school may not provide instruction at grade
21 levels higher than grade 12 without authorization from the
22 State Board of Education. Each developmental research school
23 shall develop and implement a school improvement plan pursuant
24 to s. 1003.02(3).

25 (b) Research, demonstration, and evaluation conducted
26 at a lab school may be generated by the college of education
27 and other colleges within the university with which the school
28 is affiliated.

29 (c) Research, demonstration, and evaluation conducted
30 at a lab school may be generated by the State Board of
31 Education. Such research shall respond to the needs of the

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1 education community at large, rather than the specific needs
2 of the affiliated college.

3 (d) Research, demonstration, and evaluation conducted
4 at a lab school may consist of pilot projects to be generated
5 by the affiliated college, the State Board of Education, or
6 the Legislature.

7 (e) The exceptional education programs offered at a
8 lab school shall be determined by the research and evaluation
9 goals and the availability of students for efficiently sized
10 programs. The fact that a lab school offers an exceptional
11 education program in no way lessens the general responsibility
12 of the local school district to provide exceptional education
13 programs.

14 (4) STUDENT ADMISSIONS.--Each lab school may establish
15 a primary research objective related to fundamental issues and
16 problems that occur in the public elementary and secondary
17 schools of the state. A student population reflective of the
18 student population of the public school environment in which
19 the issues and problems are most prevalent shall be promoted
20 and encouraged through the establishment and implementation of
21 an admission process that is designed to result in a
22 representative sample of public school enrollment based on
23 gender, race, socioeconomic status, and academic ability,
24 notwithstanding the provisions of s. 1000.05.

25 (5) STUDENT FEES.--Each lab school may charge a
26 student activity and service fee. Any school that elects to
27 charge such a fee shall provide information regarding the use
28 of the fee as well as an annual report that documents the
29 manner in which the moneys provided by such fee were expended.
30 The annual report prescribed in this subsection shall be
31 distributed to the parents of each student. No additional fees

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1 shall be charged.

2 (6) SUPPLEMENTAL-SUPPORT ORGANIZATIONS.--Each lab
3 school may accrue supplemental revenue from
4 supplemental-support organizations, which include, but are not
5 limited to, alumni associations, foundations, parent-teacher
6 associations, and booster associations. The governing body of
7 each supplemental-support organization shall recommend the
8 expenditure of moneys collected by the organization for the
9 benefit of the school. Such expenditures shall be contingent
10 upon the recommendations of the school advisory council and
11 review of the director. The director may override any proposed
12 expenditure of the organization that would violate Florida
13 Statutes or breach sound educational management.

14 (7) PERSONNEL.--

15 (a) Each lab school may employ either a director or a
16 principal, or both, at the discretion of the university. The
17 duties of such personnel shall be as follows:

18 1. Each director shall be the chief executive officer
19 and shall oversee the education, research, and evaluation
20 goals of the school. The director shall be responsible for
21 recommending policy to the advisory board. The director shall
22 be accountable for the financial resources of the school.

23 2. Each principal shall be the chief educational
24 officer and shall oversee the educational program of the
25 school. The principal shall be accountable for the daily
26 operation and administration of the school.

27 (b) Faculty may serve simultaneously as instructional
28 personnel for the lab school and the university with which the
29 school is affiliated. Nothing in this section is intended to
30 affect the collective bargaining rights of lab school
31 employees, except as specifically provided in this section.

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1 (c) Lab school faculty members shall meet the
2 certification requirements of ss. 1012.32 and 1012.42.

3 (8) ADVISORY BOARDS.--Each public school in the state
4 shall establish a school advisory council that is reflective
5 of the population served by the school, pursuant to s.
6 1001.452, and is responsible for the development and
7 implementation of the school improvement plan pursuant to s.
8 1003.02(3). Lab schools shall comply with the provisions of s.
9 1001.452 in one of two ways:

10 (a) Each lab school may establish two advisory bodies
11 as follows:

12 1. An advisory body pursuant to the provisions and
13 requirements of s. 1001.452 to be responsible for the
14 development and implementation of the school improvement plan,
15 pursuant to s. 1003.02(3).

16 2. An advisory board to provide general oversight and
17 guidance. The dean of the affiliated college of education
18 shall be a standing member of the board, and the president of
19 the university shall appoint four faculty members from the
20 related university, at least two of whom are from the college
21 of education, one layperson who resides in the county in which
22 the school is located, two parents of students who attend the
23 lab school, and one lab school student appointed by the
24 principal to serve on the advisory board. The term of each
25 member shall be for 2 years, and any vacancy shall be filled
26 with a person of the same classification as his or her
27 predecessor for the balance of the unexpired term. The
28 president shall stagger the terms of the initial appointees in
29 a manner that results in the expiration of terms of no more
30 than two members in any year. The president shall call the
31 organizational meeting of the board. The board shall annually

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1 elect a chair and a vice chair. There shall be no limitation
2 on successive appointments to the board or successive terms
3 that may be served by a chair or vice chair. The board shall
4 adopt internal organizational procedures or bylaws necessary
5 for efficient operation as provided in chapter 120. Board
6 members shall not receive per diem or travel expenses for the
7 performance of their duties. The board shall:
8 a. Meet at least quarterly.
9 b. Monitor the operations of the school and the
10 distribution of moneys allocated for such operations.
11 c. Establish necessary policy, program, and
12 administration modifications.
13 d. Evaluate biennially the performance of the director
14 and principal and recommend corresponding action to the dean
15 of the college of education.
16 e. Annually review evaluations of the school's
17 operation and research findings.
18 (b) Each lab school may establish one advisory body
19 responsible for the development and implementation of the
20 school improvement plan, pursuant to s. 1003.02(3), in
21 addition to general oversight and guidance responsibilities.
22 The advisory body shall reflect the membership composition
23 requirements established in s. 1001.452, but may also include
24 membership by the dean of the college of education and
25 additional members appointed by the president of the
26 university that represent faculty members from the college of
27 education, the university, or other bodies deemed appropriate
28 for the mission of the school.
29 (9) FUNDING.--Funding for a lab school, including a
30 charter lab school, shall be provided as follows:
31 (a) Each lab school shall be allocated its

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1 proportional share of operating funds from the Florida
2 Education Finance Program as provided in s. 1011.62 and the
3 General Appropriations Act. The nonvoted ad valorem millage
4 that would otherwise be required for lab schools shall be
5 allocated from state funds. The required local effort funds
6 calculated pursuant to s. 1011.62 shall be allocated from
7 state funds to the schools as a part of the allocation of
8 operating funds pursuant to s. 1011.62. Each eligible lab
9 school shall also receive a proportional share of the sparsity
10 supplement as calculated pursuant to s. 1011.62. In addition,
11 each lab school shall receive its proportional share of all
12 categorical funds, with the exception of s. 1011.68, and new
13 categorical funds enacted after July 1, 1994, for the purpose
14 of elementary or secondary academic program enhancement. The
15 sum of funds available as provided in this paragraph shall be
16 included annually in the Florida Education Finance Program and
17 appropriate categorical programs funded in the General
18 Appropriations Act.

19 (b) There is created a Lab School Educational Facility
20 Trust Fund to be administered by the Commissioner of
21 Education. Allocations from such fund shall be expended solely
22 for the purpose of facility construction, repair, renovation,
23 remodeling, site improvement, or maintenance. The commissioner
24 shall administer the fund in accordance with ss. 1013.60,
25 1013.64, 1013.65, and 1013.66.

26 (c) All operating funds provided under this section
27 shall be deposited in a Lab School Trust Fund and shall be
28 expended for the purposes of this section. The university
29 assigned a lab school shall be the fiscal agent for these
30 funds, and all rules of the university governing the budgeting
31 and expenditure of state funds shall apply to these funds

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1 unless otherwise provided by law or rule of the State Board of
2 Education. The State Board of Education shall be the public
3 employer of lab school personnel for collective bargaining
4 purposes.

5 (d) Each lab school shall receive funds for operating
6 purposes in an amount determined as follows: multiply the
7 maximum allowable nonvoted discretionary millage for
8 operations pursuant to s. 1011.71(1) by the value of 95
9 percent of the current year's taxable value for school
10 purposes for the district in which each lab school is located;
11 divide the result by the total full-time equivalent membership
12 of the district; and multiply the result by the full-time
13 equivalent membership of the lab school. The amount thus
14 obtained shall be discretionary operating funds and shall be
15 appropriated from state funds in the General Appropriations
16 Act to the Lab School Trust Fund.

17 (e) Each lab school shall receive funds for capital
18 improvement purposes in an amount determined as follows:
19 multiply the maximum allowable nonvoted discretionary millage
20 for capital improvements pursuant to s. 1011.71(2) by the
21 value of 95 percent of the current year's taxable value for
22 school purposes for the district in which each lab school is
23 located; divide the result by the total full-time equivalent
24 membership of the district; and multiply the result by the
25 full-time equivalent membership of the lab school. The amount
26 thus obtained shall be discretionary capital improvement funds
27 and shall be appropriated from state funds in the General
28 Appropriations Act to the Lab School Educational Facility
29 Trust Fund.

30 (f) In addition to the funds appropriated for capital
31 outlay budget needs, lab schools may receive specific funding

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1 as specified in the General Appropriations Act for upgrading,
2 renovating, and remodeling science laboratories.

3 (g) Each lab school is designated a teacher education
4 center and may provide inservice training to school district
5 personnel. The Department of Education shall provide funds to
6 the Lab School Trust Fund for this purpose from appropriations
7 for inservice teacher education.

8 (h) A lab school to which a charter has been issued
9 under s. 1002.33(5)(b) is eligible to receive funding for
10 charter school capital outlay if it meets the eligibility
11 requirements of s. 1013.62. If the lab school receives funds
12 from charter school capital outlay, the school shall receive
13 capital outlay funds otherwise provided in this subsection
14 only to the extent that funds allocated pursuant to s. 1013.62
15 are insufficient to provide capital outlay funds to the lab
16 school at one-fifteenth of the cost per student station.

17 (10) IMPLEMENTATION.--The State Board of Education
18 shall adopt rules necessary to facilitate the implementation
19 of this section.

20 (11) EXCEPTIONS TO LAW.--To encourage innovative
21 practices and facilitate the mission of the lab schools, in
22 addition to the exceptions to law specified in s. 1001.23(2),
23 the following exceptions shall be permitted for lab schools:

24 (a) The methods and requirements of the following
25 statutes shall be held in abeyance: ss. 1001.30; 1001.31;
26 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361;
27 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38;
28 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.46;
29 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
30 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4);
31 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43;

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1 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50;
2 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3),
3 (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71;
4 1011.72; 1011.73; 1011.74; 1013.77; and 316.75.

5 (b) With the exception of s. 1001.42(16), s. 1001.42
6 shall be held in abeyance. Reference to district school boards
7 in s. 1001.42(16) shall mean the president of the university
8 or the president's designee.

9 Section 98. Section 1002.33, Florida Statutes, is
10 created to read:

11 1002.33 Charter schools.--

12 (1) AUTHORIZATION.--Charter schools shall be part of
13 the state's program of public education. All charter schools
14 in Florida are public schools. A charter school may be formed
15 by creating a new school or converting an existing public
16 school to charter status. A public school may not use the term
17 charter in its name unless it has been approved under this
18 section.

19 (2) PURPOSE.--The purpose of charter schools shall be
20 to:

21 (a) Provide additional academic choices for parents
22 and students.

23 (b) Increase learning opportunity choices for
24 students.

25 (c) Increase learning opportunities for all students,
26 with special emphasis on expanded learning experiences for
27 students who are identified as academically low achieving.

28 (d) Encourage the use of different and innovative
29 learning methods.

30 (e) Improve student learning.

31 (f) Establish a new form of accountability for

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1 schools.

2 (g) Require the measurement of learning outcomes and
3 create innovative measurement tools.

4 (h) Make the school the unit for improvement.

5 (i) Provide rigorous competition within the public
6 school district to stimulate continual improvement in all
7 public schools.

8 (j) Expand the capacity of the public school system.

9 (k) Create new professional opportunities for
10 teachers.

11 (3) APPLICATION FOR CHARTER STATUS.--

12 (a) An application for a new charter school may be
13 made by an individual, teachers, parents, a group of
14 individuals, a municipality, or a legal entity organized under
15 the laws of this state.

16 (b) An application for a conversion charter school
17 shall be made by the district school board, the principal,
18 teachers, parents, and/or the school advisory council at an
19 existing public school that has been in operation for at least
20 2 years prior to the application to convert, including a
21 public school-within-a-school that is designated as a school
22 by the district school board. An application submitted
23 proposing to convert an existing public school to a charter
24 school shall demonstrate the support of at least 50 percent of
25 the teachers employed at the school and 50 percent of the
26 parents voting whose children are enrolled at the school,
27 provided that a majority of the parents eligible to vote
28 participate in the ballot process, according to rules adopted
29 by the State Board of Education. A district school board
30 denying an application for a conversion charter school shall
31 provide notice of denial to the applicants in writing within

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1 30 days after the meeting at which the district school board
2 denied the application. The notice must specify the exact
3 reasons for denial and must provide documentation supporting
4 those reasons. A private school, parochial school, or home
5 education program shall not be eligible for charter school
6 status.

7 (4) UNLAWFUL REPRISAL.--

8 (a) No district school board, or district school board
9 employee who has control over personnel actions, shall take
10 unlawful reprisal against another district school board
11 employee because that employee is either directly or
12 indirectly involved with an application to establish a charter
13 school. As used in this subsection, the term "unlawful
14 reprisal" means an action taken by a district school board or
15 a school system employee against an employee who is directly
16 or indirectly involved in a lawful application to establish a
17 charter school, which occurs as a direct result of that
18 involvement, and which results in one or more of the
19 following: disciplinary or corrective action; adverse transfer
20 or reassignment, whether temporary or permanent; suspension,
21 demotion, or dismissal; an unfavorable performance evaluation;
22 a reduction in pay, benefits, or rewards; elimination of the
23 employee's position absent of a reduction in workforce as a
24 result of lack of moneys or work; or other adverse significant
25 changes in duties or responsibilities that are inconsistent
26 with the employee's salary or employment classification. The
27 following procedures shall apply to an alleged unlawful
28 reprisal that occurs as a consequence of an employee's direct
29 or indirect involvement with an application to establish a
30 charter school:

- 31 1. Within 60 days after the date upon which a reprisal

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1 prohibited by this subsection is alleged to have occurred, an
2 employee may file a complaint with the Department of
3 Education.

4 2. Within 3 working days after receiving a complaint
5 under this section, the Department of Education shall
6 acknowledge receipt of the complaint and provide copies of the
7 complaint and any other relevant preliminary information
8 available to each of the other parties named in the complaint,
9 which parties shall each acknowledge receipt of such copies to
10 the complainant.

11 3. If the Department of Education determines that the
12 complaint demonstrates reasonable cause to suspect that an
13 unlawful reprisal has occurred, the Department of Education
14 shall conduct an investigation to produce a fact-finding
15 report.

16 4. Within 90 days after receiving the complaint, the
17 Department of Education shall provide the district school
18 superintendent of the complainant's district and the
19 complainant with a fact-finding report that may include
20 recommendations to the parties or a proposed resolution of the
21 complaint. The fact-finding report shall be presumed
22 admissible in any subsequent or related administrative or
23 judicial review.

24 5. If the Department of Education determines that
25 reasonable grounds exist to believe that an unlawful reprisal
26 has occurred, is occurring, or is to be taken, and is unable
27 to conciliate a complaint within 60 days after receipt of the
28 fact-finding report, the Department of Education shall
29 terminate the investigation. Upon termination of any
30 investigation, the Department of Education shall notify the
31 complainant and the district school superintendent of the

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1 termination of the investigation, providing a summary of
2 relevant facts found during the investigation and the reasons
3 for terminating the investigation. A written statement under
4 this paragraph is presumed admissible as evidence in any
5 judicial or administrative proceeding.

6 6. The Department of Education shall either contract
7 with the Division of Administrative Hearings under s. 120.65,
8 or otherwise provide for a complaint for which the Department
9 of Education determines reasonable grounds exist to believe
10 that an unlawful reprisal has occurred, is occurring, or is to
11 be taken, and is unable to conciliate, to be heard by a panel
12 of impartial persons. Upon hearing the complaint, the panel
13 shall make findings of fact and conclusions of law for a final
14 decision by the Department of Education.

15
16 It shall be an affirmative defense to any action brought
17 pursuant to this section that the adverse action was
18 predicated upon grounds other than, and would have been taken
19 absent, the employee's exercise of rights protected by this
20 section.

21 (b) In any action brought under this section for which
22 it is determined reasonable grounds exist to believe that an
23 unlawful reprisal has occurred, is occurring, or is to be
24 taken, the relief shall include the following:

25 1. Reinstatement of the employee to the same position
26 held before the unlawful reprisal was commenced, or to an
27 equivalent position, or payment of reasonable front pay as
28 alternative relief.

29 2. Reinstatement of the employee's full fringe
30 benefits and seniority rights, as appropriate.

31 3. Compensation, if appropriate, for lost wages,

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1 benefits, or other lost remuneration caused by the unlawful
2 reprisal.

3 4. Payment of reasonable costs, including attorney's
4 fees, to a substantially prevailing employee, or to the
5 prevailing employer if the employee filed a frivolous action
6 in bad faith.

7 5. Issuance of an injunction, if appropriate, by a
8 court of competent jurisdiction.

9 6. Temporary reinstatement to the employee's former
10 position or to an equivalent position, pending the final
11 outcome of the complaint, if it is determined that the action
12 was not made in bad faith or for a wrongful purpose, and did
13 not occur after a district school board's initiation of a
14 personnel action against the employee that includes
15 documentation of the employee's violation of a disciplinary
16 standard or performance deficiency.

17 (5) SPONSOR.--

18 (a) A district school board may sponsor a charter
19 school in the county over which the district school board has
20 jurisdiction.

21 (b) A state university may grant a charter to a lab
22 school created under s. 1002.32 and shall be considered to be
23 the school's sponsor. Such school shall be considered a
24 charter lab school.

25 (c) The sponsor shall monitor and review the charter
26 school in its progress towards the goals established in the
27 charter.

28 (d) The sponsor shall monitor the revenues and
29 expenditures of the charter school.

30 (e) The sponsor may approve a charter for a charter
31 school before the applicant has secured space, equipment, or

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1 personnel, if the applicant indicates approval is necessary
2 for it to raise working capital.

3 (f) The sponsor's policies shall not apply to a
4 charter school.

5 (g) A sponsor shall ensure that the charter is
6 innovative and consistent with the state education goals
7 established by s. 1000.03(5).

8 (6) APPLICATION PROCESS AND REVIEW.--

9 (a) A district school board shall receive and review
10 all applications for a charter school. A district school board
11 shall receive and consider charter school applications
12 received on or before October 1 of each calendar year for
13 charter schools to be opened at the beginning of the school
14 district's next school year, or to be opened at a time agreed
15 to by the applicant and the district school board. A district
16 school board may receive applications later than this date if
17 it chooses. A sponsor may not charge an applicant for a
18 charter any fee for the processing or consideration of an
19 application, and a sponsor may not base its consideration or
20 approval of an application upon the promise of future payment
21 of any kind.

22 1. In order to facilitate an accurate budget
23 projection process, a district school board shall be held
24 harmless for FTE students who are not included in the FTE
25 projection due to approval of charter school applications
26 after the FTE projection deadline. In a further effort to
27 facilitate an accurate budget projection, within 15 calendar
28 days after receipt of a charter school application, a district
29 school board or other sponsor shall report to the Department
30 of Education the name of the applicant entity, the proposed
31 charter school location, and its projected FTE.

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1 2. A district school board shall by a majority vote
2 approve or deny an application no later than 60 calendar days
3 after the application is received, unless the district school
4 board and the applicant mutually agree to temporarily postpone
5 the vote to a specific date, at which time the district school
6 board shall by a majority vote approve or deny the
7 application. If the district school board fails to act on the
8 application, an applicant may appeal to the State Board of
9 Education as provided in paragraph (b). If an application is
10 denied, the district school board shall, within 10 calendar
11 days, articulate in writing the specific reasons based upon
12 good cause supporting its denial of the charter application.

13 3. For budget projection purposes, the district school
14 board or other sponsor shall report to the Department of
15 Education the approval or denial of a charter application
16 within 10 calendar days after such approval or denial. In the
17 event of approval, the report to the Department of Education
18 shall include the final projected FTE for the approved charter
19 school.

20 4. Upon approval of a charter application, the initial
21 startup shall commence with the beginning of the public school
22 calendar for the district in which the charter is granted
23 unless the district school board allows a waiver of this
24 provision for good cause.

25 (b) An applicant may appeal any denial of that
26 applicant's application or failure to act on an application to
27 the State Board of Education no later than 30 calendar days
28 after receipt of the district school board's decision or
29 failure to act and shall notify the district school board of
30 its appeal. Any response of the district school board shall
31 be submitted to the State Board of Education within 30

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1 calendar days after notification of the appeal. Upon receipt
2 of notification from the State Board of Education that a
3 charter school applicant is filing an appeal, the Commissioner
4 of Education shall convene a meeting of the Charter School
5 Appeal Commission to study and make recommendations to the
6 State Board of Education regarding its pending decision about
7 the appeal. The commission shall forward its recommendation
8 to the state board no later than 7 calendar days prior to the
9 date on which the appeal is to be heard. The State Board of
10 Education shall by majority vote accept or reject the decision
11 of the district school board no later than 60 calendar days
12 after an appeal is filed in accordance with State Board of
13 Education rule. The Charter School Appeal Commission may
14 reject an appeal submission for failure to comply with
15 procedural rules governing the appeals process. The rejection
16 shall describe the submission errors. The appellant may have
17 up to 15 calendar days from notice of rejection to resubmit an
18 appeal that meets requirements of State Board of Education
19 rule. An application for appeal submitted subsequent to such
20 rejection shall be considered timely if the original appeal
21 was filed within 30 calendar days after receipt of notice of
22 the specific reasons for the district school board's denial of
23 the charter application. The State Board of Education shall
24 remand the application to the district school board with its
25 written decision that the district school board approve or
26 deny the application. The district school board shall
27 implement the decision of the State Board of Education. The
28 decision of the State Board of Education is not subject to the
29 provisions of the Administrative Procedures Act, chapter 120.

30 (c) The district school board shall act upon the
31 decision of the State Board of Education within 30 calendar

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1 days after it is received. The State Board of Education's
2 decision is a final action subject to judicial review.

3 (d)1. A Charter School Appeal Commission is
4 established to assist the commissioner and the State Board of
5 Education with a fair and impartial review of appeals by
6 applicants whose charters have been denied or whose charter
7 contracts have not been renewed by their sponsors.

8 2. The Charter School Appeal Commission may receive
9 copies of the appeal documents forwarded to the State Board of
10 Education, review the documents, gather other applicable
11 information regarding the appeal, and make a written
12 recommendation to the commissioner. The recommendation must
13 state whether the appeal should be upheld or denied and
14 include the reasons for the recommendation being offered. The
15 commissioner shall forward the recommendation to the State
16 Board of Education no later than 7 calendar days prior to the
17 date on which the appeal is to be heard. The state board must
18 consider the commission's recommendation in making its
19 decision, but is not bound by the recommendation. The
20 decision of the Charter School Appeal Commission is not
21 subject to the provisions of the Administrative Procedure Act,
22 chapter 120.

23 3. The commissioner shall appoint the members of the
24 Charter School Appeal Commission. Members shall serve without
25 compensation but may be reimbursed for travel and per diem
26 expenses in conjunction with their service. One-half of the
27 members must represent currently operating charter schools and
28 one-half of the members must represent school districts. The
29 commissioner or a named designee shall chair the Charter
30 School Appeal Commission.

31 4. The chair shall convene meetings of the commission

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1 and shall ensure that the written recommendations are
2 completed and forwarded in a timely manner. In cases where
3 the commission cannot reach a decision, the chair shall make
4 the written recommendation with justification, noting that the
5 decision was rendered by the chair.

6 5. Commission members shall thoroughly review the
7 materials presented to them from the appellant and the
8 sponsor. The commission may request information to clarify
9 the documentation presented to it. In the course of its
10 review, the commission may facilitate the postponement of an
11 appeal in those cases where additional time and communication
12 may negate the need for a formal appeal and both parties
13 agree, in writing, to postpone the appeal to the State Board
14 of Education. A new date certain for the appeal shall then be
15 set based upon the rules and procedures of the State Board of
16 Education. Commission members shall provide a written
17 recommendation to the state board as to whether the appeal
18 should be upheld or denied. A fact-based justification for
19 the recommendation must be included. The chair must ensure
20 that the written recommendation is submitted to the State
21 Board of Education members no later than 7 calendar days prior
22 to the date on which the appeal is to be heard. Both parties
23 in the case shall also be provided a copy of the
24 recommendation.

25 (e) The Department of Education may provide technical
26 assistance to an applicant upon written request.

27 (f) In considering charter applications for a lab
28 school, a state university shall consult with the district
29 school board of the county in which the lab school is located.
30 The decision of a state university may be appealed pursuant to
31 the procedure established in this subsection.

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1 (g) The terms and conditions for the operation of a
2 charter school shall be set forth by the sponsor and the
3 applicant in a written contractual agreement, called a
4 charter. The sponsor shall not impose unreasonable rules or
5 regulations that violate the intent of giving charter schools
6 greater flexibility to meet educational goals. The applicant
7 and sponsor shall have 6 months in which to mutually agree to
8 the provisions of the charter. The Department of Education
9 shall provide mediation services for any dispute regarding
10 this section subsequent to the approval of a charter
11 application and for any dispute relating to the approved
12 charter, except disputes regarding charter school application
13 denials. If the Commissioner of Education determines that the
14 dispute cannot be settled through mediation, the dispute may
15 be appealed to an administrative law judge appointed by the
16 Division of Administrative Hearings. The administrative law
17 judge may rule on issues of equitable treatment of the charter
18 school as a public school, whether proposed provisions of the
19 charter violate the intended flexibility granted charter
20 schools by statute, or on any other matter regarding this
21 section except a charter school application denial, and shall
22 award the prevailing party reasonable attorney's fees and
23 costs incurred to be paid by the losing party. The costs of
24 the administrative hearing shall be paid by the party whom the
25 administrative law judge rules against.

26 (7) CHARTER.--The major issues involving the operation
27 of a charter school shall be considered in advance and written
28 into the charter. The charter shall be signed by the governing
29 body of the charter school and the sponsor, following a public
30 hearing to ensure community input.

31 (a) The charter shall address, and criteria for

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1 approval of the charter shall be based on:

2 1. The school's mission, the students to be served,
3 and the ages and grades to be included.

4 2. The focus of the curriculum, the instructional
5 methods to be used, any distinctive instructional techniques
6 to be employed, and identification and acquisition of
7 appropriate technologies needed to improve educational and
8 administrative performance which include a means for promoting
9 safe, ethical, and appropriate uses of technology which comply
10 with legal and professional standards.

11 3. The current incoming baseline standard of student
12 academic achievement, the outcomes to be achieved, and the
13 method of measurement that will be used. The criteria listed
14 in this subparagraph shall include a detailed description for
15 each of the following:

16 a. How the baseline student academic achievement
17 levels and prior rates of academic progress will be
18 established.

19 b. How these baseline rates will be compared to rates
20 of academic progress achieved by these same students while
21 attending the charter school.

22 c. To the extent possible, how these rates of progress
23 will be evaluated and compared with rates of progress of other
24 closely comparable student populations.

25
26 The district school board is required to provide academic
27 student performance data to charter schools for each of their
28 students coming from the district school system, as well as
29 rates of academic progress of comparable student populations
30 in the district school system.

31 4. The methods used to identify the educational

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1 strengths and needs of students and how well educational goals
2 and performance standards are met by students attending the
3 charter school. Included in the methods is a means for the
4 charter school to ensure accountability to its constituents by
5 analyzing student performance data and by evaluating the
6 effectiveness and efficiency of its major educational
7 programs. Students in charter schools shall, at a minimum,
8 participate in the statewide assessment program created under
9 s. 1008.22.

10 5. In secondary charter schools, a method for
11 determining that a student has satisfied the requirements for
12 graduation in s. 1003.43.

13 6. A method for resolving conflicts between the
14 governing body of the charter school and the sponsor.

15 7. The admissions procedures and dismissal procedures,
16 including the school's code of student conduct.

17 8. The ways by which the school will achieve a
18 racial/ethnic balance reflective of the community it serves or
19 within the racial/ethnic range of other public schools in the
20 same school district.

21 9. The financial and administrative management of the
22 school, including a reasonable demonstration of the
23 professional experience or competence of those individuals or
24 organizations applying to operate the charter school or those
25 hired or retained to perform such professional services and
26 the description of clearly delineated responsibilities and the
27 policies and practices needed to effectively manage the
28 charter school. A description of internal audit procedures and
29 establishment of controls to ensure that financial resources
30 are properly managed must be included. Both public sector and
31 private sector professional experience shall be equally valid

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1 in such a consideration.

2 10. A description of procedures that identify various
3 risks and provide for a comprehensive approach to reduce the
4 impact of losses; plans to ensure the safety and security of
5 students and staff; plans to identify, minimize, and protect
6 others from violent or disruptive student behavior; and the
7 manner in which the school will be insured, including whether
8 or not the school will be required to have liability
9 insurance, and, if so, the terms and conditions thereof and
10 the amounts of coverage.

11 11. The term of the charter which shall provide for
12 cancellation of the charter if insufficient progress has been
13 made in attaining the student achievement objectives of the
14 charter and if it is not likely that such objectives can be
15 achieved before expiration of the charter. The initial term of
16 a charter shall be for 3, 4, or 5 years. In order to
17 facilitate access to long-term financial resources for charter
18 school construction, charter schools that are operated by a
19 municipality or other public entity as provided by law are
20 eligible for up to a 15-year charter, subject to approval by
21 the district school board. A charter lab school is eligible
22 for a charter for a term of up to 15 years. In addition, to
23 facilitate access to long-term financial resources for charter
24 school construction, charter schools that are operated by a
25 private, not-for-profit, s. 501(c)(3) status corporation are
26 eligible for up to a 10-year charter, subject to approval by
27 the district school board. Such long-term charters remain
28 subject to annual review and may be terminated during the term
29 of the charter, but only for specific good cause according to
30 the provisions set forth in subsection (8).

31 12. The facilities to be used and their location.

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1 13. The qualifications to be required of the teachers
2 and the potential strategies used to recruit, hire, train, and
3 retain qualified staff to achieve best value.

4 14. The governance structure of the school, including
5 the status of the charter school as a public or private
6 employer as required in paragraph (12)(i).

7 15. A timetable for implementing the charter which
8 addresses the implementation of each element thereof and the
9 date by which the charter shall be awarded in order to meet
10 this timetable.

11 16. In the case of an existing public school being
12 converted to charter status, alternative arrangements for
13 current students who choose not to attend the charter school
14 and for current teachers who choose not to teach in the
15 charter school after conversion in accordance with the
16 existing collective bargaining agreement or district school
17 board rule in the absence of a collective bargaining
18 agreement. However, alternative arrangements shall not be
19 required for current teachers who choose not to teach in a
20 charter lab school, except as authorized by the employment
21 policies of the state university which grants the charter to
22 the lab school.

23 (b) A charter may be renewed every 5 school years,
24 provided that a program review demonstrates that the criteria
25 in paragraph (a) have been successfully accomplished and that
26 none of the grounds for nonrenewal established by paragraph
27 (8)(a) have been documented. In order to facilitate long-term
28 financing for charter school construction, charter schools
29 operating for a minimum of 2 years and demonstrating exemplary
30 academic programming and fiscal management are eligible for a
31 15-year charter renewal. Such long-term charter is subject to

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1 annual review and may be terminated during the term of the
2 charter.

3 (c) A charter may be modified during its initial term
4 or any renewal term upon the recommendation of the sponsor or
5 the charter school governing board and the approval of both
6 parties to the agreement.

7 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

8 (a) At the end of the term of a charter, the sponsor
9 may choose not to renew the charter for any of the following
10 grounds:

11 1. Failure to meet the requirements for student
12 performance stated in the charter.

13 2. Failure to meet generally accepted standards of
14 fiscal management.

15 3. Violation of law.

16 4. Other good cause shown.

17 (b) During the term of a charter, the sponsor may
18 terminate the charter for any of the grounds listed in
19 paragraph (a).

20 (c) At least 90 days prior to renewing or terminating
21 a charter, the sponsor shall notify the governing body of the
22 school of the proposed action in writing. The notice shall
23 state in reasonable detail the grounds for the proposed action
24 and stipulate that the school's governing body may, within 14
25 calendar days after receiving the notice, request an informal
26 hearing before the sponsor. The sponsor shall conduct the
27 informal hearing within 30 calendar days after receiving a
28 written request. The charter school's governing body may,
29 within 14 calendar days after receiving the sponsor's decision
30 to terminate or refuse to renew the charter, appeal the
31 decision pursuant to the procedure established in subsection

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1 (6).

2 (d) A charter may be terminated immediately if the
3 sponsor determines that good cause has been shown or if the
4 health, safety, or welfare of the students is threatened. The
5 school district in which the charter school is located shall
6 assume operation of the school under these circumstances. The
7 charter school's governing board may, within 14 days after
8 receiving the sponsor's decision to terminate the charter,
9 appeal the decision pursuant to the procedure established in
10 subsection (6).

11 (e) When a charter is not renewed or is terminated,
12 the school shall be dissolved under the provisions of law
13 under which the school was organized, and any unencumbered
14 public funds from the charter school shall revert to the
15 district school board. In the event a charter school is
16 dissolved or is otherwise terminated, all district school
17 board property and improvements, furnishings, and equipment
18 purchased with public funds shall automatically revert to full
19 ownership by the district school board, subject to complete
20 satisfaction of any lawful liens or encumbrances. Any
21 unencumbered public funds from the charter school, district
22 school board property and improvements, furnishings, and
23 equipment purchased with public funds, or financial or other
24 records pertaining to the charter school, in the possession of
25 any person, entity, or holding company, other than the charter
26 school, shall be held in trust upon the district school
27 board's request, until any appeal status is resolved.

28 (f) If a charter is not renewed or is terminated, the
29 charter school is responsible for all debts of the charter
30 school. The district may not assume the debt from any contract
31 for services made between the governing body of the school and

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1 a third party, except for a debt that is previously detailed
2 and agreed upon in writing by both the district and the
3 governing body of the school and that may not reasonably be
4 assumed to have been satisfied by the district.

5 (g) If a charter is not renewed or is terminated, a
6 student who attended the school may apply to, and shall be
7 enrolled in, another public school. Normal application
8 deadlines shall be disregarded under such circumstances.

9 (9) CHARTER SCHOOL REQUIREMENTS.--

10 (a) A charter school shall be nonsectarian in its
11 programs, admission policies, employment practices, and
12 operations.

13 (b) A charter school shall admit students as provided
14 in subsection (10).

15 (c) A charter school shall be accountable to its
16 sponsor for performance as provided in subsection (7).

17 (d) A charter school shall not charge tuition or
18 registration fees, except those fees normally charged by other
19 public schools. However, a charter lab school may charge a
20 student activity and service fee as authorized by s.
21 1002.32(5).

22 (e) A charter school shall meet all applicable state
23 and local health, safety, and civil rights requirements.

24 (f) A charter school shall not violate the
25 antidiscrimination provisions of s. 1000.05.

26 (g) A charter school shall provide for an annual
27 financial audit in accordance with s. 218.39.

28 (h) No organization shall hold more than 15 charters
29 statewide.

30 (i) In order to provide financial information that is
31 comparable to that reported for other public schools, charter

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1 schools are to maintain all financial records which constitute
2 their accounting system:

3 1. In accordance with the accounts and codes
4 prescribed in the most recent issuance of the publication
5 titled "Financial and Program Cost Accounting and Reporting
6 for Florida Schools"; or

7 2. At the discretion of the charter school governing
8 board, a charter school may elect to follow generally accepted
9 accounting standards for not-for-profit organizations, but
10 must reformat this information for reporting according to this
11 paragraph.

12
13 Charter schools are to provide annual financial report and
14 program cost report information in the state-required formats
15 for inclusion in district reporting in compliance with s.
16 1011.60(1). Charter schools that are operated by a
17 municipality or are a component unit of a parent nonprofit
18 organization may use the accounting system of the municipality
19 or the parent, but must reformat this information for
20 reporting according to this paragraph.

21 (j) The governing board of the charter school shall
22 annually adopt and maintain an operating budget.

23 (k) The governing body of the charter school shall
24 exercise continuing oversight over charter school operations
25 and make annual progress reports to its sponsor, which upon
26 verification shall be forwarded to the Commissioner of
27 Education at the same time as other annual school
28 accountability reports. The report shall contain at least the
29 following information:

30 1. The charter school's progress towards achieving the
31 goals outlined in its charter.

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1 2. The information required in the annual school
2 report pursuant to s. 1008.345.

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

5 4. Salary and benefit levels of charter school
6 employees.

7 (1) A charter school shall not levy taxes or issue
8 bonds secured by tax revenues.

9 (m) A charter school shall provide instruction for at
10 least the number of days required by law for other public
11 schools, and may provide instruction for additional days.

12 (10) ELIGIBLE STUDENTS.--

13 (a) A charter school shall be open to any student
14 covered in an interdistrict agreement or residing in the
15 school district in which the charter school is located;
16 however, in the case of a charter lab school, the charter lab
17 school shall be open to any student eligible to attend the lab
18 school as provided in s. 1002.32 or who resides in the school
19 district in which the charter lab school is located. Any
20 eligible student shall be allowed interdistrict transfer to
21 attend a charter school when based on good cause.

22 (b) The charter school shall enroll an eligible
23 student who submits a timely application, unless the number of
24 applications exceeds the capacity of a program, class, grade
25 level, or building. In such case, all applicants shall have an
26 equal chance of being admitted through a random selection
27 process.

28 (c) When a public school converts to charter status,
29 enrollment preference shall be given to students who would
30 have otherwise attended that public school.

31 (d) A charter school may give enrollment preference to

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1 the following student populations:

2 1. Students who are siblings of a student enrolled in
3 the charter school.

4 2. Students who are the children of a member of the
5 governing board of the charter school.

6 3. Students who are the children of an employee of the
7 charter school.

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

10 1. Students within specific age groups or grade
11 levels.

12 2. Students considered at risk of dropping out of
13 school or academic failure. Such students shall include
14 exceptional education students.

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

18 4. Students residing within a reasonable distance of
19 the charter school, as described in paragraph (21)(c). Such
20 students shall be subject to a random lottery and to the
21 racial/ethnic balance provisions described in subparagraph
22 (7)(a)8. or any federal provisions that require a school to
23 achieve a racial/ethnic balance reflective of the community it
24 serves or within the racial/ethnic range of other public
25 schools in the same school district.

26 5. Students who meet reasonable academic, artistic, or
27 other eligibility standards established by the charter school
28 and included in the charter school application and charter or,
29 in the case of existing charter schools, standards that are
30 consistent with the school's mission and purpose. Such
31 standards shall be in accordance with current state law and

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1 practice in public schools and may not discriminate against
2 otherwise qualified individuals.

3 6. Students articulating from one charter school to
4 another pursuant to an articulation agreement between the
5 charter schools that has been approved by the sponsor.

6 (f) Students with handicapping conditions and students
7 served in English for Speakers of Other Languages programs
8 shall have an equal opportunity of being selected for
9 enrollment in a charter school.

10 (g) A student may withdraw from a charter school at
11 any time and enroll in another public school as determined by
12 district school board rule.

13 (h) The capacity of the charter school shall be
14 determined annually by the governing board, in conjunction
15 with the sponsor, of the charter school in consideration of
16 the factors identified in this subsection.

17 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
18 ACTIVITIES.--A charter school student is eligible to
19 participate in an interscholastic extracurricular activity at
20 the public school to which the student would be otherwise
21 assigned to attend pursuant to s. 1006.15(3)(d).

22 (12) EMPLOYEES OF CHARTER SCHOOLS.--

23 (a) A charter school shall select its own employees. A
24 charter school may contract with its sponsor for the services
25 of personnel employed by the sponsor.

26 (b) Charter school employees shall have the option to
27 bargain collectively. Employees may collectively bargain as a
28 separate unit or as part of the existing district collective
29 bargaining unit as determined by the structure of the charter
30 school.

31 (c) The employees of a conversion charter school shall

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1 remain public employees for all purposes, unless such
2 employees choose not to do so.

3 (d) The teachers at a charter school may choose to be
4 part of a professional group that subcontracts with the
5 charter school to operate the instructional program under the
6 auspices of a partnership or cooperative that they
7 collectively own. Under this arrangement, the teachers would
8 not be public employees.

9 (e) Employees of a school district may take leave to
10 accept employment in a charter school upon the approval of the
11 district school board. While employed by the charter school
12 and on leave that is approved by the district school board,
13 the employee may retain seniority accrued in that school
14 district and may continue to be covered by the benefit
15 programs of that school district, if the charter school and
16 the district school board agree to this arrangement and its
17 financing. School districts shall not require resignations of
18 teachers desiring to teach in a charter school. This paragraph
19 shall not prohibit a district school board from approving
20 alternative leave arrangements consistent with chapter 1012.

21 (f) Teachers employed by or under contract to a
22 charter school shall be certified as required by chapter 1012.
23 A charter school governing board may employ or contract with
24 skilled selected noncertified personnel to provide
25 instructional services or to assist instructional staff
26 members as education paraprofessionals in the same manner as
27 defined in chapter 1012, and as provided by State Board of
28 Education rule for charter school governing boards. A charter
29 school may not knowingly employ an individual to provide
30 instructional services or to serve as an education
31 paraprofessional if the individual's certification or

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1 licensure as an educator is suspended or revoked by this or
2 any other state. A charter school may not knowingly employ an
3 individual who has resigned from a school district in lieu of
4 disciplinary action with respect to child welfare or safety,
5 or who has been dismissed for just cause by any school
6 district with respect to child welfare or safety. The
7 qualifications of teachers shall be disclosed to parents.

8 (g) A charter school shall employ or contract with
9 employees who have been fingerprinted as provided in s.
10 1012.32. Members of the governing board of the charter school
11 shall also be fingerprinted in a manner similar to that
12 provided in s. 1012.32.

13 (h) For the purposes of tort liability, the governing
14 body and employees of a charter school shall be governed by s.
15 768.28.

16 (i) A charter school shall organize as, or be operated
17 by, a nonprofit organization. A charter school may be operated
18 by a municipality or other public entity as provided for by
19 law. As such, the charter school may be either a private or a
20 public employer. As a public employer, a charter school may
21 participate in the Florida Retirement System upon application
22 and approval as a "covered group" under s. 121.021(34). If a
23 charter school participates in the Florida Retirement System,
24 the charter school employees shall be compulsory members of
25 the Florida Retirement System. As either a private or a public
26 employer, a charter school may contract for services with an
27 individual or group of individuals who are organized as a
28 partnership or a cooperative. Individuals or groups of
29 individuals who contract their services to the charter school
30 are not public employees.

31 (13) NUMBER OF SCHOOLS.--

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1 (a) The number of newly created charter schools is
2 limited to no more than 28 in each school district that has
3 100,000 or more students, no more than 20 in each school
4 district that has 50,000 to 99,999 students, and no more than
5 12 in each school district with fewer than 50,000 students.

6 (b) An existing public school which converts to a
7 charter school shall not be counted towards the limit
8 established by paragraph (a).

9 (c) Notwithstanding any limit established by this
10 subsection, a district school board or a charter school
11 applicant shall have the right to request an increase of the
12 limit on the number of charter schools authorized to be
13 established within the district from the State Board of
14 Education.

15 (d) Whenever a municipality has submitted charter
16 applications for the establishment of a charter school feeder
17 pattern (elementary, middle, and senior high schools), and
18 upon approval of each individual charter application by the
19 district school board, such applications shall then be
20 designated as one charter school for all purposes listed
21 pursuant to this section.

22 (14) CHARTER SCHOOL COOPERATIVES.--Charter schools may
23 enter into cooperative agreements to form charter school
24 cooperative organizations that may provide the following
25 services: charter school planning and development, direct
26 instructional services, and contracts with charter school
27 governing boards to provide personnel administrative services,
28 payroll services, human resource management, evaluation and
29 assessment services, teacher preparation, and professional
30 development.

31 (15) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;

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1 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
2 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into
3 to borrow or otherwise secure funds for a charter school
4 authorized in this section from a source other than the state
5 or a school district shall indemnify the state and the school
6 district from any and all liability, including, but not
7 limited to, financial responsibility for the payment of the
8 principal or interest. Any loans, bonds, or other financial
9 agreements are not obligations of the state or the school
10 district but are obligations of the charter school authority
11 and are payable solely from the sources of funds pledged by
12 such agreement. The credit or taxing power of the state or the
13 school district shall not be pledged and no debts shall be
14 payable out of any moneys except those of the legal entity in
15 possession of a valid charter approved by a district school
16 board pursuant to this section.

17 (16) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
18 SCHOOLS-IN-A-MUNICIPALITY.--

19 (a) In order to increase business partnerships in
20 education, to reduce school and classroom overcrowding
21 throughout the state, and to offset the high costs for
22 educational facilities construction, the Legislature intends
23 to encourage the formation of business partnership schools or
24 satellite learning centers and municipal-operated schools
25 through charter school status.

26 (b) A charter school-in-the-workplace may be
27 established when a business partner provides the school
28 facility to be used; enrolls students based upon a random
29 lottery that involves all of the children of employees of that
30 business or corporation who are seeking enrollment, as
31 provided for in subsection (10); and enrolls students

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1 according to the racial/ethnic balance provisions described in
2 subparagraph (7)(a)8. Any portion of a facility used for a
3 public charter school shall be exempt from ad valorem taxes,
4 as provided for in s. 1013.54, for the duration of its use as
5 a public school.

6 (c) A charter school-in-a-municipality designation may
7 be granted to a municipality that possesses a charter; enrolls
8 students based upon a random lottery that involves all of the
9 children of the residents of that municipality who are seeking
10 enrollment, as provided for in subsection (10); and enrolls
11 students according to the racial/ethnic balance provisions
12 described in subparagraph (7)(a)8. Any portion of the land and
13 facility used for a public charter school shall be exempt from
14 ad valorem taxes, as provided for in s. 1013.54, for the
15 duration of its use as a public school.

16 (d) As used in this subsection, the terms "business
17 partner" or "municipality" may include more than one business
18 or municipality to form a charter school-in-the-workplace or
19 charter school-in-a-municipality.

20 (17) EXEMPTION FROM STATUTES.--

21 (a) A charter school shall operate in accordance with
22 its charter and shall be exempt from all statutes in chapters
23 1000-1013. However, a charter school shall be in compliance
24 with the following statutes in chapters 1000-1013:

25 1. Those statutes specifically applying to charter
26 schools, including this section.

27 2. Those statutes pertaining to the student assessment
28 program and school grading system.

29 3. Those statutes pertaining to the provision of
30 services to students with disabilities.

31 4. Those statutes pertaining to civil rights,

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1 including s. 1000.05, relating to discrimination.

2 5. Those statutes pertaining to student health,
3 safety, and welfare.

4 (b) Additionally, a charter school shall be in
5 compliance with the following statutes:

6 1. Section 286.011, relating to public meetings and
7 records, public inspection, and criminal and civil penalties.

8 2. Chapter 119, relating to public records.

9 (18) FUNDING.--Students enrolled in a charter school,
10 regardless of the sponsorship, shall be funded as if they are
11 in a basic program or a special program, the same as students
12 enrolled in other public schools in the school district.
13 Funding for a charter lab school shall be as provided in s.
14 1002.32.

15 (a) Each charter school shall report its student
16 enrollment to the district school board as required in s.
17 1011.62, and in accordance with the definitions in s. 1011.61.
18 The district school board shall include each charter school's
19 enrollment in the district's report of student enrollment. All
20 charter schools submitting student record information required
21 by the Department of Education shall comply with the
22 Department of Education's guidelines for electronic data
23 formats for such data, and all districts shall accept
24 electronic data that complies with the Department of
25 Education's electronic format.

26 (b) The basis for the agreement for funding students
27 enrolled in a charter school shall be the sum of the school
28 district's operating funds from the Florida Education Finance
29 Program as provided in s. 1011.62 and the General
30 Appropriations Act, including gross state and local funds,
31 discretionary lottery funds, and funds from the school

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1 district's current operating discretionary millage levy;
2 divided by total funded weighted full-time equivalent students
3 in the school district; multiplied by the weighted full-time
4 equivalent students for the charter school. Charter schools
5 whose students or programs meet the eligibility criteria in
6 law shall be entitled to their proportionate share of
7 categorical program funds included in the total funds
8 available in the Florida Education Finance Program by the
9 Legislature, including transportation. Total funding for each
10 charter school shall be recalculated during the year to
11 reflect the revised calculations under the Florida Education
12 Finance Program by the state and the actual weighted full-time
13 equivalent students reported by the charter school during the
14 full-time equivalent student survey periods designated by the
15 Commissioner of Education.

16 (c) If the district school board is providing programs
17 or services to students funded by federal funds, any eligible
18 students enrolled in charter schools in the school district
19 shall be provided federal funds for the same level of service
20 provided students in the schools operated by the district
21 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
22 10306, all charter schools shall receive all federal funding
23 for which the school is otherwise eligible, including Title I
24 funding, not later than 5 months after the charter school
25 first opens and within 5 months after any subsequent expansion
26 of enrollment.

27 (d) District school boards shall make every effort to
28 ensure that charter schools receive timely and efficient
29 reimbursement, including processing paperwork required to
30 access special state and federal funding for which they may be
31 eligible. The district school board may distribute funds to a

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1 charter school for up to 3 months based on the projected
2 full-time equivalent student membership of the charter school.
3 Thereafter, the results of full-time equivalent student
4 membership surveys shall be used in adjusting the amount of
5 funds distributed monthly to the charter school for the
6 remainder of the fiscal year. The payment shall be issued no
7 later than 10 working days after the district school board
8 receives a distribution of state or federal funds. If a
9 warrant for payment is not issued within 30 working days after
10 receipt of funding by the district school board, the school
11 district shall pay to the charter school, in addition to the
12 amount of the scheduled disbursement, interest at a rate of 1
13 percent per month calculated on a daily basis on the unpaid
14 balance from the expiration of the 30-day period until such
15 time as the warrant is issued.

16 (19) FACILITIES.--

17 (a) A charter school shall utilize facilities which
18 comply with the State Uniform Building Code for Public
19 Educational Facilities Construction adopted pursuant to s.
20 1013.37 or with applicable state minimum building codes
21 pursuant to chapter 553 and state minimum fire protection
22 codes pursuant to s. 633.025, as adopted by the authority in
23 whose jurisdiction the facility is located.

24 (b) Any facility, or portion thereof, used to house a
25 charter school whose charter has been approved by the sponsor
26 and the governing board, pursuant to subsection (7), shall be
27 exempt from ad valorem taxes pursuant to s. 196.1983.

28 (c) Charter school facilities shall utilize facilities
29 which comply with the Florida Building Code, pursuant to
30 chapter 553, and the Florida Fire Prevention Code, pursuant to
31 chapter 633.

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1 (d) If a district school board facility or property is
2 available because it is surplus, marked for disposal, or
3 otherwise unused, it shall be provided for a charter school's
4 use on the same basis as it is made available to other public
5 schools in the district. A charter school receiving property
6 from the school district may not sell or dispose of such
7 property without written permission of the school district.
8 Similarly, for an existing public school converting to charter
9 status, no rental or leasing fee for the existing facility or
10 for the property normally inventoried to the conversion school
11 may be charged by the district school board to the parents and
12 teachers organizing the charter school. The charter organizers
13 shall agree to reasonable maintenance provisions in order to
14 maintain the facility in a manner similar to district school
15 board standards. The Public Education Capital Outlay
16 maintenance funds or any other maintenance funds generated by
17 the facility operated as a conversion school shall remain with
18 the conversion school.

19 (20) CAPITAL OUTLAY FUNDING.--Charter schools are
20 eligible for capital outlay funds pursuant to s. 1013.62.

21 (21) SERVICES.--

22 (a) A sponsor shall provide certain administrative and
23 educational services to charter schools. These services shall
24 include contract management services, full-time equivalent and
25 data reporting services, exceptional student education
26 administration services, test administration services,
27 processing of teacher certificate data services, and
28 information services. Any administrative fee charged by the
29 sponsor for the provision of services shall be limited to 5
30 percent of the available funds defined in paragraph (18)(b).

31 (b) If goods and services are made available to the

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1 charter school through the contract with the school district,
2 they shall be provided to the charter school at a rate no
3 greater than the district's actual cost. To maximize the use
4 of state funds, school districts shall allow charter schools
5 to participate in the sponsor's bulk purchasing program if
6 applicable.

7 (c) Transportation of charter school students shall be
8 provided by the charter school consistent with the
9 requirements of part I.e. of chapter 1006. The governing body
10 of the charter school may provide transportation through an
11 agreement or contract with the district school board, a
12 private provider, or parents. The charter school and the
13 sponsor shall cooperate in making arrangements that ensure
14 that transportation is not a barrier to equal access for all
15 students residing within a reasonable distance of the charter
16 school as determined in its charter.

17 (22) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The
18 Department of Education shall provide information to the
19 public, directly and through sponsors, both on how to form and
20 operate a charter school and on how to enroll in charter
21 schools once they are created. This information shall include
22 a standard application format which shall include the
23 information specified in subsection (7). This application
24 format may be used by chartering entities.

25 (23) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE
26 REVIEW.--

27 (a) The Department of Education shall regularly
28 convene a Charter School Review Panel in order to review
29 issues, practices, and policies regarding charter schools. The
30 composition of the review panel shall include individuals with
31 experience in finance, administration, law, education, and

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1 school governance, and individuals familiar with charter
2 school construction and operation. The panel shall include two
3 appointees each from the Commissioner of Education, the
4 President of the Senate, and the Speaker of the House of
5 Representatives. The Governor shall appoint three members of
6 the panel and shall designate the chair. Each member of the
7 panel shall serve a 1-year term, unless renewed by the office
8 making the appointment. The panel shall make recommendations
9 to the Legislature, to the Department of Education, to charter
10 schools, and to school districts for improving charter school
11 operations and oversight and for ensuring best business
12 practices at and fair business relationships with charter
13 schools.

14 (b) The Legislature shall review the operation of
15 charter schools during the 2005 Regular Session of the
16 Legislature.

17 (24) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon
18 receipt of the annual report required by paragraph (9)(k), the
19 Department of Education shall provide to the State Board of
20 Education, the Commissioner of Education, the President of the
21 Senate, and the Speaker of the House of Representatives an
22 analysis and comparison of the overall performance of charter
23 school students, to include all students whose scores are
24 counted as part of the statewide assessment program, versus
25 comparable public school students in the district as
26 determined by the statewide assessment program currently
27 administered in the school district, and other assessments
28 administered pursuant to s. 1008.22(3).

29 (25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--

30 (a) The conversion charter school pilot program is
31 hereby established with the intent to provide incentives for

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1 local school districts to approve conversion charter schools.

2 (b) The conversion charter school pilot program shall
3 be a statewide pilot program in which 10 schools shall be
4 selected based on a competitive application process in
5 accordance with this section.

6 (c) The purpose of the pilot program is to produce
7 significant improvements in student achievement and school
8 management, to encourage and measure the use of innovative
9 learning methods, and to make the school the unit for
10 improvement.

11 (d) Each school principal or a majority of the parents
12 of students attending the school, a majority of the school's
13 teachers, or a majority of the members of the school advisory
14 council may apply to the school district to participate in
15 this pilot program on forms which shall be provided by the
16 Department of Education. The forms shall include
17 acknowledgment by the school principal of applicable
18 provisions of this section and s. 1013.62. For purposes of
19 this paragraph, "a majority of the parents of students
20 attending the school" means more than 50 percent of the
21 parents voting whose children are enrolled at the school,
22 provided that a majority of the parents eligible to vote
23 participate in the ballot process; and "a majority of the
24 school's teachers" means more than 50 percent of the teachers
25 employed at the school, according to procedures established by
26 rule of the State Board of Education pursuant to subsections
27 (3) and (4).

28 (e) A person or group who has applied to participate
29 in the pilot program created by this section, pursuant to
30 paragraph (d), shall not be subject to an unlawful reprisal,
31 as defined by paragraph (4)(a), as a consequence of such

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1 application. The procedures established by subsections (3) and
2 (4) shall apply to any alleged unlawful reprisal which occurs
3 as a consequence of such application.

4 (f) A district school board shall receive and review
5 all applications by school principals, parents, teachers, or
6 school advisory council members to participate in the pilot
7 project; shall select the best applications; and shall submit
8 these applications, together with the district school board's
9 letter of endorsement and commitment of support and
10 cooperation toward the success of program implementation, for
11 review by the statewide selection panel established pursuant
12 to paragraph (g).

13 (g) A conversion charter school pilot program
14 statewide selection panel is established. The panel shall be
15 comprised of the following nine members who are not elected
16 public officials:

17 1. Three members shall be appointed by the Governor.

18 2. Two members shall be appointed by the Commissioner
19 of Education.

20 3. Two members shall be appointed by the President of
21 the Senate.

22 4. Two members shall be appointed by the Speaker of
23 the House of Representatives.

24
25 The panel shall review the conversion charter school pilot
26 program applications submitted by the district school boards
27 and shall select the 10 applications which the panel deems
28 best comply with the purpose of the program pursuant to
29 paragraph (c).

30 (h) Each district school board in which there is a
31 school selected by the statewide panel for participation in

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1 the pilot program shall receive a grant as provided in the
2 General Appropriations Act:

3 1. One hundred thousand dollars for planning and
4 development for each conversion charter school selected; and

5 2.a. Eighty thousand dollars for each conversion
6 charter school selected with 500 or fewer students;

7 b. One hundred thousand dollars for each conversion
8 charter school selected with more than 500 but fewer than
9 1,001 students; or

10 c. One hundred twenty thousand dollars for each
11 conversion charter school selected with more than 1,000
12 students.

13

14 The Commissioner of Education may reduce the district's FEFP
15 funding entitlement by the amount of the grant awarded under
16 this subsection if he or she determines that the district has
17 failed to comply with its letter of endorsement and commitment
18 of support and cooperation submitted under paragraph (f).

19 (i) Each conversion charter school selected for
20 participation in the pilot program shall make annual progress
21 reports to the district school board and the Commissioner of
22 Education detailing the school's progress in achieving the
23 purpose of the program as described in paragraph (c).

24 (26) RULEMAKING.--The Department of Education, after
25 consultation with school districts and charter school
26 directors, shall recommend that the State Board of Education
27 adopt rules to implement specific subsections of this section.
28 Such rules shall require minimum paperwork and shall not limit
29 charter school flexibility authorized by statute.

30 Section 99. Section 1002.34, Florida Statutes, is
31 created to read:

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1 1002.34 Charter technical career centers.--

2 (1) AUTHORIZATION.--The Legislature finds that the
3 establishment of charter technical career centers can assist
4 in promoting advances and innovations in workforce preparation
5 and economic development. A charter technical career center
6 may provide a learning environment that better serves the
7 needs of a specific population group or a group of
8 occupations, thus promoting diversity and choices within the
9 public education and public postsecondary technical education
10 community in this state. Therefore, the creation of such
11 centers is authorized as part of the state's program of public
12 education. A charter technical career center may be formed by
13 creating a new school or converting an existing school
14 district or community college program to charter technical
15 status.

16 (2) PURPOSE.--The purpose of a charter technical
17 career center is to:

18 (a) Develop a competitive workforce to support local
19 business and industry and economic development.

20 (b) Create a training and education model that is
21 reflective of marketplace realities.

22 (c) Offer a continuum of career educational
23 opportunities using a school-to-work, tech-prep, technical,
24 academy, and magnet school model.

25 (d) Provide career pathways for lifelong learning and
26 career mobility.

27 (e) Enhance career and technical training.

28 (3) DEFINITIONS.--As used in this section, the term:

29 (a) "Charter technical career center" or "center"
30 means a public school or a public technical center operated
31 under a charter granted by a district school board or

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1 community college board of trustees or a consortium, including
2 one or more district school boards and community college
3 boards of trustees, that includes the district in which the
4 facility is located, that is nonsectarian in its programs,
5 admission policies, employment practices, and operations, and
6 is managed by a board of directors.

7 (b) "Sponsor" means a district school board, a
8 community college board of trustees, or a consortium of one or
9 more of each.

10 (4) CHARTER.--A sponsor may designate centers as
11 provided in this section. An application to establish a
12 center may be submitted by a sponsor or another organization
13 that is determined, by rule of the State Board of Education,
14 to be appropriate. However, an independent school is not
15 eligible for status as a center. The charter must be signed
16 by the governing body of the center and the sponsor, and must
17 be approved by the district school board and community college
18 board of trustees in whose geographic region the facility is
19 located. If a charter technical career center is established
20 by the conversion to charter status of a public technical
21 center formerly governed by a district school board, the
22 charter status of that center takes precedence in any question
23 of governance. The governance of the center or of any program
24 within the center remains with its board of directors unless
25 the board agrees to a change in governance or its charter is
26 revoked as provided in subsection (15). Such a conversion
27 charter technical career center is not affected by a change in
28 the governance of public technical centers or of programs
29 within other centers that are or have been governed by
30 district school boards. A charter technical career center, or
31 any program within such a center, that was governed by a

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1 district school board and transferred to a community college
2 prior to the effective date of this act is not affected by
3 this provision. An applicant who wishes to establish a center
4 must submit to the district school board or community college
5 board of trustees, or a consortium of one or more of each, an
6 application that includes:
7 (a) The name of the proposed center.
8 (b) The proposed structure of the center, including a
9 list of proposed members of the board of directors or a
10 description of the qualifications for and method of their
11 appointment or election.
12 (c) The workforce development goals of the center, the
13 curriculum to be offered, and the outcomes and the methods of
14 assessing the extent to which the outcomes are met.
15 (d) The admissions policy and criteria for evaluating
16 the admission of students.
17 (e) A description of the staff responsibilities and
18 the proposed qualifications of the teaching staff.
19 (f) A description of the procedures to be implemented
20 to ensure significant involvement of representatives of
21 business and industry in the operation of the center.
22 (g) A method for determining whether a student has
23 satisfied the requirements for graduation specified in s.
24 1003.43 and for completion of a postsecondary certificate or
25 degree.
26 (h) A method for granting secondary and postsecondary
27 diplomas, certificates, and degrees.
28 (i) A description of and address for the physical
29 facility in which the center will be located.
30 (j) A method of resolving conflicts between the
31 governing body of the center and the sponsor and between

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1 consortium members, if applicable.

2 (k) A method for reporting student data as required by
3 law and rule.

4 (l) Other information required by the district school
5 board or community college board of trustees.

6
7 Students at a center must meet the same testing and academic
8 performance standards as those established by law and rule for
9 students at public schools and public technical centers. The
10 students must also meet any additional assessment indicators
11 that are included within the charter approved by the district
12 school board or community college board of trustees.

13 (5) APPLICATION.--An application to establish a center
14 must be submitted by February 1 of the year preceding the
15 school year in which the center will begin operation. The
16 sponsor must review the application and make a final decision
17 on whether to approve the application and grant the charter by
18 March 1, and may condition the granting of a charter on the
19 center's taking certain actions or maintaining certain
20 conditions. Such actions and conditions must be provided to
21 the applicant in writing. The district school board or
22 community college board of trustees is not required to issue a
23 charter to any person.

24 (6) SPONSOR.--A district school board or community
25 college board of trustees or a consortium of one or more of
26 each may sponsor a center in the county in which the board has
27 jurisdiction.

28 (a) A sponsor must review all applications for centers
29 received through at least February 1 of each calendar year for
30 centers to be opened at the beginning of the sponsor's next
31 school year. A sponsor may receive applications later than

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1 this date if it so chooses. To facilitate an accurate budget
2 projection process, a sponsor shall be held harmless for FTE
3 students who are not included in the FTE projection due to
4 approval of applications after the FTE projection deadline. A
5 sponsor must, by a majority vote, approve or deny an
6 application no later than 60 days after the application is
7 received. If an application is denied, the sponsor must,
8 within 10 days, notify the applicant in writing of the
9 specific reasons for denial, which must be based upon good
10 cause. Upon approval of a charter application, the initial
11 startup must be consistent with the beginning of the public
12 school or community college calendar for the district in which
13 the charter is granted, unless the sponsor allows a waiver of
14 this provision for good cause.

15 (b) An applicant may appeal any denial of its
16 application to the State Board of Education within 30 days
17 after the sponsor's denial and shall notify the sponsor of its
18 appeal. Any response of the sponsor must be submitted to the
19 state board within 30 days after notification of the appeal.
20 The State Board of Education must, by majority vote, accept or
21 reject the decision of the sponsor no later than 60 days after
22 an appeal is filed, pursuant to State Board of Education rule.
23 The State Board of Education may reject an appeal for failure
24 to comply with procedural rules governing the appeals process,
25 and the rejection must describe the submission errors. The
26 appellant may have up to 15 days after notice of rejection to
27 resubmit an appeal. An application for appeal submitted after
28 a rejection is timely if the original appeal was filed within
29 30 days after the sponsor's denial. The State Board of
30 Education shall remand the application to the sponsor with a
31 written recommendation that the sponsor approve or deny the

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1 application, consistent with the state board's decision. The
2 decision of the State Board of Education is not subject to the
3 provisions of chapter 120.

4 (c) The sponsor must act upon the recommendation of
5 the State Board of Education within 30 days after it is
6 received, unless the sponsor determines by competent
7 substantial evidence that approving the state board's
8 recommendation would be contrary to law or the best interests
9 of the students or the community. The sponsor must notify the
10 applicant in writing concerning the specific reasons for its
11 failure to follow the state board's recommendation. The
12 sponsor's action on the state board's recommendation is a
13 final action, subject to judicial review.

14 (d) The Department of Education may provide technical
15 assistance to an applicant upon written request.

16 (e) The terms and conditions for the operation of a
17 center must be agreed to by the sponsor and the applicant in a
18 written contract. The sponsor may not impose unreasonable
19 requirements that violate the intent of giving centers greater
20 flexibility to meet educational goals. The applicant and
21 sponsor must reach an agreement on the provisions of the
22 contract or the application is deemed denied.

23 (f) The sponsor shall monitor and review the center's
24 progress towards charter goals and shall monitor the center's
25 revenues and expenditures.

26 (7) LEGAL ENTITY.--A center must organize as a
27 nonprofit organization and adopt a name and corporate seal. A
28 center is a body corporate and politic, with all powers to
29 implement its charter program. The center may:

30 (a) Be a private or a public employer.

31 (b) Sue and be sued, but only to the same extent and

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1 upon the same conditions that a public entity can be sued.

2 (c) Acquire real property by purchase, lease, lease
3 with an option to purchase, or gift, to use as a center
4 facility.

5 (d) Receive and disburse funds.

6 (e) Enter into contracts or leases for services,
7 equipment, or supplies.

8 (f) Incur temporary debts in anticipation of the
9 receipt of funds.

10 (g) Solicit and accept gifts or grants for career
11 center purposes.

12 (h) Take any other action that is not inconsistent
13 with this section and rules adopted under this section.

14 (8) ELIGIBLE STUDENTS.--A center must be open to all
15 students as space is available and may not discriminate in
16 admissions policies or practices on the basis of an
17 individual's physical disability or proficiency in English or
18 on any other basis that would be unlawful if practiced by a
19 public school or a community college. A center may establish
20 reasonable criteria by which to evaluate prospective students,
21 which criteria must be outlined in the charter.

22 (9) FACILITIES.--A center may be located in any
23 suitable location, including part of an existing public school
24 or community college building, space provided on a public
25 worksite, or a public building. A center's facilities must
26 comply with the State Uniform Building Code for Public
27 Educational Facilities Construction adopted pursuant to s.
28 1013.37, or with applicable state minimum building codes
29 pursuant to chapter 553, and state minimum fire protection
30 codes pursuant to s. 633.025, adopted by the authority in
31 whose jurisdiction the facility is located. If K-12 public

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1 school funds are used for construction, the facility must
2 remain on the local school district's Florida Inventory of
3 School Houses (FISH) school building inventory of the district
4 school board and must revert to the district school board if
5 the consortium dissolves and the program is discontinued. If
6 community college public school funds are used for
7 construction, the facility must remain on the local community
8 college's facilities inventory and must revert to the local
9 community college board of trustees if the consortium
10 dissolves and the program is discontinued. The additional
11 student capacity created by the addition of the center to the
12 local school district's FISH may not be calculated in the
13 permanent student capacity for the purpose of determining need
14 or eligibility for state capital outlay funds while the
15 facility is used as a center. If the construction of the
16 center is funded jointly by K-12 public school funds and
17 community college funds, the sponsoring entities must agree,
18 before granting the charter, on the appropriate owner and
19 terms of transfer of the facility if the charter is dissolved.

20 (10) EXEMPTION FROM STATUTES.--

21 (a) A center must operate pursuant to its charter and
22 is exempt from all statutes of the Florida School Code except
23 provisions pertaining to civil rights and to student health,
24 safety, and welfare, or as otherwise required by law.

25 (b) A center must comply with the Florida K-20
26 Education Code with respect to providing services to students
27 with disabilities.

28 (c) A center must comply with the antidiscrimination
29 provisions of s. 1000.05.

30 (11) FUNDING.--

31 (a) Each district school board and community college

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1 that sponsors a charter technical career center shall pay
2 directly to the center an amount stated in the charter. State
3 funding shall be generated for the center for its student
4 enrollment and program outcomes as provided in law. A center
5 is eligible for funding from the Florida Workforce Development
6 Education Fund, the Florida Education Finance Program, and the
7 Community College Program Fund, depending upon the programs
8 conducted by the center.

9 (b) A center may receive other state and federal aid,
10 grants, and revenue through the district school board or
11 community college board of trustees.

12 (c) A center may receive gifts and grants from private
13 sources.

14 (d) A center may not levy taxes or issue bonds, but it
15 may charge a student tuition fee consistent with authority
16 granted in its charter and permitted by law.

17 (e) A center shall provide for an annual financial
18 audit in accordance with s. 218.39.

19 (f) A center must provide instruction for at least the
20 number of days required by law for other public schools or
21 community colleges, as appropriate, and may provide
22 instruction for additional days.

23 (12) EMPLOYEES OF A CENTER.--

24 (a) A center may select its own employees.

25 (b) A center may contract for services with an
26 individual, partnership, or a cooperative. Such persons
27 contracted with are not public employees.

28 (c) If a center contracts with a public educational
29 agency for services, the terms of employment must follow
30 existing state law and rule and local policies and procedures.

31 (d) The employees of a center may bargain

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1 collectively, as a separate unit or as part of the existing
2 district collective bargaining unit, as determined by the
3 structure of the center.

4 (e) As a public employer, a center may participate in:

5 1. The Florida Retirement System upon application and
6 approval as a "covered group" under s. 121.021(34). If a
7 center participates in the Florida Retirement System, its
8 employees are compulsory members of the Florida Retirement
9 System.

10 2. The State Community College System Optional
11 Retirement Program pursuant to s. 1012.875(2), if the charter
12 is granted by a community college that participates in the
13 optional retirement program and meets the eligibility criteria
14 of s. 121.051(2)(c).

15 (f) Teachers who are considered qualified by the
16 career center are exempt from state certification
17 requirements.

18 (g) A public school or community college teacher or
19 administrator may take a leave of absence to accept employment
20 in a charter technical career center upon the approval of the
21 school district or community college.

22 (h) An employee who is on a leave of absence under
23 this section may retain seniority accrued in that school
24 district or community college and may continue to be covered
25 by the benefit programs of that district or community college
26 if the center and the district school board or community
27 college board of trustees agree to this arrangement and its
28 financing.

29 (13) BOARD OF DIRECTORS AUTHORITY.--The board of
30 directors of a center may decide matters relating to the
31 operation of the school, including budgeting, curriculum, and

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1 operating procedures, subject to the center's charter.

2 (14) ACCOUNTABILITY.--Each center must submit a report
3 to the participating district school board or community
4 college board of trustees by August 1 of each year. The
5 report must be in such form as the sponsor prescribes and must
6 include:

7 (a) A discussion of progress made toward the
8 achievement of the goals outlined in the center's charter.

9 (b) A financial statement setting forth by appropriate
10 categories the revenue and expenditures for the previous
11 school year.

12 (15) TERMS OF THE CHARTER.--The term of an initial
13 charter may not exceed 5 years. Thereafter, the sponsor may
14 renew a charter for a period up to 5 years. The sponsor may
15 refuse to renew a charter or may revoke a charter if the
16 center has not fulfilled a condition imposed under the charter
17 or if the center has violated any provision of the charter.
18 The sponsor may place the center on probationary status to
19 allow the implementation of a remedial plan, after which, if
20 the plan is unsuccessful, the charter may be summarily
21 revoked. The sponsor shall develop procedures and guidelines
22 for the revocation and renewal of a center's charter. The
23 sponsor must give written notice of its intent not to renew
24 the charter at least 12 months before the charter expires. If
25 the sponsor revokes a charter before the scheduled expiration
26 date, the sponsor must provide written notice to the governing
27 board of the center at least 60 days before the date of
28 termination, stating the grounds for the proposed revocation.
29 The governing board of the center may request in writing an
30 informal hearing before the sponsor within 14 days after
31 receiving the notice of revocation. A revocation takes effect

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1 at the conclusion of a school year, unless the sponsor
2 determines that earlier revocation is necessary to protect the
3 health, safety, and welfare of students. The sponsor shall
4 monitor and review the center in its progress towards the
5 goals established in the charter and shall monitor the
6 revenues and expenditures of the center.

7 (16) TRANSPORTATION.--The center may provide
8 transportation, pursuant to chapter 1006, through a contract
9 with the district school board or the community college board
10 of trustees, a private provider, or parents of students. The
11 center must ensure that transportation is not a barrier to
12 equal access for all students in grades K-12 residing within a
13 reasonable distance of the facility.

14 (17) IMMUNITY.--For the purposes of tort liability,
15 the governing body and employees of a center are governed by
16 s. 768.28.

17 (18) RULES.--The State Board of Education shall adopt
18 rules, pursuant to chapter 120, relating to the implementation
19 of charter technical career centers.

20 (19) EVALUATION; REPORT.--The Commissioner of
21 Education shall provide for an annual comparative evaluation
22 of charter technical career centers and public technical
23 centers. The evaluation may be conducted in cooperation with
24 the sponsor, through private contracts, or by department
25 staff. At a minimum, the comparative evaluation must address
26 the demographic and socioeconomic characteristics of the
27 students served, the types and costs of services provided, and
28 the outcomes achieved. By December 30 of each year, the
29 Commissioner of Education shall submit to the Governor, the
30 President of the Senate, the Speaker of the House of
31 Representatives, and the Senate and House committees that have

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1 responsibility for secondary and postsecondary career and
2 technical education a report of the comparative evaluation
3 completed for the previous school year.

4 Section 100. Section 1002.35, Florida Statutes, is
5 created to read:

6 1002.35 New World School of the Arts.--

7 (1) The New World School of the Arts is created as a
8 center of excellence for the performing and visual arts, to
9 serve all of the State of Florida. The school shall offer a
10 program of academic and artistic studies in the visual and
11 performing arts which shall be available to talented high
12 school and college students.

13 (2)(a) For purposes of governance, the New World
14 School of the Arts is assigned to Miami-Dade Community
15 College, the Dade County School District, and one or more
16 universities designated by the State Board of Education. The
17 State Board of Education shall assign to the New World School
18 of the Arts a university partner or partners. In this
19 selection, the State Board of Education shall consider the
20 accreditation status of the core programs. Florida
21 International University, in its capacity as the provider of
22 university services to Dade County, shall be a partner to
23 serve the New World School of the Arts, upon meeting the
24 accreditation criteria. The respective boards shall appoint
25 members to an executive board for administration of the
26 school. The executive board may include community members and
27 shall reflect proportionately the participating institutions.
28 Miami-Dade Community College shall serve as fiscal agent for
29 the school.

30 (b) The New World School of the Arts Foundation is
31 created for the purpose of providing auxiliary financial

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1 support for the school's programs, including, but not limited
2 to, the promotion and sponsorship of special events and
3 scholarships. Foundation membership shall be determined by the
4 executive board.

5 (c) The school may affiliate with other public or
6 private educational or arts institutions. The school shall
7 serve as a professional school for all qualified students
8 within appropriations and limitations established by the
9 Legislature and the respective educational institutions.

10 (3) The school shall submit annually a formula-driven
11 budget request to the commissioner and the Legislature. This
12 formula shall be developed in consultation with the Department
13 of Education and staff of the Legislature. However, the actual
14 funding for the school shall be determined by the Legislature
15 in the General Appropriations Act.

16 (4) The State Board of Education shall utilize
17 resources, programs, and faculty from the various state
18 universities in planning and providing the curriculum and
19 courses at the New World School of the Arts, drawing on
20 program strengths at each state university.

21 Section 101. Section 1002.36, Florida Statutes, is
22 created to read:

23 1002.36 Florida School for the Deaf and the Blind.--

24 (1) RESPONSIBILITIES.--The Florida School for the Deaf
25 and the Blind is a state-supported residential school for
26 hearing-impaired and visually impaired students in preschool
27 through 12th grade. The school is a part of the state system
28 of public education and shall be funded through the Department
29 of Education. The school shall provide educational programs
30 and support services appropriate to meet the education and
31 related evaluation and counseling needs of hearing-impaired

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1 and visually impaired students in the state who meet
2 enrollment criteria. Education services may be provided on an
3 outreach basis for sensory-impaired children ages 0 through 5
4 years and their parents. Graduates of the Florida School for
5 the Deaf and the Blind shall be eligible for the William L.
6 Boyd, IV, Florida Resident Access Grant Program as provided in
7 s. 1009.89.

8 (2) MISSION.--The mission of the Florida School for
9 the Deaf and the Blind is to utilize all available talent,
10 energy, and resources to provide free appropriate public
11 education for eligible sensory-impaired students of Florida.
12 As a school of academic excellence, the school shall strive to
13 provide students an opportunity to maximize their individual
14 potential in a caring, safe, unique learning environment to
15 prepare them to be literate, employable, and independent
16 lifelong learners. The school shall provide outreach services
17 that include collaboration with district school boards and
18 shall encourage input from students, staff, parents, and the
19 community. As a diverse organization, the school shall foster
20 respect and understanding for each individual.

21 (3) AUDITS.--The Auditor General shall audit the
22 Florida School for the Deaf and the Blind as provided in
23 chapter 11.

24 (4) BOARD OF TRUSTEES.--

25 (a) There is hereby created a Board of Trustees for
26 the Florida School for the Deaf and the Blind which shall
27 consist of seven members. Of these seven members, one
28 appointee shall be a blind person and one appointee shall be a
29 deaf person. Each member shall have been a resident of the
30 state for a period of at least 10 years. Their terms of office
31 shall be 4 years. The appointment of the trustees shall be by

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1 the Governor with the confirmation of the Senate. The Governor
2 may remove any member for cause and shall fill all vacancies
3 that occur.

4 (b) The board of trustees shall elect a chair
5 annually. The trustees shall be reimbursed for travel expenses
6 as provided in s. 112.061, the accounts of which shall be paid
7 by the Treasurer upon itemized vouchers duly approved by the
8 chair.

9 (c) The board of trustees has authority to adopt rules
10 pursuant to ss. 120.536(1) and 120.54 to implement provisions
11 of law relating to operation of the Florida School for the
12 Deaf and the Blind. Such rules shall be submitted to the State
13 Board of Education for approval or disapproval. If any rule is
14 not disapproved by the State Board of Education within 60 days
15 of its receipt by the State Board of Education, the rule shall
16 be filed immediately with the Department of State. The board
17 of trustees shall act at all times in conjunction with the
18 rules of the State Board of Education.

19 (d) The board of trustees is a body corporate and
20 shall have a corporate seal. Title to any gift, donation, or
21 bequest received by the board of trustees pursuant to
22 subsection (5) shall vest in the board of trustees. Title to
23 all other property and other assets of the Florida School for
24 the Deaf and the Blind shall vest in the State Board of
25 Education, but the board of trustees shall have complete
26 jurisdiction over the management of the school and is invested
27 with full power and authority to appoint a president, faculty,
28 teachers, and other employees and remove the same as in its
29 judgment may be best and fix their compensation; to procure
30 professional services, such as medical, mental health,
31 architectural, engineering, and legal services; to determine

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1 eligibility of students and procedure for admission; to
2 provide for the students of the school necessary bedding,
3 clothing, food, and medical attendance and such other things
4 as may be proper for the health and comfort of the students
5 without cost to their parents, except that the board of
6 trustees may set tuition and other fees for nonresidents; to
7 provide for the proper keeping of accounts and records and for
8 budgeting of funds; to enter into contracts; to sue and be
9 sued; to secure public liability insurance; and to do and
10 perform every other matter or thing requisite to the proper
11 management, maintenance, support, and control of the school at
12 the highest efficiency economically possible, the board of
13 trustees taking into consideration the purposes of the
14 establishment.

15 (e)1. The board of trustees is authorized to receive
16 gifts, donations, and bequests of money or property, real or
17 personal, tangible or intangible, from any person, firm,
18 corporation, or other legal entity. However, the board of
19 trustees may not obligate the state to any expenditure or
20 policy that is not specifically authorized by law.

21 2. If the bill of sale, will, trust indenture, deed,
22 or other legal conveyance specifies terms and conditions
23 concerning the use of such money or property, the board of
24 trustees shall observe such terms and conditions.

25 3. The board of trustees may deposit outside the State
26 Treasury such moneys as are received as gifts, donations, or
27 bequests and may disburse and expend such moneys, upon its own
28 warrant, for the use and benefit of the Florida School for the
29 Deaf and the Blind and its students, as the board of trustees
30 deems to be in the best interest of the school and its
31 students. Such money or property shall not constitute or be

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1 considered a part of any legislative appropriation, and such
2 money shall not be used to compensate any person for engaging
3 in lobbying activities before the House of Representatives or
4 Senate or any committee thereof.

5 4. The board of trustees may sell or convey by bill of
6 sale, deed, or other legal instrument any property, real or
7 personal, received as a gift, donation, or bequest, upon such
8 terms and conditions as the board of trustees deems to be in
9 the best interest of the school and its students.

10 5. The board of trustees may invest such moneys in
11 securities enumerated under s. 215.47, and in The Common Fund,
12 an Investment Management Fund exclusively for nonprofit
13 educational institutions.

14 (f) The board of trustees shall:

15 1. Prepare and submit legislative budget requests,
16 including fixed capital outlay requests, in accordance with
17 chapter 216 and s. 1013.60.

18 2. Administer and maintain personnel programs for all
19 employees of the board of trustees and the Florida School for
20 the Deaf and the Blind who shall be state employees, including
21 the personnel classification and pay plan established in
22 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
23 academic and academic administrative personnel, the provisions
24 of chapter 110, and the provisions of law that grant authority
25 to the Department of Management Services over such programs
26 for state employees.

27 3. Adopt a master plan which specifies the mission and
28 objectives of the Florida School for the Deaf and the Blind.
29 The plan shall include, but not be limited to, procedures for
30 systematically measuring the school's progress toward meeting
31 its objectives, analyzing changes in the student population,

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1 and modifying school programs and services to respond to such
2 changes. The plan shall be for a period of 5 years and shall
3 be reviewed for needed modifications every 2 years. The board
4 of trustees shall submit the initial plan and subsequent
5 modifications to the Speaker of the House of Representatives
6 and the President of the Senate.

7 4. Seek the advice of the Division of Public Schools
8 within the Department of Education.

9 (g) The Board of Trustees for the Florida School for
10 the Deaf and the Blind, located in St. Johns County, shall
11 designate a portion of the school as "The Verle Allyn Pope
12 Complex for the Deaf," in tribute to the late Senator Verle
13 Allyn Pope.

14 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.--The Board
15 of Trustees for the Florida School for the Deaf and the Blind
16 shall provide for the content and custody of student and
17 employee personnel records. Student records shall be subject
18 to the provisions of s. 1002.22. Employee personnel records
19 shall be subject to the provisions of s. 1012.31.

20 (6) LEGAL SERVICES.--The Board of Trustees for the
21 Florida School for the Deaf and the Blind may provide legal
22 services for officers and employees of the board of trustees
23 who are charged with civil or criminal actions arising out of
24 and in the course of the performance of assigned duties and
25 responsibilities. The board of trustees may provide for
26 reimbursement of reasonable expenses for legal services for
27 officers and employees of said board of trustees who are
28 charged with civil or criminal actions arising out of and in
29 the course of the performance of assigned duties and
30 responsibilities upon successful defense by the officer or
31 employee. However, in any case in which the officer or

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1 employee pleads guilty or nolo contendere or is found guilty
2 of any such action, the officer or employee shall reimburse
3 the board of trustees for any legal services that the board of
4 trustees may have supplied pursuant to this section. The
5 board of trustees may also reimburse an officer or employee
6 thereof for any judgment that may be entered against him or
7 her in a civil action arising out of and in the course of the
8 performance of his or her assigned duties and
9 responsibilities. Each expenditure by the board of trustees
10 for legal defense of an officer or employee, or for
11 reimbursement pursuant to this section, shall be made at a
12 public meeting with notice pursuant to s. 120.525(1). The
13 providing of such legal services or reimbursement under the
14 conditions described in this subsection is declared to be a
15 school purpose for which school funds may be expended.

16 (7) PERSONNEL SCREENING.--

17 (a) The Board of Trustees of the Florida School for
18 the Deaf and the Blind shall, because of the special trust or
19 responsibility of employees of the school, require all
20 employees and applicants for employment to undergo personnel
21 screening and security background investigations as provided
22 in chapter 435, using the level 2 standards for screening set
23 forth in that chapter, as a condition of employment and
24 continued employment. The cost of a personnel screening and
25 security background investigation for an employee of the
26 school shall be paid by the school. The cost of such a
27 screening and investigation for an applicant for employment
28 may be paid by the school.

29 (b) As a prerequisite for initial and continuing
30 employment at the Florida School for the Deaf and the Blind:

31 1. The applicant or employee shall submit to the

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1 Florida School for the Deaf and the Blind a complete set of
2 fingerprints taken by an authorized law enforcement agency or
3 an employee of the Florida School for the Deaf and the Blind
4 who is trained to take fingerprints. The Florida School for
5 the Deaf and the Blind shall submit the fingerprints to the
6 Department of Law Enforcement for state processing and the
7 Federal Bureau of Investigation for federal processing.

8 2.a. The applicant or employee shall attest to the
9 minimum standards for good moral character as contained in
10 chapter 435, using the level 2 standards set forth in that
11 chapter under penalty of perjury.

12 b. New personnel shall be on a probationary status
13 pending a determination of compliance with such minimum
14 standards for good moral character. This paragraph is in
15 addition to any probationary status provided for by Florida
16 law or Florida School for the Deaf and the Blind rules or
17 collective bargaining contracts.

18 3. The Florida School for the Deaf and the Blind shall
19 review the record of the applicant or employee with respect to
20 the crimes contained in s. 435.04 and shall notify the
21 applicant or employee of its findings. When disposition
22 information is missing on a criminal record, it shall be the
23 responsibility of the applicant or employee, upon request of
24 the Florida School for the Deaf and the Blind, to obtain and
25 supply within 30 days the missing disposition information to
26 the Florida School for the Deaf and the Blind. Failure to
27 supply missing information within 30 days or to show
28 reasonable efforts to obtain such information shall result in
29 automatic disqualification of an applicant and automatic
30 termination of an employee.

31 4. After an initial personnel screening and security

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1 background investigation, written notification shall be given
2 to the affected employee within a reasonable time prior to any
3 subsequent screening and investigation.

4 (c) The Florida School for the Deaf and the Blind may
5 grant exemptions from disqualification as provided in s.
6 435.07.

7 (d) The Florida School for the Deaf and the Blind may
8 not use the criminal records, private investigator findings,
9 or information reference checks obtained by the school
10 pursuant to this section for any purpose other than
11 determining if a person meets the minimum standards for good
12 moral character for personnel employed by the school. The
13 criminal records, private investigator findings, and
14 information from reference checks obtained by the Florida
15 School for the Deaf and the Blind for determining the moral
16 character of employees of the school are confidential and
17 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
18 I of the State Constitution.

19 (e) It is a misdemeanor of the first degree,
20 punishable as provided in s. 775.082 or s. 775.083, for any
21 person willfully, knowingly, or intentionally to:

22 1. Fail, by false statement, misrepresentation,
23 impersonation, or other fraudulent means, to disclose in any
24 application for voluntary or paid employment a material fact
25 used in making a determination as to such person's
26 qualifications for a position of special trust.

27 2. Use the criminal records, private investigator
28 findings, or information from reference checks obtained under
29 this section or information obtained from such records or
30 findings for purposes other than screening for employment or
31 release such information or records to persons for purposes

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1 other than screening for employment.

2 (f) For the purpose of teacher certification, the
3 Florida School for the Deaf and the Blind shall be considered
4 a school district.

5 (8) CAMPUS POLICE.--

6 (a) The Board of Trustees for the Florida School for
7 the Deaf and the Blind is permitted and empowered to employ
8 police officers for the school, who must be designated Florida
9 School for the Deaf and the Blind campus police.

10 (b) Each Florida School for the Deaf and the Blind
11 campus police officer is a law enforcement officer of the
12 state and a conservator of the peace who has the authority to
13 arrest, in accordance with the laws of this state, any person
14 for a violation of state law or applicable county or municipal
15 ordinance if that violation occurs on or in any property or
16 facilities of the school. A campus police officer may also
17 arrest a person off campus for a violation committed on campus
18 after a hot pursuit of that person which began on campus. A
19 campus police officer shall have full authority to bear arms
20 in the performance of the officer's duties and carry out a
21 search pursuant to a search warrant on the campus. Florida
22 School for the Deaf and the Blind campus police, upon request
23 of the sheriff or local police authority, may serve subpoenas
24 or other legal process and may make arrests of persons against
25 whom arrest warrants have been issued or against whom charges
26 have been made for violations of federal or state laws or
27 county or municipal ordinances.

28 (c) The campus police shall promptly deliver all
29 persons arrested and charged with felonies to the sheriff of
30 the county within which the school is located and all persons
31 arrested and charged with misdemeanors to the applicable

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1 authority as provided by law, but otherwise to the sheriff of
2 the county in which the school is located.

3 (d) The campus police must meet the minimum standards
4 established by the Criminal Justice Standards and Training
5 Commission of the Department of Law Enforcement and chapter
6 943 for law enforcement officers. Each campus police officer
7 must, before entering into the performance of the officer's
8 duties, take the oath of office established by the board of
9 trustees. The board of trustees may obtain and approve a bond
10 on each campus police officer, conditioned upon the officer's
11 faithful performance of the officer's duties, which bond must
12 be payable to the Governor. The board of trustees may
13 determine the amount of the bond. In determining the amount of
14 the bond, the board may consider the amount of money or
15 property likely to be in the custody of the officer at any one
16 time. The board of trustees must provide a uniform set of
17 identifying credentials to each campus police officer it
18 employs.

19 (e) In performance of any of the powers, duties, and
20 functions authorized by law, campus police have the same
21 rights, protections, and immunities afforded other law
22 enforcement officers.

23 (f) The board of trustees shall adopt rules,
24 including, without limitation, rules for the appointment,
25 employment, and removal of campus police in accordance with
26 the State Career Service System and shall establish in writing
27 a policy manual, that includes, without limitation, procedures
28 for managing routine law enforcement situations and emergency
29 law enforcement situations. The board of trustees shall
30 furnish a copy of the policy manual to each of the campus
31 police officers it employs. A campus police officer appointed

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1 by the board of trustees must have completed the training
2 required by the school in the special needs and proper
3 procedures for dealing with students served by the school.

4 (9) REPORT OF CAMPUS CRIME STATISTICS.--

5 (a) The school shall prepare an annual report of
6 statistics of crimes committed on its campus and shall submit
7 the report to the board of trustees and the Commissioner of
8 Education. The data for these reports may be taken from the
9 annual report of the Department of Law Enforcement. The board
10 of trustees shall prescribe the form for submission of these
11 reports.

12 (b) The school shall prepare annually a report of
13 statistics of crimes committed on its campus for the preceding
14 3 years. The school shall give students and prospective
15 students notice that this report is available upon request.

16 Section 102. Section 1002.37, Florida Statutes, is
17 created to read:

18 1002.37 The Florida Virtual School.--

19 (1)(a) The Florida Virtual School is established for
20 the development and delivery of on-line and distance learning
21 education and shall be administratively housed within the
22 Commissioner of Education's Office of Technology and
23 Information Services. The Commissioner of Education shall
24 monitor the school's performance and report its performance to
25 the State Board of Education and the Legislature.

26 (b) The mission of the Florida Virtual School is to
27 provide students with technology-based educational
28 opportunities to gain the knowledge and skills necessary to
29 succeed. The school shall serve any student in the state who
30 meets the profile for success in this educational delivery
31 context and shall give priority to:

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1 1. Students who need expanded access to courses in
2 order to meet their educational goals, such as home education
3 students and students in inner-city and rural high schools who
4 do not have access to higher-level courses.

5 2. Students seeking accelerated access in order to
6 obtain a high school diploma at least one semester early.

7 (c) To ensure students are informed of the
8 opportunities offered by the Florida Virtual School, the
9 commissioner shall provide the board of trustees of the
10 Florida Virtual School access to the records of public school
11 students in a format prescribed by the board of trustees.

12
13 The board of trustees of the Florida Virtual School shall
14 identify appropriate performance measures and standards based
15 on student achievement that reflect the school's statutory
16 mission and priorities, and shall implement an accountability
17 system for the school that includes assessment of its
18 effectiveness and efficiency in providing quality services
19 that encourage high student achievement, seamless
20 articulation, and maximum access.

21 (2) The Florida Virtual School shall be governed by a
22 board of trustees comprised of seven members appointed by the
23 Governor to 4-year staggered terms. The board of trustees
24 shall be a public agency entitled to sovereign immunity
25 pursuant to s. 768.28, and board members shall be public
26 officers who shall bear fiduciary responsibility for the
27 Florida Virtual School. The board of trustees shall have the
28 following powers and duties:

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

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1 2. The fiscal year for the Florida Virtual School
2 shall be the state fiscal year as provided in s.
3 216.011(1)(o).

4 (b) The board of trustees shall be responsible for the
5 Florida Virtual School's development of a state-of-the-art
6 technology-based education delivery system that is
7 cost-effective, educationally sound, marketable, and capable
8 of sustaining a self-sufficient delivery system through the
9 Florida Education Finance Program, by fiscal year 2003-2004.
10 The school shall collect and report data for all students
11 served and credit awarded. This data shall be segregated by
12 private, public, and home education students by program.
13 Information shall also be collected that reflects any other
14 school in which a virtual school student is enrolled.

15 (c) The board of trustees shall aggressively seek
16 avenues to generate revenue to support its future endeavors,
17 and shall enter into agreements with distance learning
18 providers. The board of trustees may acquire, enjoy, use, and
19 dispose of patents, copyrights, and trademarks and any
20 licenses and other rights or interests thereunder or therein.
21 Ownership of all such patents, copyrights, trademarks,
22 licenses, and rights or interests thereunder or therein shall
23 vest in the state, with the board of trustees having full
24 right of use and full right to retain the revenues derived
25 therefrom. Any funds realized from patents, copyrights,
26 trademarks, or licenses shall be used to support the school's
27 marketing and research and development activities in order to
28 improve courseware and services to its students.

29 (d) The board of trustees shall annually prepare and
30 submit to the State Board of Education a legislative budget
31 request, including funding requests for computers for public

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1 school students who do not have access to public school
2 computers, in accordance with chapter 216 and s. 1013.60. The
3 legislative budget request of the Florida Virtual School shall
4 be prepared using the same format, procedures, and timelines
5 required for the submission of the legislative budget of the
6 Department of Education. Nothing in this section shall be
7 construed to guarantee a computer to any individual student.

8 (e) In accordance with law and rules of the State
9 Board of Education, the board of trustees shall administer and
10 maintain personnel programs for all employees of the board of
11 trustees and the Florida Virtual School. The board of trustees
12 may adopt rules, policies, and procedures related to the
13 appointment, employment, and removal of personnel.

14 1. The board of trustees shall determine the
15 compensation, including salaries and fringe benefits, and
16 other conditions of employment for such personnel.

17 2. The board of trustees may establish and maintain a
18 personnel loan or exchange program by which persons employed
19 by the board of trustees for the Florida Virtual School as
20 academic administrative and instructional staff may be loaned
21 to, or exchanged with persons employed in like capacities by,
22 public agencies either within or without this state, or by
23 private industry. With respect to public agency employees, the
24 program authorized by this subparagraph shall be consistent
25 with the requirements of part II of chapter 112. The salary
26 and benefits of board of trustees personnel participating in
27 the loan or exchange program shall be continued during the
28 period of time they participate in a loan or exchange program,
29 and such personnel shall be deemed to have no break in
30 creditable or continuous service or employment during such
31 time. The salary and benefits of persons participating in the

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1 personnel loan or exchange program who are employed by public
2 agencies or private industry shall be paid by the originating
3 employers of those participants, and such personnel shall be
4 deemed to have no break in creditable or continuous service or
5 employment during such time.

6 3. The employment of all Florida Virtual School
7 academic administrative and instructional personnel shall be
8 subject to rejection for cause by the board of trustees, and
9 shall be subject to policies of the board of trustees relative
10 to certification, tenure, leaves of absence, sabbaticals,
11 remuneration, and such other conditions of employment as the
12 board of trustees deems necessary and proper, not inconsistent
13 with law.

14 4. Each person employed by the board of trustees in an
15 academic administrative or instructional capacity with the
16 Florida Virtual School shall be entitled to a contract as
17 provided by rules of the board of trustees.

18 5. All employees except temporary, seasonal, and
19 student employees may be state employees for the purpose of
20 being eligible to participate in the Florida Retirement System
21 and receive benefits. The classification and pay plan,
22 including terminal leave and other benefits, and any
23 amendments thereto, shall be subject to review and approval by
24 the Department of Management Services and the Executive Office
25 of the Governor prior to adoption. In the event that the board
26 of trustees assumes responsibility for governance pursuant to
27 this section before approval is obtained, employees shall be
28 compensated pursuant to the system in effect for the employees
29 of the fiscal agent.

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

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1 (g) The board of trustees shall establish and
2 distribute to all school districts and high schools in the
3 state procedures for enrollment of students in courses offered
4 by the Florida Virtual School. Such procedures shall be
5 designed to minimize paperwork and fairly resolve the issue of
6 double funding students taking courses online.

7 (h) The board of trustees shall annually submit to the
8 State Board of Education both forecasted and actual
9 enrollments for the Florida Virtual School, according to
10 procedures established by the State Board of Education. At a
11 minimum, such procedures must include the number of public,
12 private, and home education students served by district.

13 (i) The board of trustees shall provide for the
14 content and custody of student and employee personnel records.
15 Student records shall be subject to the provisions of s.
16 1002.22. Employee records shall be subject to the provisions
17 of s. 1012.31.

18 (j) The financial records and accounts of the Florida
19 Virtual School shall be maintained under the direction of the
20 board of trustees and under rules adopted by the State Board
21 of Education for the uniform system of financial records and
22 accounts for the schools of the state.

23
24 The Governor shall designate the initial chair of the board of
25 trustees to serve a term of 4 years. Members of the board of
26 trustees shall serve without compensation, but may be
27 reimbursed for per diem and travel expenses pursuant to s.
28 112.061. The board of trustees shall be a body corporate with
29 all the powers of a body corporate and such authority as is
30 needed for the proper operation and improvement of the Florida
31 Virtual School. The board of trustees is specifically

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1 authorized to adopt rules, policies, and procedures,
2 consistent with law and rules of the State Board of Education
3 related to governance, personnel, budget and finance,
4 administration, programs, curriculum and instruction, travel
5 and purchasing, technology, students, contracts and grants,
6 and property as necessary for optimal, efficient operation of
7 the Florida Virtual School. Tangible personal property owned
8 by the board of trustees shall be subject to the provisions of
9 chapter 273.

10 (3)(a) Until fiscal year 2003-2004, the Commissioner
11 of Education shall include the Florida Virtual School as a
12 grant-in-aid appropriation in the department's legislative
13 budget request to the State Board of Education, the Governor,
14 and the Legislature, subject to any guidelines imposed in the
15 General Appropriations Act.

16 (b) The Orange County District School Board shall be
17 the temporary fiscal agent of the Florida Virtual School.

18 (4) Under no circumstance may the credit of the state
19 be pledged on behalf of the Florida Virtual School.

20 (5) The board of trustees shall annually submit to the
21 Governor, the Legislature, the Commissioner of Education, and
22 the State Board of Education a complete and detailed report
23 setting forth:

24 (a) The operations and accomplishments of the Florida
25 Virtual School.

26 (b) The marketing and operational plan for the Florida
27 Virtual School, including recommendations regarding methods
28 for improving the delivery of education through the Internet
29 and other distance learning technology.

30 (c) The assets and liabilities of the Florida Virtual
31 School at the end of the fiscal year.

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1 (d) A copy of an annual financial audit of the
2 accounts and records of the Florida Virtual School, conducted
3 by an independent certified public accountant and performed in
4 accordance with rules adopted by the Auditor General.

5 (e) Recommendations regarding the unit cost of
6 providing services to students. In order to most effectively
7 develop public policy regarding any future funding of the
8 Florida Virtual School, it is imperative that the cost of the
9 program is accurately identified. The identified cost of the
10 program must be based on reliable data.

11 (f) Recommendations regarding an accountability
12 mechanism to assess the effectiveness of the services provided
13 by the Florida Virtual School.

14 (6) The State Board of Education may adopt rules it
15 deems necessary to implement reporting requirements for the
16 Florida Virtual School.

17 Section 103. Section 1002.38, Florida Statutes, is
18 created to read:

19 1002.38 Opportunity Scholarship Program.--

20 (1) FINDINGS AND INTENT.--The purpose of this section
21 is to provide enhanced opportunity for students in this state
22 to gain the knowledge and skills necessary for postsecondary
23 education, a technical education, or the world of work. The
24 Legislature recognizes that the voters of the State of
25 Florida, in the November 1998 general election, amended s. 1,
26 Art. IX of the Florida Constitution so as to make education a
27 paramount duty of the state. The Legislature finds that the
28 State Constitution requires the state to provide a uniform,
29 safe, secure, efficient, and high-quality system which allows
30 the opportunity to obtain a high-quality education. The
31 Legislature further finds that a student should not be

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1 compelled, against the wishes of the student's parent, to
2 remain in a school found by the state to be failing for 2
3 years in a 4-year period. The Legislature shall make available
4 opportunity scholarships in order to give parents the
5 opportunity for their children to attend a public school that
6 is performing satisfactorily or to attend an eligible private
7 school when the parent chooses to apply the equivalent of the
8 public education funds generated by his or her child to the
9 cost of tuition in the eligible private school as provided in
10 paragraph (6)(a). Eligibility of a private school shall
11 include the control and accountability requirements that,
12 coupled with the exercise of parental choice, are reasonably
13 necessary to secure the educational public purpose, as
14 delineated in subsection (4).

15 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public
16 school student's parent may request and receive from the state
17 an opportunity scholarship for the student to enroll in and
18 attend a private school in accordance with the provisions of
19 this section if:

20 (a)1. By assigned school attendance area or by special
21 assignment, the student has spent the prior school year in
22 attendance at a public school that has been designated
23 pursuant to s. 1008.34 as performance grade category "F,"
24 failing to make adequate progress, and that has had two school
25 years in a 4-year period of such low performance, and the
26 student's attendance occurred during a school year in which
27 such designation was in effect;

28 2. The student has been in attendance elsewhere in the
29 public school system and has been assigned to such school for
30 the next school year; or

31 3. The student is entering kindergarten or first grade

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1 and has been notified that the student has been assigned to
2 such school for the next school year.

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

9
10 The provisions of this section shall not apply to a student
11 who is enrolled in a school operating for the purpose of
12 providing educational services to youth in Department of
13 Juvenile Justice commitment programs. For purposes of
14 continuity of educational choice, the opportunity scholarship
15 shall remain in force until the student returns to a public
16 school or, if the student chooses to attend a private school
17 the highest grade of which is grade 8, until the student
18 matriculates to high school and the public high school to
19 which the student is assigned is an accredited school with a
20 performance grade category designation of "C" or better.
21 However, at any time upon reasonable notice to the Department
22 of Education and the school district, the student's parent may
23 remove the student from the private school and place the
24 student in a public school, as provided in subparagraph

25 (3)(a)2.

26 (3) SCHOOL DISTRICT OBLIGATIONS.--

27 (a) A school district shall, for each student enrolled
28 in or assigned to a school that has been designated as
29 performance grade category "F" for 2 school years in a 4-year
30 period:

31 1. Timely notify the parent of the student as soon as

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1 such designation is made of all options available pursuant to
2 this section.

3 2. Offer that student's parent an opportunity to
4 enroll the student in the public school within the district
5 that has been designated by the state pursuant to s. 1008.34
6 as a school performing higher than that in which the student
7 is currently enrolled or to which the student has been
8 assigned, but not less than performance grade category "C."
9 The parent is not required to accept this offer in lieu of
10 requesting a state opportunity scholarship to a private
11 school. The opportunity to continue attending the higher
12 performing public school shall remain in force until the
13 student graduates from high school.

14 (b) The parent of a student enrolled in or assigned to
15 a school that has been designated performance grade category
16 "F" for 2 school years in a 4-year period may choose as an
17 alternative to enroll the student in and transport the student
18 to a higher-performing public school that has available space
19 in an adjacent school district, and that school district shall
20 accept the student and report the student for purposes of the
21 district's funding pursuant to the Florida Education Finance
22 Program.

23 (c) For students in the school district who are
24 participating in the state Opportunity Scholarship Program,
25 the school district shall provide locations and times to take
26 all statewide assessments required pursuant to s. 1008.22.

27 (d) Students with disabilities who are eligible to
28 receive services from the school district under federal or
29 state law, and who participate in this program, remain
30 eligible to receive services from the school district as
31 provided by federal or state law.

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1 (e) If for any reason a qualified private school is
2 not available for the student or if the parent chooses to
3 request that the student be enrolled in the higher performing
4 public school, rather than choosing to request the state
5 opportunity scholarship, transportation costs to the higher
6 performing public school shall be the responsibility of the
7 school district. The district may utilize state categorical
8 transportation funds or state-appropriated public school
9 choice incentive funds for this purpose.

10 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
11 participate in the Opportunity Scholarship Program, a private
12 school must be a Florida private school, may be sectarian or
13 nonsectarian, and must:

14 (a) Demonstrate fiscal soundness by being in operation
15 for 1 school year or provide the Department of Education with
16 a statement by a certified public accountant confirming that
17 the private school desiring to participate is insured and the
18 owner or owners have sufficient capital or credit to operate
19 the school for the upcoming year serving the number of
20 students anticipated with expected revenues from tuition and
21 other sources that may be reasonably expected. In lieu of such
22 a statement, a surety bond or letter of credit for the amount
23 equal to the opportunity scholarship funds for any quarter may
24 be filed with the department.

25 (b) Notify the Department of Education and the school
26 district in whose service area the school is located of its
27 intent to participate in the program under this section by May
28 1 of the school year preceding the school year in which it
29 intends to participate. The notice shall specify the grade
30 levels and services that the private school has available for
31 the Opportunity Scholarship Program.

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1 (c) Comply with the antidiscrimination provisions of
2 42 U.S.C. s. 2000d.

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

5 (e) Accept scholarship students on an entirely random
6 and religious-neutral basis without regard to the student's
7 past academic history; however, the private school may give
8 preference in accepting applications to siblings of students
9 who have already been accepted on a random and
10 religious-neutral basis.

11 (f) Be subject to the instruction, curriculum, and
12 attendance criteria adopted by an appropriate nonpublic school
13 accrediting body and be academically accountable to the parent
14 for meeting the educational needs of the student. The private
15 school must furnish a school profile which includes student
16 performance.

17 (g) Employ or contract with teachers who hold a
18 baccalaureate or higher degree, or have at least 3 years of
19 teaching experience in public or private schools, or have
20 special skills, knowledge, or expertise that qualifies them to
21 provide instruction in subjects taught.

22 (h) Comply with all state statutes relating to private
23 schools.

24 (i) Accept as full tuition and fees the amount
25 provided by the state for each student.

26 (j) Agree not to compel any student attending the
27 private school on an opportunity scholarship to profess a
28 specific ideological belief, to pray, or to worship.

29 (k) Adhere to the tenets of its published disciplinary
30 procedures prior to the expulsion of any opportunity
31 scholarship student.

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1 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

2 (a) Any student participating in the Opportunity
3 Scholarship Program must remain in attendance throughout the
4 school year, unless excused by the school for illness or other
5 good cause, and must comply fully with the school's code of
6 conduct.

7 (b) The parent of each student participating in the
8 Opportunity Scholarship Program must comply fully with the
9 private school's parental involvement requirements, unless
10 excused by the school for illness or other good cause.

11 (c) The parent shall ensure that the student
12 participating in the Opportunity Scholarship Program takes all
13 statewide assessments required pursuant to s. 1008.22.

14 (d) A participant who fails to comply with this
15 subsection shall forfeit the opportunity scholarship.

16 (6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--

17 (a) The maximum opportunity scholarship granted for an
18 eligible student shall be a calculated amount equivalent to
19 the base student allocation in the Florida Education Finance
20 Program multiplied by the appropriate cost factor for the
21 educational program that would have been provided for the
22 student in the district school to which he or she was
23 assigned, multiplied by the district cost differential. In
24 addition, the calculated amount shall include the per-student
25 share of instructional materials funds, technology funds, and
26 other categorical funds as provided for this purpose in the
27 General Appropriations Act.

28 (b) The amount of the opportunity scholarship shall be
29 the calculated amount or the amount of the private school's
30 tuition and fees, whichever is less. Fees eligible shall
31 include textbook fees, lab fees, and other fees related to

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1 instruction, including transportation.

2 (c) The school district shall report all students who
3 are attending a private school under this program. The
4 students attending private schools on opportunity scholarships
5 shall be reported separately from those students reported for
6 purposes of the Florida Education Finance Program.

7 (d) The public or private school that provides
8 services to students with disabilities shall receive the
9 weighted funding for such services at the appropriate funding
10 level consistent with the provisions of s. 1011.62(1)(e).

11 (e) For purposes of calculating the opportunity
12 scholarship, a student will be eligible for the amount of the
13 appropriate basic cost factor if:

14 1. The student currently participates in a Group I
15 program funded at the basic cost factor and is not
16 subsequently identified as having a disability; or

17 2. The student currently participates in a Group II
18 program and the parent has chosen a private school that does
19 not provide the additional services funded by the Group II
20 program.

21 (f) Following annual notification on July 1 of the
22 number of participants, the Department of Education shall
23 transfer from each school district's appropriated funds the
24 calculated amount from the Florida Education Finance Program
25 and authorized categorical accounts to a separate account for
26 the Opportunity Scholarship Program for quarterly disbursement
27 to the parents of participating students.

28 (g) Upon proper documentation reviewed and approved by
29 the Department of Education, the Comptroller shall make
30 opportunity scholarship payments in four equal amounts no
31 later than September 1, November 1, February 1, and April 1 of

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1 each academic year in which the opportunity scholarship is in
2 force. The initial payment shall be made after Department of
3 Education verification of admission acceptance, and subsequent
4 payments shall be made upon verification of continued
5 enrollment and attendance at the private school. Payment must
6 be by individual warrant made payable to the student's parent
7 and mailed by the Department of Education to the private
8 school of the parent's choice, and the parent shall
9 restrictively endorse the warrant to the private school.

10 (7) LIABILITY.--No liability shall arise on the part
11 of the state based on any grant or use of an opportunity
12 scholarship.

13 (8) RULES.--The State Board of Education may adopt
14 rules pursuant to ss. 120.536(1) and 120.54 to implement the
15 provisions of this section. Rules shall include penalties for
16 noncompliance with subsections (3) and (5). However, the
17 inclusion of eligible private schools within options available
18 to Florida public school students does not expand the
19 regulatory authority of the state, its officers, or any school
20 district to impose any additional regulation of private
21 schools beyond those reasonably necessary to enforce
22 requirements expressly set forth in this section.

23 Section 104. Section 1002.39, Florida Statutes, is
24 created to read:

25 1002.39 The John M. McKay Scholarships for Students
26 with Disabilities Program.--There is established a program
27 that is separate and distinct from the Opportunity Scholarship
28 Program and is named the John M. McKay Scholarships for
29 Students with Disabilities Program, pursuant to this section.

30 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
31 DISABILITIES PROGRAM.--The John M. McKay Scholarships for

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1 Students with Disabilities Program is established to provide
2 the option to attend a public school other than the one to
3 which assigned, or to provide a scholarship to a private
4 school of choice, for students with disabilities for whom an
5 individual education plan has been written in accordance with
6 rules of the State Board of Education. Students with
7 disabilities include K-12 students who are mentally
8 handicapped, speech and language impaired, deaf or hard of
9 hearing, visually impaired, dual sensory impaired, physically
10 impaired, emotionally handicapped, specific learning disabled,
11 hospitalized or homebound, or autistic.

12 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public
13 school student with a disability who is dissatisfied with the
14 student's progress may request and receive from the state a
15 John M. McKay Scholarship for the child to enroll in and
16 attend a private school in accordance with this section if:

17 (a) By assigned school attendance area or by special
18 assignment, the student has spent the prior school year in
19 attendance at a Florida public school. Prior school year in
20 attendance means that the student was enrolled and reported by
21 a school district for funding during the preceding October and
22 February Florida Education Finance Program surveys in
23 kindergarten through grade 12.

24 (b) The parent has obtained acceptance for admission
25 of the student to a private school that is eligible for the
26 program under subsection (4) and has notified, in writing, the
27 school district of the request for a scholarship at least 60
28 days prior to the date of the first scholarship payment.

29
30 This section does not apply to a student who is enrolled in a
31 school operating for the purpose of providing educational

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1 services to youth in Department of Juvenile Justice commitment
2 programs. For purposes of continuity of educational choice,
3 the scholarship shall remain in force until the student
4 returns to a public school or graduates from high school.
5 However, at any time, the student's parent may remove the
6 student from the private school and place the student in
7 another private school that is eligible for the program under
8 subsection (4) or in a public school as provided in subsection
9 (3).

10 (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION
11 OBLIGATIONS.--

12 (a) A school district shall timely notify the parent
13 of the student of all options available pursuant to this
14 section and offer that student's parent an opportunity to
15 enroll the student in another public school within the
16 district. The parent is not required to accept this offer in
17 lieu of requesting a John M. McKay Scholarship to a private
18 school. However, if the parent chooses the public school
19 option, the student may continue attending a public school
20 chosen by the parent until the student graduates from high
21 school. If the parent chooses a public school consistent with
22 the district school board's choice plan under s. 1002.31, the
23 school district shall provide transportation to the public
24 school selected by the parent. The parent is responsible to
25 provide transportation to a public school chosen that is not
26 consistent with the district school board's choice plan under
27 s. 1002.31.

28 (b) For a student with disabilities who does not have
29 a matrix of services under s. 1011.62(1)(e), the school
30 district must complete a matrix that assigns the student to
31 one of the levels of service as they existed prior to the

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1 2000-2001 school year. The school district must complete the
2 matrix of services for any student who is participating in the
3 John M. McKay Scholarships for Students with Disabilities
4 Program and must notify the Department of Education of the
5 student's matrix level within 30 days after receiving
6 notification by the student's parent of intent to participate
7 in the scholarship program. The Department of Education shall
8 notify the private school of the amount of the scholarship
9 within 10 days after receiving the school district's
10 notification of the student's matrix level. Within 10 school
11 days after it receives notification of a parent's intent to
12 apply for a McKay Scholarship, a district school board must
13 notify the student's parent if the matrix has not been
14 completed and provide the parent with the date for completion
15 of the matrix required in this paragraph.

16 (c) If the parent chooses the private school option
17 and the student is accepted by the private school pending the
18 availability of a space for the student, the parent of the
19 student must notify the school district 60 days prior to the
20 first scholarship payment and before entering the private
21 school in order to be eligible for the scholarship when a
22 space becomes available for the student in the private school.

23 (d) The parent of a student may choose, as an
24 alternative, to enroll the student in and transport the
25 student to a public school in an adjacent school district
26 which has available space and has a program with the services
27 agreed to in the student's individual education plan already
28 in place, and that school district shall accept the student
29 and report the student for purposes of the district's funding
30 pursuant to the Florida Education Finance Program.

31 (e) For a student in the district who participates in

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1 the John M. McKay Scholarships for Students with Disabilities
2 Program whose parent requests that the student take the
3 statewide assessments under s. 1008.22, the district shall
4 provide locations and times to take all statewide assessments.

5 (f) A school district must notify the Department of
6 Education within 10 days after it receives notification of a
7 parent's intent to apply for a scholarship for a student with
8 a disability. A school district must provide the student's
9 parent with the student's matrix level within 10 school days
10 after its completion.

11 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
12 participate in the John M. McKay Scholarships for Students
13 with Disabilities Program, a private school must be a Florida
14 private school, may be sectarian or nonsectarian, and must:

15 (a) Demonstrate fiscal soundness by being in operation
16 for 1 school year or provide the Department of Education with
17 a statement by a certified public accountant confirming that
18 the private school desiring to participate is insured and the
19 owner or owners have sufficient capital or credit to operate
20 the school for the upcoming year serving the number of
21 students anticipated with expected revenues from tuition and
22 other sources that may be reasonably expected. In lieu of such
23 a statement, a surety bond or letter of credit for the amount
24 equal to the scholarship funds for any quarter may be filed
25 with the department.

26 (b) Notify the Department of Education of its intent
27 to participate in the program under this section by May 1 of
28 the school year preceding the school year in which it intends
29 to participate. The notice must specify the grade levels and
30 services that the private school has available for students
31 with disabilities who are participating in the scholarship

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1 program.

2 (c) Comply with the antidiscrimination provisions of
3 42 U.S.C. s. 2000d.

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

6 (e) Be academically accountable to the parent for
7 meeting the educational needs of the student.

8 (f) Employ or contract with teachers who hold
9 baccalaureate or higher degrees, or have at least 3 years of
10 teaching experience in public or private schools, or have
11 special skills, knowledge, or expertise that qualifies them to
12 provide instruction in subjects taught.

13 (g) Comply with all state laws relating to general
14 regulation of private schools.

15 (h) Adhere to the tenets of its published disciplinary
16 procedures prior to the expulsion of a scholarship student.

17 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--

18 (a) A parent who applies for a John M. McKay
19 Scholarship is exercising his or her parental option to place
20 his or her child in a private school. The parent must select
21 the private school and apply for the admission of his or her
22 child.

23 (b) The parent must have requested the scholarship at
24 least 60 days prior to the date of the first scholarship
25 payment.

26 (c) Any student participating in the scholarship
27 program must remain in attendance throughout the school year,
28 unless excused by the school for illness or other good cause,
29 and must comply fully with the school's code of conduct.

30 (d) The parent of each student participating in the
31 scholarship program must comply fully with the private

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1 school's parental involvement requirements, unless excused by
2 the school for illness or other good cause.

3 (e) If the parent requests that the student
4 participating in the scholarship program take all statewide
5 assessments required pursuant to s. 1008.22, the parent is
6 responsible for transporting the student to the assessment
7 site designated by the school district.

8 (f) Upon receipt of a scholarship warrant, the parent
9 to whom the warrant is made must restrictively endorse the
10 warrant to the private school for deposit into the account of
11 the private school.

12 (g) A participant who fails to comply with this
13 subsection forfeits the scholarship.

14 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

15 (a)1. The maximum scholarship granted for an eligible
16 student with disabilities shall be a calculated amount
17 equivalent to the base student allocation in the Florida
18 Education Finance Program multiplied by the appropriate cost
19 factor for the educational program that would have been
20 provided for the student in the district school to which he or
21 she was assigned, multiplied by the district cost
22 differential.

23 2. In addition, a share of the guaranteed allocation
24 for exceptional students shall be determined and added to the
25 calculated amount. The calculation shall be based on the
26 methodology and the data used to calculate the guaranteed
27 allocation for exceptional students for each district in
28 chapter 2000-166, Laws of Florida. Except as provided in
29 subparagraph 3., the calculation shall be based on the
30 student's grade, matrix level of services, and the difference
31 between the 2000-2001 basic program and the appropriate level

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1 of services cost factor, multiplied by the 2000-2001 base
2 student allocation and the 2000-2001 district cost
3 differential for the sending district. Also, the calculated
4 amount shall include the per-student share of supplemental
5 academic instruction funds, instructional materials funds,
6 technology funds, and other categorical funds as provided for
7 such purposes in the General Appropriations Act.

8 3. Until the school district completes the matrix
9 required by paragraph (3)(b), the calculation shall be based
10 on the matrix that assigns the student to support level I of
11 service as it existed prior to the 2000-2001 school year.
12 When the school district completes the matrix, the amount of
13 the payment shall be adjusted as needed.

14 (b) The amount of the John M. McKay Scholarship shall
15 be the calculated amount or the amount of the private school's
16 tuition and fees, whichever is less. The amount of any
17 assessment fee required by the participating private school
18 may be paid from the total amount of the scholarship.

19 (c) If the participating private school requires
20 partial payment of tuition prior to the start of the academic
21 year to reserve space for students admitted to the school,
22 that partial payment may be paid by the Department of
23 Education prior to the first quarterly payment of the year in
24 which the John M. McKay Scholarship is awarded, up to a
25 maximum of \$1,000, and deducted from subsequent scholarship
26 payments. If a student decides not to attend the participating
27 private school, the partial reservation payment must be
28 returned to the Department of Education by the participating
29 private school. There is a limit of one reservation payment
30 per student per year.

31 (d) The school district shall report all students who

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1 are attending a private school under this program. The
2 students with disabilities attending private schools on John
3 M. McKay Scholarships shall be reported separately from other
4 students reported for purposes of the Florida Education
5 Finance Program.

6 (e) Following notification on July 1, September 1,
7 December 1, or February 1 of the number of program
8 participants, the Department of Education shall transfer, from
9 General Revenue funds only, the amount calculated under
10 paragraph (b) from the school district's total funding
11 entitlement under the Florida Education Finance Program and
12 from authorized categorical accounts to a separate account for
13 the scholarship program for quarterly disbursement to the
14 parents of participating students. When a student enters the
15 scholarship program, the Department of Education must receive
16 all documentation required for the student's participation,
17 including the private school's and student's fee schedules, at
18 least 30 days before the first quarterly scholarship payment
19 is made for the student. The Department of Education may not
20 make any retroactive payments.

21 (f) Upon proper documentation reviewed and approved by
22 the Department of Education, the Comptroller shall make
23 scholarship payments in four equal amounts no later than
24 September 1, November 1, February 1, and April 15 of each
25 academic year in which the scholarship is in force. The
26 initial payment shall be made after Department of Education
27 verification of admission acceptance, and subsequent payments
28 shall be made upon verification of continued enrollment and
29 attendance at the private school. Payment must be by
30 individual warrant made payable to the student's parent and
31 mailed by the Department of Education to the private school of

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1 the parent's choice, and the parent shall restrictively
2 endorse the warrant to the private school for deposit into the
3 account of the private school.

4 (7) LIABILITY.--No liability shall arise on the part
5 of the state based on the award or use of a John M. McKay
6 Scholarship.

7 (8) RULES.--The State Board of Education may adopt
8 rules pursuant to ss. 120.536(1) and 120.54 to administer this
9 section. However, the inclusion of eligible private schools
10 within options available to Florida public school students
11 does not expand the regulatory authority of the state, its
12 officers, or any school district to impose any additional
13 regulation of private schools beyond those reasonably
14 necessary to enforce requirements expressly set forth in this
15 section.

16 Section 105. Part IV of chapter 1002, Florida
17 Statutes, shall be entitled "Home Education, Private Schools,
18 Other Education Options" and shall consist of ss.
19 1002.41-1002.43.

20 Section 106. Section 1002.41, Florida Statutes, is
21 created to read:

22 1002.41 Home education programs.--

23 (1) A "home education program" is defined in s.
24 1002.01. The parent is not required to hold a valid regular
25 Florida teaching certificate.

26 (a) The parent shall notify the district school
27 superintendent of the county in which the parent resides of
28 her or his intent to establish and maintain a home education
29 program. The notice shall be in writing, signed by the parent,
30 and shall include the names, addresses, and birthdates of all
31 children who shall be enrolled as students in the home

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1 education program. The notice shall be filed in the district
2 school superintendent's office within 30 days of the
3 establishment of the home education program. A written notice
4 of termination of the home education program shall be filed in
5 the district school superintendent's office within 30 days
6 after said termination.

7 (b) The parent shall maintain a portfolio of records
8 and materials. The portfolio shall consist of the following:

9 1. A log of educational activities that is made
10 contemporaneously with the instruction and that designates by
11 title any reading materials used.

12 2. Samples of any writings, worksheets, workbooks, or
13 creative materials used or developed by the student.

14
15 The portfolio shall be preserved by the parent for 2 years and
16 shall be made available for inspection by the district school
17 superintendent, or the district school superintendent's agent,
18 upon 15 days' written notice. Nothing in this section shall
19 require the district school superintendent to inspect the
20 portfolio.

21 (c) The parent shall provide for an annual educational
22 evaluation in which is documented the student's demonstration
23 of educational progress at a level commensurate with her or
24 his ability. The parent shall select the method of evaluation
25 and shall file a copy of the evaluation annually with the
26 district school superintendent's office in the county in which
27 the student resides. The annual educational evaluation shall
28 consist of one of the following:

29 1. A teacher selected by the parent shall evaluate the
30 student's educational progress upon review of the portfolio
31 and discussion with the student. Such teacher shall hold a

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1 valid regular Florida certificate to teach academic subjects
2 at the elementary or secondary level;

3 2. The student shall take any nationally normed
4 student achievement test administered by a certified teacher;

5 3. The student shall take a state student assessment
6 test used by the school district and administered by a
7 certified teacher, at a location and under testing conditions
8 approved by the school district;

9 4. The student shall be evaluated by an individual
10 holding a valid, active license pursuant to the provisions of
11 s. 490.003(7) or (8); or

12 5. The student shall be evaluated with any other valid
13 measurement tool as mutually agreed upon by the district
14 school superintendent of the district in which the student
15 resides and the student's parent.

16 (2) The district school superintendent shall review
17 and accept the results of the annual educational evaluation of
18 the student in a home education program. If the student does
19 not demonstrate educational progress at a level commensurate
20 with her or his ability, the district school superintendent
21 shall notify the parent, in writing, that such progress has
22 not been achieved. The parent shall have 1 year from the date
23 of receipt of the written notification to provide remedial
24 instruction to the student. At the end of the 1-year
25 probationary period, the student shall be reevaluated as
26 specified in paragraph (1)(c). Continuation in a home
27 education program shall be contingent upon the student
28 demonstrating educational progress commensurate with her or
29 his ability at the end of the probationary period.

30 (3) A home education program shall be excluded from
31 meeting the requirements of a school day.

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1 (4) Home education students may participate in
2 interscholastic extracurricular student activities in
3 accordance with the provisions of s. 1006.15.

4 (5) Home education students may participate in the
5 Bright Futures Scholarship Program in accordance with the
6 provisions of ss. 1009.53-1009.539.

7 (6) Home education students may participate in dual
8 enrollment programs in accordance with the provisions of s.
9 1007.27(4) and 1007.271(10).

10 (7) Home education students are eligible for admission
11 to community colleges in accordance with the provisions of s.
12 1007.263.

13 (8) Home education students are eligible for admission
14 to state universities in accordance with the provisions of s.
15 1007.261.

16 (9) Home education program students may receive
17 testing and evaluation services at diagnostic and resource
18 centers, in accordance with the provisions of s. 1006.03.

19 Section 107. Section 1002.42, Florida Statutes, is
20 created to read:

21 1002.42 Private schools.--

22 (1) DEFINITION.--A "private school" is defined in s.
23 1002.01.

24 (2) ANNUAL PRIVATE SCHOOL SURVEY.--

25 (a) The Department of Education shall organize,
26 maintain, and annually update a database of educational
27 institutions within the state coming within the provisions of
28 this section. There shall be included in the database of each
29 institution the name, address, and telephone number of the
30 institution; the type of institution; the names of
31 administrative officers; the enrollment by grade or special

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1 group (e.g., career and technical education and exceptional
2 child education); the number of graduates; the number of
3 instructional and administrative personnel; the number of days
4 the school is in session; and such data as may be needed to
5 meet the provisions of this section and s. 1003.23(2).

6 (b) For the purpose of organizing, maintaining, and
7 updating this database, each private school shall annually
8 execute and file a database survey form on a date designated
9 by the Department of Education which shall include a notarized
10 statement ascertaining that the owner of the private school
11 has complied with the provisions of paragraph (c). For the
12 purpose of this section, "owner" means any individual who is
13 the chief administrative officer of a private school.

14 (c)1. Notwithstanding the provisions of paragraph (h),
15 each person who is an owner or who establishes, purchases, or
16 otherwise becomes an owner of a private school shall, within 5
17 days of assuming ownership of a school, file with the
18 Department of Law Enforcement a complete set of fingerprints
19 for state processing and checking for criminal background. The
20 fingerprints shall be taken by an authorized law enforcement
21 officer or an employee of the school who is trained to take
22 fingerprints. The costs of fingerprinting, criminal records
23 checking, and processing shall be borne by the applicant or
24 private school. The result of the criminal records checking
25 by the Department of Law Enforcement shall be forwarded to the
26 owner of the private school and shall be made available for
27 public inspection in the private school office as soon as it
28 is received.

29 2. It shall be unlawful for a person who has been
30 convicted of a crime involving moral turpitude to own or
31 operate a private school.

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1 3. An owner of a private school may require school
2 employees to file a complete set of fingerprints with the
3 Department of Law Enforcement for processing and criminal
4 records checking. Findings from such processing and checking
5 shall be reported to the owner for use in employment
6 decisions.

7 4. Owners or employees of private schools who have
8 been fingerprinted pursuant to this paragraph, s. 1012.32, or
9 s. 402.3055 shall not be required to be refingerprinted if
10 they have not been unemployed or unassociated with a private
11 school or child care facility for more than 90 days.

12 5. Persons holding a valid Florida teaching
13 certificate who have been fingerprinted pursuant to s. 1012.35
14 shall not be required to comply with the provisions of this
15 paragraph.

16 (d) The data inquiries to be included and answered in
17 the survey required in paragraph (b) shall be limited to
18 matters set forth in paragraph (a). The department shall
19 furnish annually to each school sufficient copies of this
20 form.

21 (e) To ensure completeness and accuracy of the
22 database, each existing private educational institution
23 falling within the provisions of this section shall notify the
24 Department of Education of any change in the name of the
25 institution, the address, or the chief administrative officer.
26 Each new institution shall notify the department of its
27 establishment.

28 (f) Annually, the department shall make accessible to
29 the public data on private education in this state. Such data
30 shall include that collected pursuant to paragraph (a) and
31 from other sources.

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1 (g) The failure of any institution to submit the
2 annual database survey form and notarized statement of
3 compliance with the provisions of paragraph (c), as required
4 by this section, shall be judged a misdemeanor and, upon
5 conviction, proper authorities of such institution shall be
6 subject to a fine not exceeding \$500. Submission of data for
7 a nonexistent school or an institution providing no
8 instruction or training, the purpose of which is to defraud
9 the public, is unlawful and the person or persons responsible
10 commit a misdemeanor of the second degree, punishable as
11 provided in s. 775.082 or s. 775.083. Persons found to be in
12 violation of subparagraph (c)2. commit a misdemeanor of the
13 first degree, punishable as provided in s. 775.082 or s.
14 775.083.

15 (h) It is the intent of the Legislature not to
16 regulate, control, approve, or accredit private educational
17 institutions, but to create a database where current
18 information may be obtained relative to the educational
19 institutions in this state coming within the provisions of
20 this section as a service to the public, to governmental
21 agencies, and to other interested parties. It is not the
22 intent of the Legislature to regulate, control, or monitor,
23 expressly or implicitly, churches, their ministries, or
24 religious instruction, freedoms, or rites. It is the intent
25 of the Legislature that the annual submission of the database
26 survey by a school shall not be used by that school to imply
27 approval or accreditation by the Department of Education.

28 (3) RETENTION OF RECORDS.--

29 (a) As used in this subsection:

30 1. "Defunct private school" means any private school
31 that has terminated the operation of an education or training

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1 program, or that has no students in attendance, or that has
2 dissolved as a business entity.

3 2. "Student records" means those records, files,
4 documents, and other materials that contain information
5 directly related to students that are maintained by a private
6 school or by a person acting for such institution and that are
7 accessible to other professional personnel to facilitate the
8 instruction, guidance, and educational progress of students.
9 Information contained in student records shall be classified
10 as follows:

11 a. Permanent information, which includes verified
12 information of clear educational importance, containing the
13 following: student's full name and any known changes thereto
14 due to marriage or adoption; authenticated birthdate, place of
15 birth, race, and sex; last known address of student; names of
16 student's parents; name and location of last school attended;
17 number of days present and absent; date enrolled; date
18 withdrawn; courses taken and record of achievement; and date
19 of graduation or program achievement.

20 b. Temporary information, which includes verified
21 information subject to change, containing, but not limited to,
22 the following: health information, standardized test scores,
23 honors and activities, personal attributes, work experience,
24 teacher and counselor comments, and special reports.

25 (b) All private schools that become defunct shall
26 transfer all permanent information contained in student
27 records to the district school superintendent of the public
28 school district in which the private school was located; or,
29 if the private school is a member of a private school system
30 or association, such school may transfer such records to the
31 principal office of such system or association, which shall

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1 constitute full compliance with this subsection. In the event
2 that such private school system or association becomes
3 defunct, it shall transfer all the permanent information
4 contained in its files to the district school superintendent
5 of the public school district in which the private school was
6 located.

7 (c) All private schools that become defunct shall
8 notify the Department of Education Office of Private Schools
9 and Home Education Programs of the date of transfer of student
10 records, the location of storage, the custodian of such
11 records, and the number of records to be stored. The
12 department shall act as a clearinghouse and maintain a
13 registry of such transfers of student records.

14 (d) It is not the intent of the Legislature to limit
15 or restrict the use or possession of any student records while
16 a school is operational, but to facilitate access to academic
17 records by former students seeking to continue their education
18 or training after a private school has become defunct.

19 (4) ATTENDANCE RECORDS AND REPORTS.--All officials,
20 teachers, and other employees in parochial, religious,
21 denominational, and private schools shall keep and prepare
22 records in accordance with the provisions of s. 1003.23(2).

23 (5) SCHOOL-ENTRY HEALTH EXAMINATIONS.--The governing
24 authority of each private school shall require students to
25 present a certification of a school-entry health examination
26 in accordance with the provisions of s. 1003.22(1) and (2).

27 (6) IMMUNIZATIONS.--The governing authority of each
28 private school shall require students to present a
29 certification of immunization in accordance with the
30 provisions of s. 1003.22(3)-(11).

31 (7) ATTENDANCE REQUIREMENTS.--Attendance of a student

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1 at a private, parochial, religious, or denominational school
2 satisfies the attendance requirements of ss. 1003.01(14) and
3 1003.21(1).

4 (8) ATHLETIC COMPETITION.--A private school may
5 participate in athletic competition with a public high school
6 in accordance with the provisions of s. 1006.20(1).

7 (9) RECEIPT OF EDUCATIONAL MATERIALS.--The Department
8 of Education may disseminate educational materials and sell
9 copies for educational use to private schools pursuant to s.
10 1006.39.

11 (10) INSTRUCTIONAL MATERIALS.--District school boards
12 may dispose of instructional materials when they become
13 unserviceable or surplus or are no longer on state contract by
14 giving them to a private school in accordance with the
15 provisions of s. 1006.41.

16 (11) DIAGNOSTIC AND RESOURCE CENTERS.--Diagnostic and
17 resource centers may provide testing and evaluation services
18 to private school students in accordance with the provisions
19 of s. 1006.03(3).

20 (12) EXCEPTIONAL EDUCATION SERVICES.--District school
21 boards may provide instruction for an appropriate program of
22 special instruction, facilities, and services for exceptional
23 students through contractual arrangements with approved
24 private schools in accordance with the provisions of s.
25 1003.57.

26 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization
27 of private schools that has no fewer than 10 member schools in
28 this state may develop a professional development system to be
29 filed with the Department of Education in accordance with the
30 provisions of s. 1012.98(7).

31 (14) BUS DRIVER TRAINING.--Private school bus drivers

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1 may participate in a district school board's bus driver
2 training program, if the district school board makes the
3 program available pursuant to s. 1006.26.

4 (15) POOL PURCHASE OF SCHOOL BUSES.--

5 (a) Florida private schools that demonstrate a
6 racially nondiscriminatory student admission policy may
7 purchase school buses from the state pool purchase program as
8 authorized in s. 1006.27(1), if the private school meets the
9 following conditions:

10 1. Students in one or more grades, kindergarten
11 through grade 12, are provided an education program by the
12 school and the school has submitted the information required
13 pursuant to this section and the most recent school survey
14 required in subsection (2).

15 2. All conditions of the contracts for purchasing
16 school buses between the Department of Education and the
17 companies involved, including bus specifications, ordering
18 deadlines, delivery period and procedures, and payment
19 requirements, shall be met.

20 3. Purchase orders shall be made out to the
21 appropriate company or companies involved and shall be
22 accompanied by a certified check in the amount of 25 percent
23 of the total cost of the bus or buses as a good faith deposit
24 that the bus or buses will be purchased.

25 4. The remainder of the total cost shall be paid upon
26 delivery of the bus or buses to the representative of the
27 private school receiving the bus or buses, or shall be paid
28 when the company informs the purchaser that the buses are
29 ready for delivery if the purchaser has specified that buses
30 are to be picked up at the company's location. If the chassis
31 and the body are purchased from different companies, the

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1 remainder of the chassis' total cost shall be payable upon
2 delivery of the chassis to the body manufacturer.

3 5. If the private school does not meet the obligation
4 stated in subparagraph 4. within 30 calendar days after notice
5 that the bus is ready for delivery or that the chassis has
6 been delivered to the body manufacturer, the selling company
7 may retain 15 percent of the amount being held by the company
8 as a good faith deposit, and all obligations to the private
9 school may be canceled. When the 15 percent is retained, the
10 company shall return 10 percent of the good faith deposit to
11 the nonpublic school within 15 days of cancellation of the
12 companies' objection.

13 (b) Any bus purchased under this section may not be
14 sold, if still titled as a motor vehicle, within 5 calendar
15 years of the date of the initial Florida title being issued,
16 unless the following conditions are met:

17 1. The bus or buses may be sold only to a Florida
18 public school district or Florida private school. Any such
19 sale during the first 5 years shall be documented to the
20 Department of Education within 15 days after the sale.

21 2. The bus or buses shall be advertised by the private
22 school in one major newspaper located in each of the five
23 regions of the state for 3 consecutive days and a copy of the
24 advertisement and the name of each newspaper shall be sent to
25 the Department of Education before the first day of
26 advertising the bus or buses for sale.

27 3. The bus may not be sold at a profit. The bus shall
28 be depreciated at a rate of 10 percent per calendar year, with
29 the first year starting on the date of issue of the initial
30 title in this state.

31 4. Notwithstanding any other provisions of law and

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1 rule regarding purchase of used school buses, the bus may be
2 sold to a public school district if the conditions of
3 subparagraph 3. are met.

4 5. Any public school district or private school
5 purchasing a bus under the conditions of this subsection must
6 accept the obligations of this subsection, and such shall be
7 entered in the sales contract.

8 (c) Any private school, including the owner or
9 corporation purchasing a bus or buses under the conditions of
10 this section, that does not comply with all the conditions of
11 this section shall not be eligible for future purchases of a
12 school bus under this section.

13 (d) Any private school interested in purchasing a bus
14 under this section shall notify, in writing, the Department of
15 Education. The Department of Education shall send the school
16 the appropriate forms, instructions, and price quotations.

17 (e) Notwithstanding any other provisions of this
18 section, no school bus manufacturer, distributor, or dealer
19 shall be required to violate any dealer contract or franchise
20 agreement entered into before the effective date of this
21 section regarding the sale of its buses.

22 (f) The State Board of Education may adopt rules
23 pursuant to ss. 120.536 and 120.54 necessary to implement this
24 section, maintain the integrity of the school bus pool
25 purchase program, and ensure the best and lowest price for
26 purchasing school buses by the public school districts.

27 Section 108. Section 1002.43, Florida Statutes, is
28 created to read:

29 1002.43 Private tutoring programs.--

30 (1) Regular attendance as defined in s. 1003.01(14)
31 may be achieved by attendance in a private tutoring program if

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1 the person tutoring the student meets the following
2 requirements:

3 (a) Holds a valid Florida certificate to teach the
4 subjects or grades in which instruction is given.

5 (b) Keeps all records and makes all reports required
6 by the state and district school board and makes regular
7 reports on the attendance of students in accordance with the
8 provisions of s. 1003.23(2).

9 (c) Requires students to be in actual attendance for
10 the minimum length of time prescribed by s. 1011.60(2).

11 (2) Private tutors shall keep and prepare records in
12 accordance with the provisions of s. 1003.23(2).

13 Section 109. Chapter 1003, Florida Statutes, shall be
14 entitled "Public K-12 Education" and shall consist of ss.
15 1003.01-1003.63.

16 Section 110. Part I of chapter 1003, Florida Statutes,
17 shall be entitled "General Provisions" and shall consist of
18 ss. 1003.01-1003.04.

19 Section 111. Section 1003.01, Florida Statutes, is
20 created to read:

21 1003.01 Definitions.--As used in this chapter, the
22 term:

23 (1) "District school board" means the members who are
24 elected by the voters of a school district created and
25 existing pursuant to s. 4, Art. IX of the State Constitution
26 to operate and control public K-12 education within the school
27 district.

28 (2) "School" means an organization of students for
29 instructional purposes on an elementary, middle or junior high
30 school, secondary or high school, or other public school level
31 authorized under rules of the State Board of Education.

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1 (3)(a) "Exceptional student" means any student who has
2 been determined eligible for a special program in accordance
3 with rules of the State Board of Education. The term includes
4 students who are gifted and students with disabilities who are
5 mentally handicapped, speech and language impaired, deaf or
6 hard of hearing, visually impaired, dual sensory impaired,
7 physically impaired, emotionally handicapped, specific
8 learning disabled, hospital and homebound, autistic,
9 developmentally delayed children, ages birth through 5 years,
10 or children, ages birth through 2 years, with established
11 conditions that are identified in State Board of Education
12 rules pursuant to s. 1003.21(1)(e).

13 (b) "Special education services" means specially
14 designed instruction and such related services as are
15 necessary for an exceptional student to benefit from
16 education. Such services may include: transportation;
17 diagnostic and evaluation services; social services; physical
18 and occupational therapy; job placement; orientation and
19 mobility training; braillists, typists, and readers for the
20 blind; interpreters and auditory amplification; rehabilitation
21 counseling; transition services; mental health services;
22 guidance and career counseling; specified materials, assistive
23 technology devices, and other specialized equipment; and other
24 such services as approved by rules of the state board.

25 (4) "Career and technical education" means education
26 that provides instruction for the following purposes:

27 (a) At the elementary, middle, and secondary school
28 levels, exploratory courses designed to give students initial
29 exposure to a broad range of occupations to assist them in
30 preparing their academic and occupational plans, and practical
31 arts courses that provide generic skills that may apply to

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1 many occupations but are not designed to prepare students for
2 entry into a specific occupation. Career and technical
3 education provided before high school completion must be
4 designed to enhance both occupational and academic skills
5 through integration with academic instruction.

6 (b) At the secondary school level, job-preparatory
7 instruction in the competencies that prepare students for
8 effective entry into an occupation, including diversified
9 cooperative education, work experience, and job-entry programs
10 that coordinate directed study and on-the-job training.

11 (c) At the postsecondary education level, courses of
12 study that provide competencies needed for entry into specific
13 occupations or for advancement within an occupation.

14 (5)(a) "Suspension," also referred to as out-of-school
15 suspension, means the temporary removal of a student from all
16 classes of instruction on public school grounds and all other
17 school-sponsored activities, except as authorized by the
18 principal or the principal's designee, for a period not to
19 exceed 10 school days and remanding of the student to the
20 custody of the student's parent with specific homework
21 assignments for the student to complete.

22 (b) "In-school suspension" means the temporary removal
23 of a student from the student's regular school program and
24 placement in an alternative program, such as that provided in
25 s. 1003.53, under the supervision of district school board
26 personnel, for a period not to exceed 10 school days.

27 (6) "Expulsion" means the removal of the right and
28 obligation of a student to attend a public school under
29 conditions set by the district school board, and for a period
30 of time not to exceed the remainder of the term or school year
31 and 1 additional year of attendance. Expulsions may be imposed

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1 with or without continuing educational services and shall be
2 reported accordingly.

3 (7) "Corporal punishment" means the moderate use of
4 physical force or physical contact by a teacher or principal
5 as may be necessary to maintain discipline or to enforce
6 school rule. However, the term "corporal punishment" does not
7 include the use of such reasonable force by a teacher or
8 principal as may be necessary for self-protection or to
9 protect other students from disruptive students.

10 (8) "Habitual truant" means a student who has 15
11 unexcused absences within 90 calendar days with or without the
12 knowledge or consent of the student's parent, is subject to
13 compulsory school attendance under s. 1003.21(1) and (2)(a),
14 and is not exempt under s. 1003.21(3) or s. 1003.24, or by
15 meeting the criteria for any other exemption specified by law
16 or rules of the State Board of Education. Such a student must
17 have been the subject of the activities specified in ss.
18 1003.26 and 1003.27(3), without resultant successful
19 remediation of the truancy problem before being dealt with as
20 a child in need of services according to the provisions of
21 chapter 984.

22 (9) "Dropout" means a student who meets any one or
23 more of the following criteria:

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

30 (b) The student has not met the relevant attendance
31 requirements of the school district pursuant to State Board of

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1 Education rules, or the student was expected to attend a
2 school but did not enter as expected for unknown reasons, or
3 the student's whereabouts are unknown;

4 (c) The student has withdrawn from school, but has not
5 transferred to another public or private school or enrolled in
6 any career and technical, adult, home education, or
7 alternative educational program;

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

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

15
16 The State Board of Education may adopt rules to implement the
17 provisions of this subsection.

18 (10) "Alternative measures for students with special
19 needs" or "special programs" means measures designed to meet
20 the special needs of a student that cannot be met by regular
21 school curricula.

22 (11)(a) "Juvenile justice education programs or
23 schools" means programs or schools operating for the purpose
24 of providing educational services to youth in Department of
25 Juvenile Justice programs, for a school year comprised of 250
26 days of instruction distributed over 12 months. At the request
27 of the provider, a district school board may decrease the
28 minimum number of days of instruction by up to 10 days for
29 teacher planning for residential programs and up to 20 days
30 for teacher planning for nonresidential programs, subject to
31 the approval of the Department of Juvenile Justice and the

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1 Department of Education.

2 (b) "Juvenile justice provider" means the Department
3 of Juvenile Justice or a private, public, or other
4 governmental organization under contract with the Department
5 of Juvenile Justice that provides treatment, care and custody,
6 or educational programs for youth in juvenile justice
7 intervention, detention, or commitment programs.

8 (12) "Homeless child" means:

9 (a) One who lacks a fixed, regular nighttime
10 residence;

11 (b) One who has a primary nighttime residence that is:

12 1. A supervised publicly or privately operated shelter
13 designed to provide temporary living accommodations, including
14 welfare hotels, congregate shelters, and transitional housing
15 for the mentally ill;

16 2. An institution that provides a temporary residence
17 for individuals intended to be institutionalized; or

18 3. A public or private place not designed for, or
19 ordinarily used as, a regular sleeping accommodation for human
20 beings; or

21 (c) One who temporarily resides with an adult other
22 than his or her parent because the parent is suffering
23 financial hardship.

24

25 A child who is imprisoned, detained, or in the custody of the
26 state pursuant to a state or federal law is not a homeless
27 child.

28 (13) "Regular school attendance" means the actual
29 attendance of a student during the school day as defined by
30 law and rules of the State Board of Education. Regular
31 attendance within the intent of s. 1003.21 may be achieved by

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1 attendance in:

2 (a) A public school supported by public funds;

3 (b) A parochial, religious, or denominational school;

4 (c) A private school supported in whole or in part by
5 tuition charges or by endowments or gifts;

6 (d) A home education program that meets the
7 requirements of chapter 1002; or

8 (e) A private tutoring program that meets the
9 requirements of chapter 1002.

10 Section 112. Section 1003.02, Florida Statutes, is
11 created to read:

12 1003.02 District school board operation and control of
13 public K-12 education within the school district.--As provided
14 in part II of chapter 1001, district school boards are
15 constitutionally and statutorily charged with the operation
16 and control of public K-12 education within their school
17 district. The district school boards must establish, organize,
18 and operate their public K-12 schools and educational
19 programs, employees, and facilities. Their responsibilities
20 include staff development, public K-12 school student
21 education including education for exceptional students and
22 students in juvenile justice programs, special programs, adult
23 education programs, and career and technical education
24 programs. Additionally, district school boards must:

25 (1) Provide for the proper accounting for all students
26 of school age, for the attendance and control of students at
27 school, and for proper attention to health, safety, and other
28 matters relating to the welfare of students in the following
29 fields:

30 (a) Admission, classification, promotion, and
31 graduation of students.--Adopt rules for admitting,

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1 classifying, promoting, and graduating students to or from the
2 various schools of the district.

3 (b) Enforcement of attendance laws.--Provide for the
4 enforcement of all laws and rules relating to the attendance
5 of students at school.

6 (c) Control of students.--

7 1. Adopt rules for the control, attendance,
8 discipline, in-school suspension, suspension, and expulsion of
9 students and decide all cases recommended for expulsion.
10 2. Maintain a code of student conduct as provided in
11 chapter 1006.

12 (d) Courses of study and instructional materials.--

13 1. Provide adequate instructional materials for all
14 students as follows and in accordance with the requirements of
15 chapter 1006, in the core courses of mathematics, language
16 arts, social studies, science, reading, and literature, except
17 for instruction for which the school advisory council approves
18 the use of a program that does not include a textbook as a
19 major tool of instruction.

20 2. Adopt courses of study for use in the schools of
21 the district.

22 3. Provide for proper requisitioning, distribution,
23 accounting, storage, care, and use of all instructional
24 materials as may be needed, and ensure that instructional
25 materials used in the district are consistent with the
26 district goals and objectives and the curriculum frameworks
27 approved by the State Board of Education, as well as with the
28 state and school district performance standards required by
29 law and state board rule.

30 (e) Transportation.--Make provision for the
31 transportation of students to the public schools or school

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1 activities they are required or expected to attend,
2 efficiently and economically, in accordance with the
3 requirements of chapter 1006.

4 (f) Facilities and school plant.--

5 1. Approve and adopt a districtwide school facilities
6 program, in accordance with the requirements of chapter 1013.

7 2. Approve plans for locating, planning, constructing,
8 sanitating, insuring, maintaining, protecting, and condemning
9 school property as prescribed in chapter 1013.

10 3. Approve and adopt a districtwide school building
11 program.

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

16 5. Approve the proposed purchase of any site,
17 playground, or recreational area for which school district
18 funds are to be used.

19 6. Expand existing sites.

20 7. Rent buildings when necessary.

21 8. Enter into leases or lease-purchase arrangements,
22 in accordance with the requirements and conditions provided in
23 s. 1013.15(2).

24 9. Provide for the proper supervision of construction.

25 10. Make or contract for additions, alterations, and
26 repairs on buildings and other school properties.

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

30 12. Provide adequately for the proper maintenance and
31 upkeep of school plants.

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1 13. Carry insurance on every school building in all
2 school plants including contents, boilers, and machinery,
3 except buildings of three classrooms or less which are of
4 frame construction and located in a tenth class public
5 protection zone as defined by the Florida Inspection and
6 Rating Bureau, and on all school buses and other property
7 under the control of the district school board or title to
8 which is vested in the district school board, except as
9 exceptions may be authorized under rules of the State Board of
10 Education.

11 14. Condemn and prohibit the use for public school
12 purposes of any building under the control of the district
13 school board.

14 (g) School operation.--

15 1. Provide for the operation of all public schools as
16 free schools for a term of at least 180 days or the equivalent
17 on an hourly basis as specified by rules of the State Board of
18 Education; determine district school funds necessary in
19 addition to state funds to operate all schools for the minimum
20 term; and arrange for the levying of district school taxes
21 necessary to provide the amount needed from district sources.

22 2. Prepare, adopt, and timely submit to the Department
23 of Education, as required by law and by rules of the State
24 Board of Education, the annual school budget, so as to promote
25 the improvement of the district school system.

26 (h) Records and reports.--

27 1. Keep all necessary records and make all needed and
28 required reports, as required by law or by rules of the State
29 Board of Education.

30 2. At regular intervals require reports to be made by
31 principals or teachers in all public schools to the parents of

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1 the students enrolled and in attendance at their schools,
2 apprising them of the academic and other progress being made
3 by the student and giving other useful information.

4 (2) Require that all laws, all rules of the State
5 Board of Education, and all rules of the district school board
6 are properly enforced.

7 (3) Maintain a system of school improvement and
8 education accountability as required by law and State Board of
9 Education rule, including but not limited to the requirements
10 of chapter 1008.

11 (4) For any school within the district that is not in
12 compliance with the small school size requirements of chapter
13 1013, in order to reduce the anonymity of students in large
14 schools, adopt policies that encourage subdivision of the
15 school into schools-within-a-school, which shall operate
16 within existing resources. A "school-within-a-school" means an
17 operational program that uses flexible scheduling, team
18 planning, and curricular and instructional innovation to
19 organize groups of students with groups of teachers as smaller
20 units, so as to functionally operate as a smaller school.
21 Examples of this include, but are not limited to:

22 (a) An organizational arrangement assigning both
23 students and teachers to smaller units in which the students
24 take some or all of their coursework with their fellow grouped
25 students and from the teachers assigned to the smaller unit. A
26 unit may be grouped together for 1 year or on a vertical,
27 multiyear basis.

28 (b) An organizational arrangement similar to that
29 described in paragraph (a) with additional variations in
30 instruction and curriculum. The smaller unit usually seeks to
31 maintain a program different from that of the larger school,

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1 or of other smaller units. It may be vertically organized, but
2 is dependent upon the school principal for its existence,
3 budget, and staff.

4 (c) A separate and autonomous smaller unit formally
5 authorized by the district school board or district school
6 superintendent. The smaller unit plans and runs its own
7 program, has its own staff and students, and receives its own
8 separate budget. The smaller unit must negotiate the use of
9 common space with the larger school and defer to the building
10 principal on matters of safety and building operation.

11 Section 113. Section 1003.03, Florida Statutes, is
12 created to read:

13 1003.03 Maximum class size goals.--It is the goal of
14 the Legislature and each district school board that each
15 elementary school in the school district beginning with
16 kindergarten through grade three class sizes not exceed 20
17 students, with a ratio of one full-time equivalent teacher per
18 20 students; except that only in the case of "D" and "F"
19 schools as identified by the commissioner, the goal in
20 kindergarten through grade three shall be a ratio of one
21 full-time equivalent teacher per 15 students. For purposes of
22 any funding in the General Appropriations Act to meet these
23 goals, the district school board shall give priority to
24 identified "D" and "F" schools in the school district. Second
25 priority for the use of any funds designated for meeting these
26 goals shall be for kindergarten through grade one. Third
27 priority for the use of any funds designated for meeting these
28 goals shall be for grades two and three.

29 Section 114. Section 1003.04, Florida Statutes, is
30 created to read:

31 1003.04 Student conduct and parental involvement

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1 goals.--

2 (1) It is the goal of the Legislature and each
3 district school board that each public K-12 student remain in
4 attendance throughout the school year, unless excused by the
5 school for illness or other good cause, and comply fully with
6 the school's code of conduct.

7 (2) It is the goal of the Legislature and each
8 district school board that the parent of each public K-12
9 student comply with the school's reasonable and
10 time-acceptable parental involvement requests.

11 Section 115. Part II of chapter 1003, Florida
12 Statutes, shall be entitled "School Attendance" and shall
13 consist of ss. 1003.21-1003.29.

14 Section 116. Section 1003.21, Florida Statutes, is
15 created to read:

16 1003.21 School attendance.--

17 (1)(a)1. All children who have attained the age of 6
18 years or who will have attained the age of 6 years by February
19 1 of any school year or who are older than 6 years of age but
20 who have not attained the age of 16 years, except as otherwise
21 provided, are required to attend school regularly during the
22 entire school term.

23 2. Children who will have attained the age of 5 years
24 on or before September 1 of the school year are eligible for
25 admission to public kindergartens during that school year
26 under rules adopted by the district school board.

27 (b) Any child who has attained the age of 6 years on
28 or before September 1 of the school year and who has been
29 enrolled in a public school or who has attained the age of 6
30 years on or before September 1 and has satisfactorily
31 completed the requirements for kindergarten in a private

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1 school from which the district school board accepts transfer
2 of academic credit, or who otherwise meets the criteria for
3 admission or transfer in a manner similar to that applicable
4 to other grades, shall progress according to the district's
5 student progression plan. However, nothing in this section
6 shall authorize the state or any school district to oversee or
7 exercise control over the curricula or academic programs of
8 private schools or home education programs.

9 (c) A student who attains the age of 16 years during
10 the school year is not subject to compulsory school attendance
11 beyond the date upon which he or she attains that age if the
12 student files a formal declaration of intent to terminate
13 school enrollment with the district school board. The
14 declaration must acknowledge that terminating school
15 enrollment is likely to reduce the student's earning potential
16 and must be signed by the student and the student's parent.
17 The school district must notify the student's parent of
18 receipt of the student's declaration of intent to terminate
19 school enrollment.

20 (d) Students who become or have become married and
21 students who are pregnant shall not be prohibited from
22 attending school. These students and students who are parents
23 shall receive the same educational instruction or its
24 equivalent as other students, but may voluntarily be assigned
25 to a class or program suited to their special needs.
26 Consistent with s. 1003.54, pregnant or parenting teens may
27 participate in a teenage parent program. Pregnant students may
28 attend alternative education programs or adult education
29 programs, provided that the curriculum allows the student to
30 continue to work toward a high school diploma.

31 (e) Consistent with rules adopted by the State Board

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1 of Education, children with disabilities who have attained the
2 age of 3 years shall be eligible for admission to public
3 special education programs and for related services under
4 rules adopted by the district school board. Exceptional
5 children who are deaf or hard of hearing, visually impaired,
6 dual sensory impaired, severely physically handicapped,
7 trainable mentally handicapped, or profoundly handicapped, or
8 who have established conditions, or exhibit developmental
9 delays, below age 3 may be eligible for special programs; or,
10 if enrolled in other school readiness programs, they may be
11 eligible for supplemental instruction. Rules for the
12 identification of established conditions for children birth
13 through 2 years of age and developmental delays for children
14 birth through 5 years of age must be adopted by the State
15 Board of Education.

16 (f) Homeless children, as defined in s. 1003.01, must
17 have access to a free public education and must be admitted to
18 school in the school district in which they or their families
19 live. School districts shall assist homeless children to meet
20 the requirements of subsection (4) and s. 1003.22, as well as
21 local requirements for documentation.

22 (2)(a) The State Board of Education may adopt rules
23 under which students not meeting the entrance age may be
24 transferred from another state if their parents have been
25 legal residents of that state.

26 (b) Each district school board, in accordance with
27 rules of the State Board of Education, shall adopt a policy
28 that authorizes a parent to request and be granted permission
29 for absence of a student from school for religious instruction
30 or religious holidays.

31 (3) The district school superintendent may authorize

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1 certificates of exemptions from school attendance requirements
2 in certain situations. Students within the compulsory
3 attendance age limits who hold valid certificates of exemption
4 that have been issued by the superintendent shall be exempt
5 from attending school. A certificate of exemption shall cease
6 to be valid at the end of the school year in which it is
7 issued.

8 (4) Before admitting a child to kindergarten, the
9 principal shall require evidence that the child has attained
10 the age at which he or she should be admitted in accordance
11 with the provisions of subparagraph (1)(a)2. The district
12 school superintendent may require evidence of the age of any
13 child whom he or she believes to be within the limits of
14 compulsory attendance as provided for by law. If the first
15 prescribed evidence is not available, the next evidence
16 obtainable in the order set forth below shall be accepted:

17 (a) A duly attested transcript of the child's birth
18 record filed according to law with a public officer charged
19 with the duty of recording births;

20 (b) A duly attested transcript of a certificate of
21 baptism showing the date of birth and place of baptism of the
22 child, accompanied by an affidavit sworn to by the parent;

23 (c) An insurance policy on the child's life that has
24 been in force for at least 2 years;

25 (d) A bona fide contemporary religious record of the
26 child's birth accompanied by an affidavit sworn to by the
27 parent;

28 (e) A passport or certificate of arrival in the United
29 States showing the age of the child;

30 (f) A transcript of record of age shown in the child's
31 school record of at least 4 years prior to application,

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1 stating date of birth; or

2 (g) If none of these evidences can be produced, an
3 affidavit of age sworn to by the parent, accompanied by a
4 certificate of age signed by a public health officer or by a
5 public school physician, or, if neither of these is available
6 in the county, by a licensed practicing physician designated
7 by the district school board, which certificate states that
8 the health officer or physician has examined the child and
9 believes that the age as stated in the affidavit is
10 substantially correct. A homeless child, as defined in s.
11 1003.01, shall be given temporary exemption from this section
12 for 30 school days.

13 Section 117. Section 1003.22, Florida Statutes, is
14 created to read:

15 1003.22 School-entry health examinations; immunization
16 against communicable diseases; exemptions; duties of
17 Department of Health.--

18 (1) Each district school board and the governing
19 authority of each private school shall require that each child
20 who is entitled to admittance to kindergarten, or is entitled
21 to any other initial entrance into a public or private school
22 in this state, present a certification of a school-entry
23 health examination performed within 1 year prior to enrollment
24 in school. Each district school board, and the governing
25 authority of each private school, may establish a policy that
26 permits a student up to 30 school days to present a
27 certification of a school-entry health examination. A
28 homeless child, as defined in s. 1003.01, shall be given a
29 temporary exemption for 30 school days. Any district school
30 board that establishes such a policy shall include provisions
31 in its local school health services plan to assist students in

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1 obtaining the health examinations. However, any child shall be
2 exempt from the requirement of a health examination upon
3 written request of the parent of the child stating objections
4 to the examination on religious grounds.

5 (2) The State Board of Education, subject to the
6 concurrence of the Department of Health, shall adopt rules to
7 govern medical examinations and immunizations performed under
8 this section.

9 (3) The Department of Health may adopt rules necessary
10 to administer and enforce this section. The Department of
11 Health, after consultation with the Department of Education,
12 shall adopt rules governing the immunization of children
13 against, the testing for, and the control of preventable
14 communicable diseases. The rules must include procedures for
15 exempting a child from immunization requirements.
16 Immunizations shall be required for poliomyelitis, diphtheria,
17 rubeola, rubella, pertussis, mumps, tetanus, and other
18 communicable diseases as determined by rules of the Department
19 of Health. The manner and frequency of administration of the
20 immunization or testing shall conform to recognized standards
21 of medical practice. The Department of Health shall supervise
22 and secure the enforcement of the required immunization.
23 Immunizations required by this section shall be available at
24 no cost from the county health departments.

25 (4) Each district school board and the governing
26 authority of each private school shall establish and enforce
27 as policy that, prior to admittance to or attendance in a
28 public or private school, grades kindergarten through 12, each
29 child present or have on file with the school a certification
30 of immunization for the prevention of those communicable
31 diseases for which immunization is required by the Department

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1 of Health and further shall provide for appropriate screening
2 of its students for scoliosis at the proper age. Such
3 certification shall be made on forms approved and provided by
4 the Department of Health and shall become a part of each
5 student's permanent record, to be transferred when the student
6 transfers, is promoted, or changes schools. The transfer of
7 such immunization certification by Florida public schools
8 shall be accomplished using the Florida Automated System for
9 Transferring Education Records and shall be deemed to meet the
10 requirements of this section.

11 (5) The provisions of this section shall not apply if:

12 (a) The parent of the child objects in writing that
13 the administration of immunizing agents conflicts with his or
14 her religious tenets or practices;

15 (b) A physician licensed under the provisions of
16 chapter 458 or chapter 459 certifies in writing, on a form
17 approved and provided by the Department of Health, that the
18 child should be permanently exempt from the required
19 immunization for medical reasons stated in writing, based upon
20 valid clinical reasoning or evidence, demonstrating the need
21 for the permanent exemption;

22 (c) A physician licensed under the provisions of
23 chapter 458, chapter 459, or chapter 460 certifies in writing,
24 on a form approved and provided by the Department of Health,
25 that the child has received as many immunizations as are
26 medically indicated at the time and is in the process of
27 completing necessary immunizations;

28 (d) The Department of Health determines that,
29 according to recognized standards of medical practice, any
30 required immunization is unnecessary or hazardous; or

31 (e) An authorized school official issues a temporary

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1 exemption, for a period not to exceed 30 school days, to
2 permit a student who transfers into a new county to attend
3 class until his or her records can be obtained. A homeless
4 child, as defined in s. 1003.01, shall be given a temporary
5 exemption for 30 school days. The public school health nurse
6 or authorized private school official is responsible for
7 followup of each such student until proper documentation or
8 immunizations are obtained. An exemption for 30 days may be
9 issued for a student who enters a juvenile justice program to
10 permit the student to attend class until his or her records
11 can be obtained or until the immunizations can be obtained. An
12 authorized juvenile justice official is responsible for
13 followup of each student who enters a juvenile justice program
14 until proper documentation or immunizations are obtained.

15 (6)(a) No person licensed by this state as a physician
16 or nurse shall be liable for any injury caused by his or her
17 action or failure to act in the administration of a vaccine or
18 other immunizing agent pursuant to the provisions of this
19 section if the person acts as a reasonably prudent person with
20 similar professional training would have acted under the same
21 or similar circumstances.

22 (b) No member of a district school board, or any of
23 its employees, or member of a governing board of a private
24 school, or any of its employees, shall be liable for any
25 injury caused by the administration of a vaccine to any
26 student who is required to be so immunized or for a failure to
27 diagnose scoliosis pursuant to the provisions of this section.

28 (7) The parents of any child admitted to or in
29 attendance at a Florida public or private school, grades
30 kindergarten through 12, are responsible for assuring that the
31 child is in compliance with the provisions of this section.

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1 (8) Each public school, including public kindergarten,
2 and each private school, including private kindergarten, shall
3 be required to provide to the county health department
4 director or administrator annual reports of compliance with
5 the provisions of this section. Reports shall be completed on
6 forms provided by the Department of Health for each
7 kindergarten, and other grade as specified; and the reports
8 shall include the status of children who were admitted at the
9 beginning of the school year. After consultation with the
10 Department of Education, the Department of Health shall
11 establish by administrative rule the dates for submission of
12 these reports, the grades for which the reports shall be
13 required, and the forms to be used.

14 (9) The presence of any of the communicable diseases
15 for which immunization is required by the Department of Health
16 in a Florida public or private school shall permit the county
17 health department director or administrator or the State
18 Health Officer to declare a communicable disease emergency.
19 The declaration of such emergency shall mandate that all
20 students in attendance in the school who are not in compliance
21 with the provisions of this section be identified by the
22 district school board or by the governing authority of the
23 private school; and the school health and immunization records
24 of such children shall be made available to the county health
25 department director or administrator. Those children
26 identified as not being immunized against the disease for
27 which the emergency has been declared shall be temporarily
28 excluded from school by the district school board, or the
29 governing authority of the private school, until such time as
30 is specified by the county health department director or
31 administrator.

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1 (10) Each district school board and the governing
2 authority of each private school shall:

3 (a) Refuse admittance to any child otherwise entitled
4 to admittance to kindergarten, or any other initial entrance
5 into a Florida public or private school, who is not in
6 compliance with the provisions of subsection (4).

7 (b) Temporarily exclude from attendance any student
8 who is not in compliance with the provisions of subsection
9 (4).

10 (11) The provisions of this section do not apply to
11 those persons admitted to or attending adult education classes
12 unless the adult students are under 21 years of age.

13 Section 118. Section 1003.23, Florida Statutes, is
14 created to read:

15 1003.23 Attendance records and reports.--

16 (1) The attendance of all public K-12 school students
17 shall be checked each school day in the manner prescribed by
18 rules of the State Board of Education and recorded in the
19 teacher's register or by some approved system of recording
20 attendance. Students may be counted in attendance only if
21 they are actually present at school or are away from school on
22 a school day and are engaged in an educational activity which
23 constitutes a part of the school-approved instructional
24 program for the student.

25 (2) All officials, teachers, and other employees in
26 public, parochial, religious, denominational, and private K-12
27 schools, including private tutors, shall keep all records and
28 shall prepare and submit promptly all reports that may be
29 required by law and by rules of the State Board of Education
30 and district school boards. Such records shall include a
31 register of enrollment and attendance and all persons

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1 described above shall make these reports therefrom as may be
2 required by the State Board of Education. The enrollment
3 register shall show the absence or attendance of each student
4 enrolled for each school day of the year in a manner
5 prescribed by the State Board of Education. The register shall
6 be open for the inspection by the designated school
7 representative or the district school superintendent of the
8 district in which the school is located. Violation of the
9 provisions of this section shall be a misdemeanor of the
10 second degree, punishable as provided by law. This section
11 shall not apply to home education programs provided in s.
12 1002.41.

13 Section 119. Section 1003.24, Florida Statutes, is
14 created to read:

15 1003.24 Parents responsible for attendance of
16 children; attendance policy.--Each parent of a child within
17 the compulsory attendance age is responsible for the child's
18 school attendance as required by law. The absence of a
19 student from school is prima facie evidence of a violation of
20 this section; however, criminal prosecution under this chapter
21 may not be brought against a parent until the provisions of s.
22 1003.26 have been complied with. A parent of a student is not
23 responsible for the student's nonattendance at school under
24 any of the following conditions:

25 (1) WITH PERMISSION.--The absence was with permission
26 of the head of the school;

27 (2) WITHOUT KNOWLEDGE.--The absence was without the
28 parent's knowledge, consent, or connivance, in which case the
29 student shall be dealt with as a dependent child;

30 (3) FINANCIAL INABILITY.--The parent was unable
31 financially to provide necessary clothes for the student,

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1 which inability was reported in writing to the superintendent
2 prior to the opening of school or immediately after the
3 beginning of such inability, provided that the validity of any
4 claim for exemption under this paragraph shall be determined
5 by the district school superintendent subject to appeal to the
6 district school board; or

7 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE
8 CONDITION.--Attendance was impracticable or inadvisable on
9 account of sickness or injury, attested to by a written
10 statement of a licensed practicing physician, or was
11 impracticable because of some other stated insurmountable
12 condition as defined by rules of the State Board of Education.
13 If a student is continually sick and repeatedly absent from
14 school, he or she must be under the supervision of a physician
15 in order to receive an excuse from attendance. Such excuse
16 provides that a student's condition justifies absence for more
17 than the number of days permitted by the district school
18 board.

19
20 Each district school board shall establish an attendance
21 policy that includes, but is not limited to, the required
22 number of days each school year that a student must be in
23 attendance and the number of absences and tardinesses after
24 which a statement explaining such absences and tardinesses
25 must be on file at the school. Each school in the district
26 must determine if an absence or tardiness is excused or
27 unexcused according to criteria established by the district
28 school board.

29 Section 120. Section 1003.25, Florida Statutes, is
30 created to read:

31 1003.25 Procedures for maintenance and transfer of

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1 student records.--

2 (1) Each principal shall maintain a permanent
3 cumulative record for each student enrolled in a public K-12
4 school. Such record shall be maintained in the form, and
5 contain all data, prescribed by rule by the State Board of
6 Education. The cumulative record is confidential and exempt
7 from the provisions of s. 119.07(1) and is open to inspection
8 only as provided in chapter 1002.

9 (2) The procedure for transferring and maintaining
10 records of students who transfer from school to school shall
11 be prescribed by rules of the State Board of Education.

12 (3) Procedures relating to the acceptance of transfer
13 work and credit for students shall be prescribed by rule by
14 the State Board of Education.

15 Section 121. Section 1003.26, Florida Statutes, is
16 created to read:

17 1003.26 Enforcement of school attendance.--The
18 Legislature finds that poor academic performance is associated
19 with nonattendance and that schools must take an active role
20 in enforcing attendance as a means of improving the
21 performance of many students. It is the policy of the state
22 that each district school superintendent be responsible for
23 enforcing school attendance of all students subject to the
24 compulsory school age in the school district. The
25 responsibility includes recommending to the district school
26 board policies and procedures to ensure that schools respond
27 in a timely manner to every unexcused absence, or absence for
28 which the reason is unknown, of students enrolled in the
29 schools. District school board policies must require each
30 parent of a student to justify each absence of the student,
31 and that justification will be evaluated based on adopted

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1 district school board policies that define excused and
2 unexcused absences. The policies must provide that schools
3 track excused and unexcused absences and contact the home in
4 the case of an unexcused absence from school, or an absence
5 from school for which the reason is unknown, to prevent the
6 development of patterns of nonattendance. The Legislature
7 finds that early intervention in school attendance matters is
8 the most effective way of producing good attendance habits
9 that will lead to improved student learning and achievement.
10 Each public school shall implement the following steps to
11 enforce regular school attendance:
12 (1) CONTACT, REFER, AND ENFORCE.--
13 (a) Upon each unexcused absence, or absence for which
14 the reason is unknown, the school principal or his or her
15 designee shall contact the student's parent to determine the
16 reason for the absence. If the absence is an excused absence,
17 as defined by district school board policy, the school shall
18 provide opportunities for the student to make up assigned work
19 and not receive an academic penalty unless the work is not
20 made up within a reasonable time.
21 (b) If a student has had at least five unexcused
22 absences, or absences for which the reasons are unknown,
23 within a calendar month or 10 unexcused absences, or absences
24 for which the reasons are unknown, within a 90-calendar-day
25 period, the student's primary teacher shall report to the
26 school principal or his or her designee that the student may
27 be exhibiting a pattern of nonattendance. The principal shall,
28 unless there is clear evidence that the absences are not a
29 pattern of nonattendance, refer the case to the school's child
30 study team to determine if early patterns of truancy are
31 developing. If the child study team finds that a pattern of

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1 nonattendance is developing, whether the absences are excused
2 or not, a meeting with the parent must be scheduled to
3 identify potential remedies, and the principal shall notify
4 the district school superintendent and the school district
5 contact for home education programs that the referred student
6 is exhibiting a pattern of nonattendance.

7 (c) If an initial meeting does not resolve the
8 problem, the child study team shall implement interventions
9 that best address the problem. The interventions may include,
10 but need not be limited to:

- 11 1. Frequent communication between the teacher and the
12 family;
- 13 2. Changes in the learning environment;
- 14 3. Mentoring;
- 15 4. Student counseling;
- 16 5. Tutoring, including peer tutoring;
- 17 6. Placement into different classes;
- 18 7. Evaluation for alternative education programs;
- 19 8. Attendance contracts;
- 20 9. Referral to other agencies for family services; or
- 21 10. Other interventions, including, but not limited
22 to, a truancy petition pursuant to s. 984.151.

23 (d) The child study team shall be diligent in
24 facilitating intervention services and shall report the case
25 to the district school superintendent only when all reasonable
26 efforts to resolve the nonattendance behavior are exhausted.

27 (e) If the parent refuses to participate in the
28 remedial strategies because he or she believes that those
29 strategies are unnecessary or inappropriate, the parent may
30 appeal to the district school board. The district school board
31 may provide a hearing officer, and the hearing officer shall

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1 make a recommendation for final action to the district school
2 board. If the district school board's final determination is
3 that the strategies of the child study team are appropriate,
4 and the parent still refuses to participate or cooperate, the
5 district school superintendent may seek criminal prosecution
6 for noncompliance with compulsory school attendance.

7 (f)1. If the parent of a child who has been identified
8 as exhibiting a pattern of nonattendance enrolls the child in
9 a home education program pursuant to chapter 1002, the
10 district school superintendent shall provide the parent a copy
11 of s. 1002.41 and the accountability requirements of this
12 paragraph. The district school superintendent shall also
13 refer the parent to a home education review committee composed
14 of the district contact for home education programs and at
15 least two home educators selected by the parent from a
16 district list of all home educators who have conducted a home
17 education program for at least 3 years and who have indicated
18 a willingness to serve on the committee. The home education
19 review committee shall review the portfolio of the student, as
20 defined by s. 1002.41, every 30 days during the district's
21 regular school terms until the committee is satisfied that the
22 home education program is in compliance with s. 1002.41(1)(b).
23 The first portfolio review must occur within the first 30
24 calendar days of the establishment of the program. The
25 provisions of subparagraph 2. do not apply once the committee
26 determines the home education program is in compliance with s.
27 1002.41(1)(b).

28 2. If the parent fails to provide a portfolio to the
29 committee, the committee shall notify the district school
30 superintendent. The district school superintendent shall then
31 terminate the home education program and require the parent to

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1 enroll the child in an attendance option that meets the
2 definition of "regular school attendance" under s.
3 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
4 termination of a home education program pursuant to this
5 subparagraph, the parent shall not be eligible to reenroll the
6 child in a home education program for 180 calendar days.
7 Failure of a parent to enroll the child in an attendance
8 option as required by this subparagraph after termination of
9 the home education program pursuant to this subparagraph shall
10 constitute noncompliance with the compulsory attendance
11 requirements of s. 1003.21 and may result in criminal
12 prosecution under s. 1003.27(2). Nothing contained herein
13 shall restrict the ability of the district school
14 superintendent, or the ability of his or her designee, to
15 review the portfolio pursuant to s. 1002.41(1)(b).

16 (g) If a student subject to compulsory school
17 attendance will not comply with attempts to enforce school
18 attendance, the parent or the district school superintendent
19 or his or her designee shall refer the case to the case
20 staffing committee pursuant to s. 984.12, and the district
21 school superintendent or his or her designee may file a
22 truancy petition pursuant to the procedures in s. 984.151.

23 (2) GIVE WRITTEN NOTICE.--

24 (a) Under the direction of the district school
25 superintendent, a designated school representative shall give
26 written notice that requires enrollment or attendance within 3
27 days after the date of notice, in person or by return-receipt
28 mail, to the parent when no valid reason is found for a
29 student's nonenrollment in school. If the notice and
30 requirement are ignored, the designated school representative
31 shall report the case to the district school superintendent,

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1 and may refer the case to the case staffing committee,
2 established pursuant to s. 984.12. The district school
3 superintendent shall take such steps as are necessary to bring
4 criminal prosecution against the parent.

5 (b) Subsequent to the activities required under
6 subsection (1), the district school superintendent or his or
7 her designee shall give written notice in person or by
8 return-receipt mail to the parent that criminal prosecution is
9 being sought for nonattendance. The district school
10 superintendent may file a truancy petition, as defined in s.
11 984.03, following the procedures outlined in s. 984.151.

12 (3) RETURN STUDENT TO PARENT.--A designated school
13 representative shall visit the home or place of residence of a
14 student and any other place in which he or she is likely to
15 find any student who is required to attend school when the
16 student is not enrolled or is absent from school during school
17 hours without an excuse, and, when the student is found, shall
18 return the student to his or her parent or to the principal or
19 teacher in charge of the school, or to the private tutor from
20 whom absent, or to the juvenile assessment center or other
21 location established by the district school board to receive
22 students who are absent from school. Upon receipt of the
23 student, the parent shall be immediately notified.

24 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated
25 school representative shall report to the appropriate
26 authority designated by law to receive such notices, all
27 violations of the Child Labor Law that may come to his or her
28 knowledge.

29 (5) RIGHT TO INSPECT.--A designated school
30 representative shall have the right of access to, and
31 inspection of, establishments where minors may be employed or

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1 detained only for the purpose of ascertaining whether students
2 of compulsory school age are actually employed there and are
3 actually working there regularly. The designated school
4 representative shall, if he or she finds unsatisfactory
5 working conditions or violations of the Child Labor Law,
6 report his or her findings to the appropriate authority.

7 Section 122. Section 1003.27, Florida Statutes, is
8 created to read:

9 1003.27 Court procedure and penalties.--The court
10 procedure and penalties for the enforcement of the provisions
11 of this part, relating to compulsory school attendance, shall
12 be as follows:

13 (1) COURT JURISDICTION.--The circuit court has
14 original and exclusive jurisdiction of all proceedings
15 against, or prosecutions of, students under the provisions of
16 this part. Proceedings against, or prosecutions of, parents or
17 employers as provided by this section shall be in the court of
18 each county having jurisdiction of misdemeanors wherein trial
19 by jury is afforded the defendant.

20 (2) NONENROLLMENT AND NONATTENDANCE CASES.--

21 (a) In each case of nonenrollment or of nonattendance
22 upon the part of a student who is required to attend some
23 school, when no valid reason for such nonenrollment or
24 nonattendance is found, the district school superintendent
25 shall institute a criminal prosecution against the student's
26 parent.

27 (b) Each public school principal or the principal's
28 designee shall notify the district school board of each minor
29 student under its jurisdiction who accumulates 15 unexcused
30 absences in a period of 90 calendar days. Each designee of the
31 governing body of each private school, and each parent whose

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1 child is enrolled in a home education program, may provide the
2 Department of Highway Safety and Motor Vehicles with the legal
3 name, sex, date of birth, and social security number of each
4 minor student under his or her jurisdiction who fails to
5 satisfy relevant attendance requirements and who fails to
6 otherwise satisfy the requirements of s. 322.091. The district
7 school superintendent must provide the Department of Highway
8 Safety and Motor Vehicles the legal name, sex, date of birth,
9 and social security number of each minor student who has been
10 reported under this paragraph and who fails to otherwise
11 satisfy the requirements of s. 322.091. The Department of
12 Highway Safety and Motor Vehicles may not issue a driver's
13 license or learner's driver's license to, and shall suspend
14 any previously issued driver's license or learner's driver's
15 license of, any such minor student, pursuant to the provisions
16 of s. 322.091.

17 (3) HABITUAL TRUANCY CASES.--The district school
18 superintendent is authorized to file a truancy petition, as
19 defined in s. 984.03, following the procedures outlined in s.
20 984.151. If the district school superintendent chooses not to
21 file a truancy petition, procedures for filing a
22 child-in-need-of-services petition shall be commenced pursuant
23 to this subsection and chapter 984. In accordance with
24 procedures established by the district school board, the
25 designated school representative shall refer a student who is
26 habitually truant and the student's family to the
27 children-in-need-of-services and families-in-need-of-services
28 provider or the case staffing committee, established pursuant
29 to s. 984.12, as determined by the cooperative agreement
30 required in this section. The case staffing committee may
31 request the Department of Juvenile Justice or its designee to

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1 file a child-in-need-of-services petition based upon the
2 report and efforts of the district school board or other
3 community agency or may seek to resolve the truant behavior
4 through the school or community-based organizations or
5 agencies. Prior to and subsequent to the filing of a
6 child-in-need-of-services petition due to habitual truancy,
7 the appropriate governmental agencies must allow a reasonable
8 time to complete actions required by this section and s.
9 1003.26 to remedy the conditions leading to the truant
10 behavior. Prior to the filing of a petition, the district
11 school board must have complied with the requirements of s.
12 1003.26, and those efforts must have been unsuccessful.

13 (4) COOPERATIVE AGREEMENTS.--The circuit manager of
14 the Department of Juvenile Justice or the circuit manager's
15 designee, the district administrator of the Department of
16 Children and Family Services or the district administrator's
17 designee, and the district school superintendent or the
18 superintendent's designee must develop a cooperative
19 interagency agreement that:

20 (a) Clearly defines each department's role,
21 responsibility, and function in working with habitual truants
22 and their families.

23 (b) Identifies and implements measures to resolve and
24 reduce truant behavior.

25 (c) Addresses issues of streamlining service delivery,
26 the appropriateness of legal intervention, case management,
27 the role and responsibility of the case staffing committee,
28 student and parental intervention and involvement, and
29 community action plans.

30 (d) Delineates timeframes for implementation and
31 identifies a mechanism for reporting results by the circuit

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1 juvenile justice manager or the circuit manager's designee and
2 the district school superintendent or the superintendent's
3 designee to the Department of Juvenile Justice and the
4 Department of Education and other governmental entities as
5 needed.

6 (e) Designates which agency is responsible for each of
7 the intervention steps in this section, to yield more
8 effective and efficient intervention services.

9 (5) ATTENDANCE REGISTER AS EVIDENCE.--The register of
10 attendance of students at a public, parochial, religious,
11 denominational, or private school, or of students taught by a
12 private tutor, kept in compliance with rules of the State
13 Board of Education is prima facie evidence of the facts which
14 it is required to show. A certified copy of any rule and a
15 statement of the date of its adoption by the State Board of
16 Education is admissible as prima facie evidence of the
17 provisions of the rule and of the date of its adoption.

18 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY
19 BEGIN.--Proceedings or prosecutions under this chapter may be
20 commenced by the district school superintendent, by a
21 designated school representative, by the probation officer of
22 the county, by the executive officer of any court of competent
23 jurisdiction, by an officer of any court of competent
24 jurisdiction, or by a duly authorized agent of the Department
25 of Education or the Department of Juvenile Justice. If a
26 proceeding has been commenced against both a parent and a
27 child pursuant to this chapter, the presiding courts shall
28 make every effort to coordinate sanctions against the child
29 and parent, including ordering the child and parent to perform
30 community service hours or attend counseling together.

31 (7) PENALTIES.--The penalties for refusing or failing

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1 to comply with this chapter shall be as follows:

2 (a) The parent.--

3 1. A parent who refuses or fails to have a minor
4 student who is under his or her control attend school
5 regularly, or who refuses or fails to comply with the
6 requirements in subsection (3), commits a misdemeanor of the
7 second degree, punishable as provided in s. 775.082 or s.
8 775.083.

9 2. The continued or habitual absence of a minor
10 student without the consent of the principal or teacher in
11 charge of the school he or she attends or should attend, or of
12 the tutor who instructs or should instruct him or her, is
13 prima facie evidence of a violation of this chapter; however,
14 a showing that the parent has made a bona fide and diligent
15 effort to control and keep the student in school shall be an
16 affirmative defense to any criminal or other liability under
17 this subsection and the court shall refer the parent and child
18 for counseling, guidance, or other needed services.

19 3. In addition to any other punishment, the court
20 shall order a parent who has violated this section to send the
21 minor student to school, and may also order the parent to
22 participate in an approved parent training class, attend
23 school with the student unless this would cause undue
24 hardship, perform community service hours at the school, or
25 participate in counseling or other services, as appropriate.
26 If a parent is ordered to attend school with a student, the
27 school shall provide for programming to educate the parent and
28 student on the importance of school attendance. It shall be
29 unlawful to terminate any employee solely because he or she is
30 attending school with his or her child pursuant to a court
31 order.

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1 (b) The principal or teacher.--A principal or teacher
2 in any public, parochial, religious, denominational, or
3 private school, or a private tutor who willfully violates any
4 provision of this chapter may, upon satisfactory proof of such
5 violation, have his or her certificate revoked by the
6 Department of Education.

7 (c) The employer.--

8 1. An employer who fails to notify the district school
9 superintendent when he or she ceases to employ a student
10 commits a misdemeanor of the second degree, punishable as
11 provided in s. 775.082 or s. 775.083.

12 2. An employer who terminates any employee solely
13 because he or she is attending school with a student pursuant
14 to court order commits a misdemeanor of the second degree,
15 punishable as provided in s. 775.082 or s. 775.083.

16 (d) The student.--

17 1. In addition to any other authorized sanctions, the
18 court shall order a student found to be a habitual truant to
19 make up all school work missed and may order the student to
20 pay a civil penalty of up to \$2, based on the student's
21 ability to pay, for each day of school missed, perform up to
22 25 community service hours at the school, or participate in
23 counseling or other services, as appropriate.

24 2. Upon a second or subsequent finding that a student
25 is a habitual truant, the court, in addition to any other
26 authorized sanctions, shall order the student to make up all
27 school work missed and may order the student to pay a civil
28 penalty of up to \$5, based on the student's ability to pay,
29 for each day of school missed, perform up to 50 community
30 service hours at the school, or participate in counseling or
31 other services, as appropriate.

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1 Section 123. Section 1003.28, Florida Statutes, is
2 created to read:

3 1003.28 Continuation of truancy remedial activities
4 upon transfer of student; retention of legal jurisdiction.--

5 (1) If, during the activities designed to remedy
6 truancy behavior as described in s. 1003.27, the parent of the
7 student who is the subject of such activities transfers the
8 student to another school district in this state in an attempt
9 to circumvent the remedial procedures which have already
10 begun, the administration of the school from which the student
11 transferred shall provide to the administration of the new
12 school, at no charge, copies of all available records and
13 documents relevant to such remedial activities, and the
14 administration of the new school shall begin remedial
15 activities in the program that most closely meets the transfer
16 student's needs.

17 (2) In the event that a legal proceeding has
18 commenced, as provided in s. 1003.27, against a student who
19 has been determined to be a habitual truant, the movement of
20 the student who is the subject of such proceeding to another
21 circuit court district in this state will not affect the
22 jurisdiction of the court to proceed with the case under the
23 law.

24 Section 124. Section 1003.29, Florida Statutes, is
25 created to read:

26 1003.29 Notice to schools of court action.--If a court
27 takes action that directly involves a student's school,
28 including, but not limited to, an order that a student attend
29 school, attend school with his or her parent, perform at grade
30 level, or perform community service hours at the school, the
31 office of the clerk of the court shall provide notice to the

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1 school of the court's action.

2 Section 125. Part III of chapter 1003, Florida
3 Statutes, shall be entitled "Control of Students" and shall
4 consist of ss. 1003.31-1003.33.

5 Section 126. Section 1003.31, Florida Statutes, is
6 created to read:

7 1003.31 Students subject to control of school.--

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

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

13 (b) During the time she or he is attending school;

14 (c) During the time she or he is on the school

15 premises participating with authorization in a
16 school-sponsored activity; and

17 (d) During a reasonable time before and after the
18 student is on the premises for attendance at school or for
19 authorized participation in a school-sponsored activity, and
20 only when on the premises,

21
22 be under the control and direction of the principal or teacher
23 in charge of the school, and under the immediate control and
24 direction of the teacher or other member of the instructional
25 staff or of the bus driver to whom such responsibility may be
26 assigned by the principal. However, the State Board of
27 Education or the district school board may, by rules, subject
28 each student to the control and direction of the principal or
29 teacher in charge of the school during the time she or he is
30 otherwise en route to or from school or is presumed by law to
31 be attending school.

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1 (2) There is a rebuttable presumption that the term
2 "reasonable time" means 30 minutes before or after the
3 activity is scheduled or actually begins or ends, whichever
4 period is longer. A school or district school board may, by
5 policy or other formal action, assume a longer period of
6 supervision. Casual or incidental contact between school
7 district personnel and students on school property shall not
8 result in a legal duty to supervise outside of the reasonable
9 times set forth in this section, provided that parents shall
10 be advised in writing twice per year or by posted signs of the
11 school's formal supervisory responsibility and that parents
12 should not rely on additional supervision. The duty of
13 supervision shall not extend to anyone other than students
14 attending school and students authorized to participate in
15 school-sponsored activities.

16 (3) Nothing shall prohibit a district school board
17 from having the right to expel, or to take disciplinary action
18 against, a student who is found to have committed an offense
19 on school property at any time if:

20 (a) The student is found to have committed a
21 delinquent act which would be a felony if committed by an
22 adult;

23 (b) The student has had adjudication withheld for a
24 delinquent act which, if committed by an adult, would be a
25 felony; or

26 (c) The student has been found guilty of a felony.

27
28 However, if the student is a student with a disability, the
29 disciplinary action must comply with the procedures set forth
30 in State Board of Education rule.

31 (4) Each student enrolled in a school may be required

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1 to take the following school child's daily conduct pledge:

2 (a) I will be respectful at all times and obedient
3 unless asked to do wrong.

4 (b) I will not hurt another person with my words or my
5 acts, because it is wrong to hurt others.

6 (c) I will tell the truth, because it is wrong to tell
7 a lie.

8 (d) I will not steal, because it is wrong to take
9 someone else's property.

10 (e) I will respect my body, and not take drugs.

11 (f) I will show strength and courage, and not do
12 something wrong, just because others are doing it.

13 (g) I pledge to be nonviolent and to respect my
14 teachers and fellow classmates.

15 Section 127. Section 1003.32, Florida Statutes, is
16 created to read:

17 1003.32 Authority of teacher; responsibility for
18 control of students; district school board and principal
19 duties.--Subject to law and to the rules of the district
20 school board, each teacher or other member of the staff of any
21 school shall have such authority for the control and
22 discipline of students as may be assigned to him or her by the
23 principal or the principal's designated representative and
24 shall keep good order in the classroom and in other places in
25 which he or she is assigned to be in charge of students.

26 (1) Within the framework of the district school
27 board's code of student conduct, teachers and other
28 instructional personnel shall have the authority to undertake
29 any of the following actions in managing student behavior and
30 ensuring the safety of all students in their classes and
31 school:

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1 (a) Establish classroom rules of conduct.

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

4 (c) Have disobedient, disrespectful, violent, abusive,
5 uncontrollable, or disruptive students temporarily removed
6 from the classroom for behavior management intervention.

7 (d) Have violent, abusive, uncontrollable, or
8 disruptive students directed for information or assistance
9 from appropriate school or district school board personnel.

10 (e) Assist in enforcing school rules on school
11 property, during school-sponsored transportation, and during
12 school-sponsored activities.

13 (f) Request and receive information as to the
14 disposition of any referrals to the administration for
15 violation of classroom or school rules.

16 (g) Request and receive immediate assistance in
17 classroom management if a student becomes uncontrollable or in
18 case of emergency.

19 (h) Request and receive training and other assistance
20 to improve skills in classroom management, violence
21 prevention, conflict resolution, and related areas.

22 (i) Press charges if a crime has been committed
23 against the teacher or other instructional personnel on school
24 property, during school-sponsored transportation, or during
25 school-sponsored activities.

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

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

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1 1. The use of corporal punishment shall be approved in
2 principle by the principal before it is used, but approval is
3 not necessary for each specific instance in which it is used.
4 The principal shall prepare guidelines for administering such
5 punishment which identify the types of punishable offenses,
6 the conditions under which the punishment shall be
7 administered, and the specific personnel on the school staff
8 authorized to administer the punishment.

9 2. A teacher or principal may administer corporal
10 punishment only in the presence of another adult who is
11 informed beforehand, and in the student's presence, of the
12 reason for the punishment.

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

17 (2) Teachers and other instructional personnel shall:

18 (a) Set and enforce reasonable classroom rules that
19 treat all students equitably.

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

23 (c) Maintain a positive and effective learning
24 environment that maximizes learning and minimizes disruption.

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

27 (3) A teacher may send a student to the principal's
28 office to maintain effective discipline in the classroom. The
29 principal shall respond by employing appropriate
30 discipline-management techniques consistent with the student
31 code of conduct under s. 1006.07.

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1 (4) A teacher may remove from class a student whose
2 behavior the teacher determines interferes with the teacher's
3 ability to communicate effectively with the students in the
4 class or with the ability of the student's classmates to
5 learn.

6 (5) If a teacher removes a student from class under
7 subsection (4), the principal may place the student in another
8 appropriate classroom, in in-school suspension, or in a
9 dropout prevention and academic intervention program as
10 provided by s. 1003.53; or the principal may recommend the
11 student for out-of-school suspension or expulsion, as
12 appropriate. The student may be prohibited from attending or
13 participating in school-sponsored or school-related
14 activities. The principal may not return the student to that
15 teacher's class without the teacher's consent unless the
16 committee established under subsection (6) determines that
17 such placement is the best or only available alternative. The
18 teacher and the placement review committee must render
19 decisions within 5 days of the removal of the student from the
20 classroom.

21 (6) Each school shall establish a committee to
22 determine placement of a student when a teacher withholds
23 consent to the return of a student to the teacher's class.
24 Committee membership must include at least the following:

25 (a) Two teachers selected by the school's faculty.

26 (b) One member from the school's staff who is selected
27 by the principal.

28
29 The teacher who withheld consent to readmitting the student
30 may not serve on the committee. The teacher and the placement
31 review committee must render decisions within 5 days after the

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1 removal of the student from the classroom.

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

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

10 Section 128. Section 1003.33, Florida Statutes, is
11 created to read:

12 1003.33 Report cards; end-of-the-year status.--

13 (1) Each district school board shall establish and
14 publish policies requiring the content and regular issuance of
15 student report cards for all elementary school, middle school,
16 and high school students. These report cards must clearly
17 depict and grade:

18 (a) The student's academic performance in each class
19 or course, which in grades 1 through 12 must be based upon
20 examinations as well as written papers, class participation,
21 and other academic performance criteria.

22 (b) The student's conduct and behavior.

23 (c) The student's attendance, including absences and
24 tardiness.

25 (2) A student's final report card for a school year
26 shall contain a statement indicating end-of-the-year status
27 regarding performance or nonperformance at grade level,
28 acceptable or unacceptable behavior and attendance, and
29 promotion or nonpromotion.

30
31 District school boards shall not allow schools to exempt

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1 students from academic performance requirements based on
2 practices or policies designed to encourage student
3 attendance. A student's attendance record may not be used in
4 whole or in part to provide an exemption from any academic
5 performance requirement.

6 Section 129. Part IV of chapter 1003, Florida
7 Statutes, shall be entitled "Public K-12 Educational
8 Instruction" and shall consist of ss. 1003.41-1003.491.

9 Section 130. Section 1003.41, Florida Statutes, is
10 created to read:

11 1003.41 Sunshine State Standards.--Public K-12
12 educational instruction in Florida is based on the "Sunshine
13 State Standards." These standards have been adopted by the
14 State Board of Education and delineate the academic
15 achievement of students, for which the state will hold schools
16 accountable, in grades K-2, 3-5, 6-8, and 9-12 in the subjects
17 of language arts, mathematics, science, social studies, the
18 arts, health and physical education, and foreign languages.
19 They include standards in reading, writing, history,
20 government, geography, economics, and computer literacy.

21 Section 131. Section 1003.42, Florida Statutes, is
22 created to read:

23 1003.42 Required instruction.--

24 (1) Each district school board shall provide all
25 courses required for high school graduation and appropriate
26 instruction designed to ensure that students meet State Board
27 of Education adopted standards in the following subject areas:
28 reading and other language arts, mathematics, science, social
29 studies, foreign languages, health and physical education, and
30 the arts.

31 (2) Members of the instructional staff of the public

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1 schools, subject to the rules of the State Board of Education
2 and the district school board, shall teach efficiently and
3 faithfully, using the books and materials required, following
4 the prescribed courses of study, and employing approved
5 methods of instruction, the following:

6 (a) The content of the Declaration of Independence and
7 how it forms the philosophical foundation of our government.

8 (b) The arguments in support of adopting our
9 republican form of government, as they are embodied in the
10 most important of the Federalist Papers.

11 (c) The essentials of the United States Constitution
12 and how it provides the structure of our government.

13 (d) Flag education, including proper flag display and
14 flag salute.

15 (e) The elements of civil government, including the
16 primary functions of and interrelationships between the
17 Federal Government, the state, and its counties,
18 municipalities, school districts, and special districts.

19 (f) The history of the Holocaust (1933-1945), the
20 systematic, planned annihilation of European Jews and other
21 groups by Nazi Germany, a watershed event in the history of
22 humanity, to be taught in a manner that leads to an
23 investigation of human behavior, an understanding of the
24 ramifications of prejudice, racism, and stereotyping, and an
25 examination of what it means to be a responsible and
26 respectful person, for the purposes of encouraging tolerance
27 of diversity in a pluralistic society and for nurturing and
28 protecting democratic values and institutions.

29 (g) The history of African Americans, including the
30 history of African peoples before the political conflicts that
31 led to the development of slavery, the passage to America, the

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1 enslavement experience, abolition, and the contributions of
2 African Americans to society.

3 (h) The elementary principles of agriculture.

4 (i) The true effects of all alcoholic and intoxicating
5 liquors and beverages and narcotics upon the human body and
6 mind.

7 (j) Kindness to animals.

8 (k) The history of the state.

9 (l) The conservation of natural resources.

10 (m) Comprehensive health education that addresses
11 concepts of community health; consumer health; environmental
12 health; family life, including an awareness of the benefits of
13 sexual abstinence as the expected standard and the
14 consequences of teenage pregnancy; mental and emotional
15 health; injury prevention and safety; nutrition; personal
16 health; prevention and control of disease; and substance use
17 and abuse.

18 (n) Such additional materials, subjects, courses, or
19 fields in such grades as are prescribed by law or by rules of
20 the State Board of Education and the district school board in
21 fulfilling the requirements of law.

22 (o) The study of Hispanic contributions to the United
23 States.

24 (p) The study of women's contributions to the United
25 States.

26 (q) A character-development program in the elementary
27 schools, similar to Character First or Character Counts, which
28 is secular in nature and stresses such character qualities as
29 attentiveness, patience, and initiative. Beginning in school
30 year 2004-2005, the character-development program shall be
31 required in kindergarten through grade 12. Each district

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1 school board shall develop or adopt a curriculum for the
2 character-development program that shall be submitted to the
3 department for approval. The character-development curriculum
4 shall stress the qualities of patriotism, responsibility,
5 citizenship, kindness, respect, honesty, self-control,
6 tolerance, and cooperation.

7 (r) In order to encourage patriotism, the sacrifices
8 that veterans have made in serving our country and protecting
9 democratic values worldwide. Such instruction must occur on or
10 before Veterans' Day and Memorial Day. Members of the
11 instructional staff are encouraged to use the assistance of
12 local veterans when practicable.

13 (3) Any student whose parent makes written request to
14 the school principal shall be exempted from the teaching of
15 reproductive health or any disease, including HIV/AIDS, its
16 symptoms, development, and treatment. A student so exempted
17 may not be penalized by reason of that exemption. Course
18 descriptions for comprehensive health education shall not
19 interfere with the local determination of appropriate
20 curriculum which reflects local values and concerns.

21 Section 132. Section 1003.43, Florida Statutes, is
22 created to read:

23 1003.43 General requirements for high school
24 graduation.--

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

29 (a) Four credits in English, with major concentration
30 in composition and literature.

31 (b) Three credits in mathematics. Effective for

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1 students entering the 9th grade in the 1997-1998 school year
2 and thereafter, one of these credits must be Algebra I, a
3 series of courses equivalent to Algebra I, or a higher-level
4 mathematics course.

5 (c) Three credits in science, two of which must have a
6 laboratory component. The State Board of Education may grant
7 an annual waiver of the laboratory requirement to a district
8 school board that certifies that its laboratory facilities are
9 inadequate, provided the district school board submits a
10 capital outlay plan to provide adequate facilities and makes
11 the funding of this plan a priority of the district school
12 board. Agriscience Foundations I, the core course in secondary
13 Agriscience and Natural Resources programs, counts as one of
14 the science credits.

15 (d) One credit in American history.

16 (e) One credit in world history, including a
17 comparative study of the history, doctrines, and objectives of
18 all major political systems.

19 (f) One-half credit in economics, including a
20 comparative study of the history, doctrines, and objectives of
21 all major economic systems. The Florida Council on Economic
22 Education shall provide technical assistance to the department
23 and district school boards in developing curriculum materials
24 for the study of economics.

25 (g) One-half credit in American government, including
26 study of the Constitution of the United States. For students
27 entering the 9th grade in the 1997-1998 school year and
28 thereafter, the study of Florida government, including study
29 of the State Constitution, the three branches of state
30 government, and municipal and county government, shall be
31 included as part of the required study of American government.

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1 (h)1. One credit in practical arts career and
2 technical education or exploratory career and technical
3 education. Any career and technical education course as
4 defined in s. 1003.01 may be taken to satisfy the high school
5 graduation requirement for one credit in practical arts or
6 exploratory career and technical education provided in this
7 subparagraph;

8 2. One credit in performing fine arts to be selected
9 from music, dance, drama, painting, or sculpture. A course in
10 any art form, in addition to painting or sculpture, that
11 requires manual dexterity, or a course in speech and debate,
12 may be taken to satisfy the high school graduation requirement
13 for one credit in performing arts pursuant to this
14 subparagraph; or

15 3. One-half credit each in practical arts career and
16 technical education or exploratory career and technical
17 education and performing fine arts, as defined in this
18 paragraph.

19
20 Such credit for practical arts career and technical education
21 or exploratory career and technical education or for
22 performing fine arts shall be made available in the 9th grade,
23 and students shall be scheduled into a 9th grade course as a
24 priority.

25 (i) One-half credit in life management skills to
26 include consumer education, positive emotional development,
27 marriage and relationship skill-based education, nutrition,
28 prevention of human immunodeficiency virus infection and
29 acquired immune deficiency syndrome and other sexually
30 transmissible diseases, benefits of sexual abstinence and
31 consequences of teenage pregnancy, information and instruction

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1 on breast cancer detection and breast self-examination,
2 cardiopulmonary resuscitation, drug education, and the hazards
3 of smoking. Such credit shall be given for a course to be
4 taken by all students in either the 9th or 10th grade.

5 (j) One credit in physical education to include
6 assessment, improvement, and maintenance of personal fitness.

7 Participation in an interscholastic sport at the junior
8 varsity or varsity level, for two full seasons, shall satisfy
9 the one-credit requirement in physical education if the

10 student passes a competency test on personal fitness with a

11 score of "C" or better. The competency test on personal

12 fitness must be developed by the Department of Education. A

13 district school board may not require that the one credit in

14 physical education be taken during the 9th grade year.

15 Completion of one semester with a grade of "C" or better in a

16 marching band class or in a physical activity class that

17 requires participation in marching band activities as an

18 extracurricular activity shall satisfy a one-half credit

19 requirement in physical education. This one-half credit may

20 not be used to satisfy the personal fitness requirement or the

21 requirement for adaptive physical education under an

22 individual educational plan (IEP) or 504 plan.

23 (k) Eight and one-half elective credits.

24

25 District school boards may award a maximum of one-half credit

26 in social studies and one-half elective credit for student

27 completion of nonpaid voluntary community or school service

28 work. Students choosing this option must complete a minimum

29 of 75 hours of service in order to earn the one-half credit in

30 either category of instruction. Credit may not be earned for

31 service provided as a result of court action. District school

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1 boards that approve the award of credit for student volunteer
2 service shall develop guidelines regarding the award of the
3 credit, and school principals are responsible for approving
4 specific volunteer activities. A course designated in the
5 Course Code Directory as grade 9 through grade 12 that is
6 taken below the 9th grade may be used to satisfy high school
7 graduation requirements or Florida Academic Scholars award
8 requirements as specified in a district school board's student
9 progression plan. A student shall be granted credit toward
10 meeting the requirements of this subsection for equivalent
11 courses, as identified pursuant to s. 1007.271(6), taken
12 through dual enrollment.

13 (2) Remedial and compensatory courses taken in grades
14 9 through 12 may only be counted as elective credit as
15 provided in subsection (1).

16 (3) Credit for high school graduation may be earned
17 for volunteer activities and nonacademic activities which have
18 been approved for such credit by the State Board of Education.

19 (4)(a) A district school board may require specific
20 courses and programs of study within the minimum credit
21 requirements for high school graduation and shall modify basic
22 courses, as necessary, to assure exceptional students the
23 opportunity to meet the graduation requirements for a standard
24 diploma, using one of the following strategies:

25 1. Assignment of the exceptional student to an
26 exceptional education class for instruction in a basic course
27 with the same student performance standards as those required
28 of nonexceptional students in the district school board
29 student progression plan; or

30 2. Assignment of the exceptional student to a basic
31 education class for instruction that is modified to

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1 accommodate the student's exceptionality.

2 (b) The district school board shall determine which of
3 these strategies to employ based upon an assessment of the
4 student's needs and shall reflect this decision in the
5 student's individual educational plan.

6 (c) District school boards are authorized and
7 encouraged to establish requirements for high school
8 graduation in excess of the minimum requirements; however, an
9 increase in academic credit or minimum grade point average
10 requirements shall not apply to those students enrolled in
11 grades 9 through 12 at the time the district school board
12 increases the requirements. In addition, any increase in
13 academic credit or minimum grade point average requirements
14 shall not apply to a student who earns credit toward the
15 graduation requirements of this section for equivalent courses
16 taken through dual enrollment.

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

20 (a) Earning passing scores on the FCAT, as defined in
21 s. 1008.22(3)(c).

22 (b) Completion of all other applicable requirements
23 prescribed by the district school board pursuant to s.
24 1008.25.

25 (c) Achievement of a cumulative grade point average of
26 1.5 on a 4.0 scale, or its equivalent, for students entering
27 9th grade before the 1997-1998 school year; however, these
28 students must earn a cumulative grade point average of 2.0 on
29 a 4.0 scale, or its equivalent, in the courses required by
30 subsection (1) that are taken after July 1, 1997, or have an
31 overall cumulative grade point average of 2.0 or above.

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1 (d) Achievement of a cumulative grade point average of
2 2.0 on a 4.0 scale, or its equivalent, in the courses required
3 by subsection (1), for students entering 9th grade in the
4 1997-1998 school year and thereafter.

5 (e) For purposes of paragraphs (c) and (d):

6 1. Each district school board shall adopt policies
7 designed to assist students in meeting these requirements.
8 These policies may include, but are not limited to:
9 forgiveness policies, summer school or before or after school
10 attendance, special counseling, volunteer and/or peer tutors,
11 school-sponsored help sessions, homework hotlines, and study
12 skills classes. Beginning in the 2000-2001 school year and
13 each year thereafter, forgiveness policies for required
14 courses shall be limited to replacing a grade of "D" or "F,"
15 or the equivalent of a grade of "D" or "F," with a grade of
16 "C" or higher, or the equivalent of a grade of "C" or higher,
17 earned subsequently in the same or comparable course.
18 Forgiveness policies for elective courses shall be limited to
19 replacing a grade of "D" or "F," or the equivalent of a grade
20 of "D" or "F," with a grade of "C" or higher, or the
21 equivalent of a grade of "C" or higher, earned subsequently in
22 another course. Any course grade not replaced according to a
23 district school board forgiveness policy shall be included in
24 the calculation of the cumulative grade point average required
25 for graduation.

26 2. At the end of each semester, the parent of each
27 student in grades 9, 10, 11, and 12 who has a cumulative grade
28 point average of less than 0.5 above the cumulative grade
29 point average required for graduation shall be notified that
30 the student is at risk of not meeting the requirements for
31 graduation. The notice shall contain an explanation of the

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1 policies the district school board has in place to assist the
2 student in meeting the grade point average requirement.

3 3. Special assistance to obtain a high school
4 equivalency diploma pursuant to s. 1003.435 may be given only
5 when the student has completed all requirements for graduation
6 except the attainment of the required cumulative grade point
7 average.

8
9 The standards required in this subsection, and any subsequent
10 modifications, shall be reprinted in the Florida
11 Administrative Code even though not defined as "rules."

12 (6) The Legislature recognizes that adult learners are
13 unique in situation and needs. The following graduation
14 requirements are therefore instituted for students enrolled in
15 adult general education in accordance with s. 1004.93 in
16 pursuit of a high school diploma:

17 (a) The one credit in physical education required for
18 graduation, pursuant to subsection (1), is not required for
19 graduation and shall be substituted with elective credit
20 keeping the total credits needed for graduation consistent
21 with subsection (1).

22 (b) Each district school board may waive the
23 laboratory component of the science requirement expressed in
24 subsection (1) when such facilities are inaccessible or do not
25 exist.

26 (c) Any course listed within the Department of
27 Education Course Code Directory in the areas of art, dance,
28 drama, or music may be undertaken by adult secondary education
29 students. Enrollment and satisfactory completion of such a
30 course shall satisfy the credit in performing fine arts
31 required for high school graduation pursuant to subsection

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1 (1).

2 (7) No student may be granted credit toward high
3 school graduation for enrollment in the following courses or
4 programs:

5 (a) More than a total of nine elective credits in
6 remedial programs.

7 (b) More than one credit in exploratory career
8 education courses as defined in s. 1003.01(4)(a).

9 (c) More than three credits in practical arts family
10 and consumer sciences classes as defined in s. 1003.01(4)(a).

11 (d) Any Level I course unless the student's assessment
12 indicates that a more rigorous course of study would be
13 inappropriate, in which case a written assessment of the need
14 must be included in the student's individual educational plan
15 or in a student performance plan, signed by the principal, the
16 guidance counselor, and the parent of the student, or the
17 student if the student is 18 years of age or older.

18 (8) The State Board of Education, after a public
19 hearing and consideration, shall make provision for
20 appropriate modification of testing instruments and procedures
21 for students with identified handicaps or disabilities in
22 order to ensure that the results of the testing represent the
23 student's achievement, rather than reflecting the student's
24 impaired sensory, manual, speaking, or psychological process
25 skills.

26 (9) A student who meets all requirements prescribed in
27 subsections (1), (4), and (5) shall be awarded a standard
28 diploma in a form prescribed by the State Board of Education.
29 A district school board may attach the Florida gold seal
30 career and technical endorsement to a standard diploma or,
31 instead of the standard diploma, award differentiated diplomas

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1 to those exceeding the prescribed minimums. A student who
2 completes the minimum number of credits and other requirements
3 prescribed by subsections (1) and (4), but who is unable to
4 meet the standards of paragraph (5)(a), paragraph (5)(b), or
5 paragraph (5)(c), shall be awarded a certificate of completion
6 in a form prescribed by the State Board of Education. However,
7 any student who is otherwise entitled to a certificate of
8 completion may elect to remain in the secondary school either
9 as a full-time student or a part-time student for up to 1
10 additional year and receive special instruction designed to
11 remedy his or her identified deficiencies.

12 (10) The public hearing and consideration required in
13 subsection (8) shall not be construed to amend or nullify the
14 requirements of security relating to the contents of
15 examinations or assessment instruments and related materials
16 or data as prescribed in s. 1008.23.

17 (11) The Commissioner of Education may award a
18 standard high school diploma to honorably discharged veterans
19 who started high school between 1937 and 1946 and were
20 scheduled to graduate between 1941 and 1950 but were inducted
21 into the United States Armed Forces between September 16,
22 1940, and December 31, 1946, prior to completing the necessary
23 high school graduation requirements. Upon the recommendation
24 of the commissioner, the State Board of Education may develop
25 criteria and guidelines for awarding such diplomas.

26 Section 133. Section 1003.435, Florida Statutes, is
27 created to read:

28 1003.435 High school equivalency diploma program.--

29 (1) The State Board of Education shall adopt rules
30 that prescribe performance standards and provide for
31 comprehensive examinations to be administered to candidates

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1 for high school equivalency diplomas. Such rules shall
2 include, but are not limited to, provisions for fees,
3 frequency of examinations, and procedures for retaking an
4 examination upon unsatisfactory performance.

5 (2) The department may award high school equivalency
6 diplomas to candidates who meet the performance standards
7 prescribed by the State Board of Education.

8 (3) Each district school board shall offer and
9 administer the high school equivalency diploma examinations
10 and the subject area examinations to all candidates pursuant
11 to rules of the State Board of Education.

12 (4) A candidate for a high school equivalency diploma
13 shall be at least 18 years of age on the date of the
14 examination, except that in extraordinary circumstances, as
15 provided for in rules of the district school board of the
16 district in which the candidate resides or attends school, a
17 candidate may take the examination after reaching the age of
18 16.

19 (5) Each district school board shall develop, in
20 cooperation with the area community college board of trustees,
21 a plan for the provision of advanced instruction for those
22 students who attain satisfactory performance on the high
23 school equivalency examination or the subject area
24 examinations or who demonstrate through other means a
25 readiness to engage in postsecondary-level academic work. The
26 plan shall include provisions for the equitable distribution
27 of generated funds to cover personnel, maintenance, and other
28 costs of offering the advanced instruction. Priority shall be
29 given to programs of advanced instruction offered in high
30 school facilities.

31 (6)(a) All high school equivalency diplomas issued

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1 under the provisions of this section shall have equal status
2 with other high school diplomas for all state purposes,
3 including admission to any state university or community
4 college.

5 (b) The State Board of Education shall adopt rules
6 providing for the award of a standard high school diploma to
7 holders of high school equivalency diplomas who are assessed
8 as meeting designated criteria, and the commissioner shall
9 establish procedures for administering the assessment.

10 Section 134. Section 1003.436, Florida Statutes, is
11 created to read:

12 1003.436 Definition of "credit".--

13 (1)(a) For the purposes of requirements for high
14 school graduation, one full credit means a minimum of 135
15 hours of bona fide instruction in a designated course of study
16 that contains student performance standards. The State Board
17 of Education shall determine the number of postsecondary
18 credit hours earned through dual enrollment pursuant to s.
19 1007.271 that satisfy the requirements of a district's
20 interinstitutional articulation agreement according to s.
21 1007.235 and that equal one full credit of the equivalent high
22 school course identified pursuant to s. 1007.271(6).

23 (b) The hourly requirements for one-half credit are
24 one-half the requirements specified in paragraph (a).

25 (2) In awarding credit for high school graduation,
26 each district school board shall maintain a one-half credit
27 earned system that shall include courses provided on a
28 full-year basis. A student enrolled in a full-year course
29 shall receive one-half credit if the student successfully
30 completes either the first half or the second half of a
31 full-year course but fails to successfully complete the other

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1 half of the course and the averaging of the grades obtained in
2 each half would not result in a passing grade. A student
3 enrolled in a full-year course shall receive a full credit if
4 the student successfully completes either the first half or
5 the second half of a full-year course but fails to
6 successfully complete the other half of the course and the
7 averaging of the grades obtained in each half would result in
8 a passing grade, provided that such additional requirements
9 specified in district school board policies, such as class
10 attendance, homework, participation, and other indicators of
11 performance, shall be successfully completed by the student.

12 Section 135. Section 1003.437, Florida Statutes, is
13 created to read:

14 1003.437 High school grading system.--The grading
15 system and interpretation of letter grades used in public high
16 schools shall be as follows:

17 (1) Grade "A" equals 90 percent through 100 percent,
18 has a grade point average value of 4, and is defined as
19 "outstanding progress."

20 (2) Grade "B" equals 80 percent through 89 percent,
21 has a grade point average value of 3, and is defined as "above
22 average progress."

23 (3) Grade "C" equals 70 percent through 79 percent,
24 has a grade point average value of 2, and is defined as
25 "average progress."

26 (4) Grade "D" equals 60 percent through 69 percent,
27 has a grade point average value of 1, and is defined as
28 "lowest acceptable progress."

29 (5) Grade "F" equals zero percent through 59 percent,
30 has a grade point average value of zero, and is defined as
31 "failure."

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1 (6) Grade "I" equals zero percent, has a grade point
2 average value of zero, and is defined as "incomplete."

3
4 For the purposes of class ranking, district school boards may
5 exercise a weighted grading system.

6 Section 136. Section 1003.438, Florida Statutes, is
7 created to read:

8 1003.438 Special high school graduation requirements
9 for certain exceptional students.--A student who has been
10 properly classified, in accordance with rules established by
11 the State board of Education, as "educable mentally
12 handicapped," "trainable mentally handicapped," "hearing
13 impaired," "specific learning disabled," "physically or
14 language impaired," or "emotionally handicapped" shall not be
15 required to meet all requirements of s. 1003.43 and shall,
16 upon meeting all applicable requirements prescribed by the
17 district school board pursuant to s. 1008.25, be awarded a
18 special diploma in a form prescribed by the commissioner;
19 however, such special graduation requirements prescribed by
20 the district school board must include minimum graduation
21 requirements as prescribed by the commissioner. Any such
22 student who meets all special requirements of the district
23 school board for exceptionality, but is unable to meet the
24 appropriate special state minimum requirements, shall be
25 awarded a special certificate of completion in a form
26 prescribed by the commissioner. A student who has been
27 properly classified as "profoundly handicapped" and who meets
28 the special requirements of the district school board for a
29 special diploma in accordance with requirements for any
30 exceptional student identified in this section shall be
31 awarded a special diploma; however, such a student shall

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1 alternatively be eligible for a special certificate of
2 completion, in a form prescribed by the commissioner, if all
3 school requirements for students who are "profoundly
4 handicapped" have been met. However, this section does not
5 limit or restrict the right of an exceptional student solely
6 to a special diploma or special certificate of completion.
7 Any such student shall, upon proper request, be afforded the
8 opportunity to fully meet all requirements of s. 1003.43
9 through the standard procedures established therein and
10 thereby to qualify for a standard diploma upon graduation.

11 Section 137. Section 1003.44, Florida Statutes, is
12 created to read:

13 1003.44 Patriotic programs; rules.--

14 (1) Each district school board may adopt rules to
15 require, in all of the schools of the district, programs of a
16 patriotic nature to encourage greater respect for the
17 government of the United States and its national anthem and
18 flag, subject always to other existing pertinent laws of the
19 United States or of the state. When the national anthem is
20 played, students and all civilians shall stand at attention,
21 men removing the headdress, except when such headdress is worn
22 for religious purposes. The pledge of allegiance to the flag,
23 "I pledge allegiance to the flag of the United States of
24 America and to the republic for which it stands, one nation
25 under God, indivisible, with liberty and justice for all,"
26 shall be rendered by students standing with the right hand
27 over the heart. The pledge of allegiance to the flag shall be
28 recited at the beginning of the day in each public elementary,
29 middle, and high school in the state. Each student shall be
30 informed by posting a notice in a conspicuous place that the
31 student has the right not to participate in reciting the

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1 pledge. Upon written request by his or her parent, the student
2 must be excused from reciting the pledge. When the pledge is
3 given, civilians must show full respect to the flag by
4 standing at attention, men removing the headdress, except when
5 such headdress is worn for religious purposes, as provided by
6 Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.
7 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved
8 December 22, 1942.

9 (2) Each district school board may allow any teacher
10 or administrator to read, or to post in a public school
11 building or classroom or at any school-related event, any
12 excerpt or portion of the following historic material: the
13 national motto; the national anthem; the pledge of allegiance;
14 the Constitution of the State of Florida, including the
15 Preamble; the Constitution of the United States, including the
16 Preamble; the Bill of Rights; the Declaration of Independence;
17 the Mayflower Compact; the Emancipation Proclamation; the
18 writings, speeches, documents, and proclamations of the
19 presidents of the United States, the signers of the
20 Constitution of the United States and the Declaration of
21 Independence, and civil rights leaders; and decisions of the
22 United States Supreme Court. However, any material that is
23 read, posted, or taught pursuant to this provision may be
24 presented only from a historical perspective and in a
25 nonproselytizing manner. When less than an entire document is
26 used, the excerpt or portion must include as much material as
27 is reasonably necessary to reflect the sentiment of the entire
28 document and avoid expressing statements out of the context in
29 which they were originally made. If the material refers to
30 laws or judicial decisions that have been superseded, the
31 material must be accompanied by a statement indicating that

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1 such law or decision is no longer the law of the land. No
2 material shall be selected to advance a particular religious,
3 political, or sectarian purpose. The department shall
4 distribute a copy of this section to each district school
5 board, whereupon each district school superintendent shall
6 distribute a copy to all teachers and administrators.

7 Section 138. Section 1003.45, Florida Statutes, is
8 created to read:

9 1003.45 Permitting study of the Bible and religion;
10 permitting brief meditation period.--

11 (1) The district school board may install in the
12 public schools in the district a secular program of education
13 including, but not limited to, an objective study of the Bible
14 and of religion.

15 (2) The district school board may provide that a brief
16 period, not to exceed 2 minutes, for the purpose of silent
17 prayer or meditation be set aside at the start of each school
18 day or each school week in the public schools in the district.

19 Section 139. Section 1003.46, Florida Statutes, is
20 created to read:

21 1003.46 Health education; instruction in acquired
22 immune deficiency syndrome.--

23 (1) Each district school board may provide instruction
24 in acquired immune deficiency syndrome education as a specific
25 area of health education. Such instruction may include, but
26 is not limited to, the known modes of transmission, signs and
27 symptoms, risk factors associated with acquired immune
28 deficiency syndrome, and means used to control the spread of
29 acquired immune deficiency syndrome. The instruction shall be
30 appropriate for the grade and age of the student and shall
31 reflect current theory, knowledge, and practice regarding

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1 acquired immune deficiency syndrome and its prevention.

2 (2) Throughout instruction in acquired immune
3 deficiency syndrome, sexually transmitted diseases, or health
4 education, when such instruction and course material contains
5 instruction in human sexuality, a school shall:

6 (a) Teach abstinence from sexual activity outside of
7 marriage as the expected standard for all school-age students
8 while teaching the benefits of monogamous heterosexual
9 marriage.

10 (b) Emphasize that abstinence from sexual activity is
11 a certain way to avoid out-of-wedlock pregnancy, sexually
12 transmitted diseases, including acquired immune deficiency
13 syndrome, and other associated health problems.

14 (c) Teach that each student has the power to control
15 personal behavior and encourage students to base actions on
16 reasoning, self-esteem, and respect for others.

17 (d) Provide instruction and material that is
18 appropriate for the grade and age of the student.

19 Section 140. Section 1003.47, Florida Statutes, is
20 created to read:

21 1003.47 Biological experiments on living subjects.--

22 (1) It is the intent of the Legislature with respect
23 to biological experiments involving living subjects by
24 students in grades K through 12 that:

25 (a) No surgery or dissection shall be performed on any
26 living mammalian vertebrate or bird. Dissection may be
27 performed on nonliving mammals or birds secured from a
28 recognized source of such specimens and under supervision of
29 qualified instructors. Students may be excused upon written
30 request of a parent.

31 (b) Lower orders of life and invertebrates may be used

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1 in such experiments.

2 (c) Nonmammalian vertebrates, excluding birds, may be
3 used in biological experiments, provided that physiological
4 harm does not result from such experiments. Anatomical
5 studies shall only be conducted on models that are
6 anatomically correct for the animal being studied or on
7 nonliving nonmammalian vertebrates secured and from a
8 recognized source of such specimens and under the supervision
9 of qualified instructors. Students may be excused from such
10 experiments upon written request of the parent.

11 (d) Observational studies of animals in the wild or in
12 zoological parks, gardens, or aquaria, or of pets, fish,
13 domestic animals, or livestock may be conducted.

14 (e) Studies of vertebrate animal cells, such as red
15 blood cells or other tissue cells, plasma or serum, or
16 anatomical specimens, such as organs, tissues, or skeletons,
17 purchased or acquired from biological supply houses or
18 research facilities or from wholesale or retail establishments
19 that supply carcasses or parts of food animals may be
20 conducted.

21 (f) Normal physiological and behavioral studies of the
22 human animal may be conducted, provided that such projects are
23 carefully selected so that neither physiological or
24 psychological harm to the subject can result from such
25 studies.

26 (g) All experiments shall be carried out under the
27 supervision of a competent science teacher who shall be
28 responsible for ensuring that the student has the necessary
29 comprehension for the study to be undertaken. Whenever
30 feasible, specifically qualified experts in the field should
31 be consulted.

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1 (h) Live animals on the premises of public and private
2 elementary, middle, and high schools shall be housed and cared
3 for in a humane and safe manner. Animals shall not remain on
4 the premises of any school during periods when such school is
5 not in session, unless adequate care is provided for such
6 animals.

7 (2) The provisions of this section shall not be
8 construed to prohibit or constrain conventional instruction in
9 the normal practices of animal husbandry or exhibition of any
10 livestock in connection with any agricultural program or
11 instruction of advanced students participating in advanced
12 research, scientific studies, or projects.

13 (3) If any instructional employee of a public high
14 school or area technical center knowingly or intentionally
15 fails or refuses to comply with any of the provisions of this
16 section, the district school board may suspend, dismiss,
17 return to annual contract, or otherwise discipline such
18 employee as provided in s. 1012.22(1)(f) in accordance with
19 procedures established in chapter 1012. If any instructional
20 employee of any private school knowingly or intentionally
21 fails or refuses to comply with the provisions of this
22 section, the governing authority of the private school may
23 suspend, dismiss, or otherwise discipline such employee in
24 accordance with its standard personnel procedures.

25 Section 141. Section 1003.48, Florida Statutes, is
26 created to read:

27 1003.48 Instruction in operation of motor vehicles.--

28 (1) A course of study and instruction in the safe and
29 lawful operation of a motor vehicle shall be made available by
30 each district school board to students in the secondary
31 schools in the state. As used in this section, the term

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1 "motor vehicle" shall have the same meaning as in s.
2 320.01(1)(a) and shall include motorcycles and mopeds.
3 Instruction in motorcycle or moped operation may be limited to
4 classroom instruction. The course shall not be made a part
5 of, or a substitute for, any of the minimum requirements for
6 graduation.

7 (2) In order to make such a course available to any
8 secondary school student, the district school board may use
9 any one of the following procedures or any combination
10 thereof:

11 (a) Utilize instructional personnel employed by the
12 district school board.

13 (b) Contract with a commercial driving school licensed
14 under the provisions of chapter 488.

15 (c) Contract with an instructor certified under the
16 provisions of chapter 488.

17 (3)(a) District school boards shall earn funds on
18 full-time equivalent students at the appropriate basic program
19 cost factor, regardless of the method by which such courses
20 are offered.

21 (b) For the purpose of financing the Driver Education
22 Program in the secondary schools, there shall be levied an
23 additional 50 cents per year to the driver's license fee
24 required by s. 322.21. The additional fee shall be promptly
25 remitted to the Department of Highway Safety and Motor
26 Vehicles, which shall transmit the fee to the Treasurer to be
27 deposited in the General Revenue Fund.

28 (4) The district school board shall prescribe
29 standards for the course required by this section and for
30 instructional personnel directly employed by the district
31 school board. Any certified instructor or licensed commercial

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1 driving school shall be deemed sufficiently qualified and
2 shall not be required to meet any standards in lieu of or in
3 addition to those prescribed under chapter 488.

4 Section 142. Section 1003.49, Florida Statutes, is
5 created to read:

6 1003.49 Graduation and promotion requirements for
7 publicly operated schools.--

8 (1) Each state or local public agency, including the
9 Department of Children and Family Services, the Department of
10 Corrections, the boards of trustees of universities and
11 community colleges, and the Board of Trustees of the Florida
12 School for the Deaf and the Blind, which agency is authorized
13 to operate educational programs for students at any level of
14 grades kindergarten through 12 shall be subject to all
15 applicable requirements of ss. 1003.43, 1008.23, and 1008.25.
16 Within the content of these cited statutes each such state or
17 local public agency or entity shall be considered a "district
18 school board."

19 (2) The Commissioner of Education shall establish
20 procedures to extend the state-administered assessment program
21 to school programs operated by such state or local public
22 agencies or entities in the same manner and to the same extent
23 as such program is administered in each district school
24 system.

25 Section 143. Section 1003.491, Florida Statutes, is
26 created to read:

27 1003.491 Career and technical education.--

28 (1) School board, superintendent, and school
29 accountability for career and technical education within
30 elementary and secondary schools includes, but is not limited
31 to:

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1 (a) Student exposure to a variety of careers and
2 provision of instruction to explore specific careers in
3 greater depth.

4 (b) Student awareness of available career and
5 technical programs and the corresponding occupations into
6 which such programs lead.

7 (c) Student development of individual career plans.

8 (d) Integration of academic and career and technical
9 skills in the secondary curriculum.

10 (e) Student preparation to enter the workforce and
11 enroll in postsecondary education without being required to
12 complete college-preparatory or career and
13 technical-preparatory instruction.

14 (f) Student retention in school through high school
15 graduation.

16 (g) Career and technical curriculum articulation with
17 corresponding postsecondary programs in the local area
18 technical center or community college, or both.

19 (2) No school board or public school shall require a
20 student to participate in any school-to-work or job training
21 program. A district school board or school shall not require a
22 student to meet occupational standards for grade level
23 promotion or graduation unless the student is voluntarily
24 enrolled in a job training program.

25 Section 144. Part V of chapter 1003, Florida Statutes,
26 shall be entitled "Specialized Instruction For Certain Public
27 K-12 Students" and shall consist of ss. 1003.51-1003.58.

28 Section 145. Section 1003.51, Florida Statutes, is
29 created to read:

30 1003.51 Other public educational services.--

31 (1) The general control of other public educational

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1 services shall be vested in the State Board of Education
2 except as provided herein. The State Board of Education
3 shall, at the request of the Department of Children and Family
4 Services and the Department of Juvenile Justice, advise as to
5 standards and requirements relating to education to be met in
6 all state schools or institutions under their control which
7 provide educational programs. The Department of Education
8 shall provide supervisory services for the educational
9 programs of all such schools or institutions. The direct
10 control of any of these services provided as part of the
11 district program of education shall rest with the district
12 school board. These services shall be supported out of state,
13 district, federal, or other lawful funds, depending on the
14 requirements of the services being supported.

15 (2) The State Board of Education shall adopt and
16 maintain an administrative rule articulating expectations for
17 effective education programs for youth in Department of
18 Juvenile Justice programs, including, but not limited to,
19 education programs in juvenile justice commitment and
20 detention facilities. The rule shall articulate policies and
21 standards for education programs for youth in Department of
22 Juvenile Justice programs and shall include the following:

23 (a) The interagency collaborative process needed to
24 ensure effective programs with measurable results.

25 (b) The responsibilities of the Department of
26 Education, the Department of Juvenile Justice, district school
27 boards, and providers of education services to youth in
28 Department of Juvenile Justice programs.

29 (c) Academic expectations.

30 (d) Service delivery options available to district
31 school boards, including direct service and contracting.

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1 (e) Assessment procedures, which:

2 1. Include appropriate academic and career and
3 technical assessments administered at program entry and exit
4 that are selected by the Department of Education in
5 partnership with representatives from the Department of
6 Juvenile Justice, district school boards, and providers.

7 2. Require district school boards to be responsible
8 for ensuring the completion of the assessment process.

9 3. Require assessments for students in detention who
10 will move on to commitment facilities, to be designed to
11 create the foundation for developing the student's education
12 program in the assigned commitment facility.

13 4. Require assessments of students sent directly to
14 commitment facilities to be completed within the first week of
15 the student's commitment.

16
17 The results of these assessments, together with a portfolio
18 depicting the student's academic and career and technical
19 accomplishments, shall be included in the discharge package
20 assembled for each youth.

21 (f) Recommended instructional programs, including, but
22 not limited to, career and technical training and job
23 preparation.

24 (g) Funding requirements, which shall include the
25 requirement that at least 80 percent of the FEFP funds
26 generated by students in Department of Juvenile Justice
27 programs be spent on instructional costs for those students.
28 One hundred percent of the formula-based categorical funds
29 generated by students in Department of Juvenile Justice
30 programs must be spent on appropriate categoricals such as
31 instructional materials and public school technology for those

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1 students.

2 (h) Qualifications of instructional staff, procedures
3 for the selection of instructional staff, and procedures to
4 ensure consistent instruction and qualified staff year round.

5 (i) Transition services, including the roles and
6 responsibilities of appropriate personnel in school districts,
7 provider organizations, and the Department of Juvenile
8 Justice.

9 (j) Procedures and timeframe for transfer of education
10 records when a youth enters and leaves a facility.

11 (k) The requirement that each district school board
12 maintain an academic transcript for each student enrolled in a
13 juvenile justice facility that delineates each course
14 completed by the student as provided by the State Course Code
15 Directory.

16 (l) The requirement that each district school board
17 make available and transmit a copy of a student's transcript
18 in the discharge packet when the student exits a facility.

19 (m) Contract requirements.

20 (n) Performance expectations for providers and
21 district school boards, including the provision of an academic
22 improvement plan as required in s. 1008.25.

23 (o) The role and responsibility of the district school
24 board in securing workforce development funds.

25 (p) A series of graduated sanctions for district
26 school boards whose educational programs in Department of
27 Juvenile Justice facilities are considered to be
28 unsatisfactory and for instances in which district school
29 boards fail to meet standards prescribed by law, rule, or
30 State Board of Education policy. These sanctions shall include
31 the option of requiring a district school board to contract

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1 with a provider or another district school board if the
2 educational program at the Department of Juvenile Justice
3 facility has failed a quality assurance review and, after 6
4 months, is still performing below minimum standards.

5 (g) Other aspects of program operations.

6 (3) The Department of Education in partnership with
7 the Department of Juvenile Justice, the district school
8 boards, and providers shall:

9 (a) Maintain model contracts for the delivery of
10 appropriate education services to youth in Department of
11 Juvenile Justice programs to be used for the development of
12 future contracts. The model contracts shall reflect the policy
13 and standards included in subsection (2). The Department of
14 Education shall ensure that appropriate district school board
15 personnel are trained and held accountable for the management
16 and monitoring of contracts for education programs for youth
17 in juvenile justice residential and nonresidential facilities.

18 (b) Maintain model procedures for transitioning youth
19 into and out of Department of Juvenile Justice programs. These
20 procedures shall reflect the policy and standards adopted
21 pursuant to subsection (2).

22 (c) Maintain standardized required content of
23 education records to be included as part of a youth's
24 commitment record. These requirements shall reflect the policy
25 and standards adopted pursuant to subsection (2) and shall
26 include, but not be limited to, the following:

27 1. A copy of the student's individual educational
28 plan.

29 2. Assessment data, including grade level proficiency
30 in reading, writing, and mathematics, and performance on tests
31 taken according to s. 1008.22.

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1 3. A copy of the student's permanent cumulative
2 record.

3 4. A copy of the student's academic transcript.

4 5. A portfolio reflecting the youth's academic
5 accomplishments while in the Department of Juvenile Justice
6 program.

7 (d) Maintain model procedures for securing the
8 education record and the roles and responsibilities of the
9 juvenile probation officer and others involved in the
10 withdrawal of the student from school and assignment to a
11 commitment or detention facility. District school boards shall
12 respond to requests for student education records received
13 from another district school board or a juvenile justice
14 facility within 5 working days after receiving the request.

15 (4) The Department of Education shall ensure that
16 district school boards notify students in juvenile justice
17 residential or nonresidential facilities who attain the age of
18 16 years of the provisions of law regarding compulsory school
19 attendance and make available the option of enrolling in a
20 program to attain a Florida high school diploma by taking the
21 general educational development test prior to release from the
22 facility. District school boards or community colleges, or
23 both, shall waive GED testing fees for youth in Department of
24 Juvenile Justice residential programs and shall, upon request,
25 designate schools operating for the purpose of providing
26 educational services to youth in Department of Juvenile
27 Justice programs as GED testing centers, subject to GED
28 testing center requirements. The administrative fees for the
29 general education development test required by the Department
30 of Education are the responsibility of district school boards
31 and may be required of providers by contractual agreement.

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1 (5) The Department of Education shall establish and
2 operate, either directly or indirectly through a contract, a
3 mechanism to provide quality assurance reviews of all juvenile
4 justice education programs and shall provide technical
5 assistance and related research to district school boards and
6 providers on how to establish, develop, and operate
7 educational programs that exceed the minimum quality assurance
8 standards.

9 Section 146. Section 1003.52, Florida Statutes, is
10 created to read:

11 1003.52 Educational services in Department of Juvenile
12 Justice programs.--

13 (1) The Legislature finds that education is the single
14 most important factor in the rehabilitation of adjudicated
15 delinquent youth in the custody of the Department of Juvenile
16 Justice in detention or commitment facilities. It is the goal
17 of the Legislature that youth in the juvenile justice system
18 continue to be allowed the opportunity to obtain a high
19 quality education. The Department of Education shall serve as
20 the lead agency for juvenile justice education programs,
21 curriculum, support services, and resources. To this end, the
22 Department of Education and the Department of Juvenile Justice
23 shall each designate a Coordinator for Juvenile Justice
24 Education Programs to serve as the point of contact for
25 resolving issues not addressed by district school boards and
26 to provide each department's participation in the following
27 activities:

28 (a) Training, collaborating, and coordinating with the
29 Department of Juvenile Justice, district school boards,
30 educational contract providers, and juvenile justice
31 providers, whether state operated or contracted.

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1 (b) Collecting information on the academic performance
2 of students in juvenile justice commitment and detention
3 programs and reporting on the results.

4 (c) Developing academic and career and technical
5 protocols that provide guidance to district school boards and
6 providers in all aspects of education programming, including
7 records transfer and transition.

8 (d) Prescribing the roles of program personnel and
9 interdepartmental district school board or provider
10 collaboration strategies.

11
12 Annually, a cooperative agreement and plan for juvenile
13 justice education service enhancement shall be developed
14 between the Department of Juvenile Justice and the Department
15 of Education and submitted to the Secretary of Juvenile
16 Justice and the Commissioner of Education by June 30.

17 (2) Students participating in a detention, commitment,
18 or rehabilitation program pursuant to chapter 985 which is
19 sponsored by a community-based agency or is operated or
20 contracted for by the Department of Juvenile Justice shall
21 receive educational programs according to rules of the State
22 Board of Education. These students shall be eligible for
23 services afforded to students enrolled in programs pursuant to
24 s. 1003.53 and all corresponding State Board of Education
25 rules.

26 (3) The district school board of the county in which
27 the residential or nonresidential care facility or juvenile
28 assessment facility is located shall provide appropriate
29 educational assessments and an appropriate program of
30 instruction and special education services. The district
31 school board shall make provisions for each student to

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1 participate in basic, career and technical education, and
2 exceptional student programs as appropriate. Students served
3 in Department of Juvenile Justice programs shall have access
4 to the appropriate courses and instruction to prepare them for
5 the GED test. Students participating in GED preparation
6 programs shall be funded at the basic program cost factor for
7 Department of Juvenile Justice programs in the Florida
8 Education Finance Program. Each program shall be conducted
9 according to applicable law providing for the operation of
10 public schools and rules of the State Board of Education.

11 (4) Educational services shall be provided at times of
12 the day most appropriate for the juvenile justice program.
13 School programming in juvenile justice detention, commitment,
14 and rehabilitation programs shall be made available by the
15 local school district during the juvenile justice school year,
16 as defined in s. 1003.01(12).

17 (5) The educational program shall consist of
18 appropriate basic academic, career and technical, or
19 exceptional curricula and related services which support the
20 treatment goals and reentry and which may lead to completion
21 of the requirements for receipt of a high school diploma or
22 its equivalent. If the duration of a program is less than 40
23 days, the educational component may be limited to tutorial
24 activities and career and technical employability skills.

25 (6) Participation in the program by students of
26 compulsory school-attendance age as provided for in s. 1003.21
27 shall be mandatory. All students of noncompulsory
28 school-attendance age who have not received a high school
29 diploma or its equivalent shall participate in the educational
30 program, unless the student files a formal declaration of his
31 or her intent to terminate school enrollment as described in

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1 s. 1003.21 and is afforded the opportunity to take the general
2 educational development test and attain a Florida high school
3 diploma prior to release from a facility. A youth who has
4 received a high school diploma or its equivalent and is not
5 employed shall participate in workforce development or other
6 career or technical education or community college or
7 university courses while in the program, subject to available
8 funding.

9 (7) An academic improvement plan shall be developed
10 for students who score below the level specified in district
11 school board policy in reading, writing, and mathematics or
12 below the level specified by the Commissioner of Education on
13 statewide assessments as required by s. 1008.25. These plans
14 shall address academic, literacy, and life skills and shall
15 include provisions for intensive remedial instruction in the
16 areas of weakness.

17 (8) Each district school board shall maintain an
18 academic record for each student enrolled in a juvenile
19 justice facility as prescribed by s. 1003.51. Such record
20 shall delineate each course completed by the student according
21 to procedures in the State Course Code Directory. The district
22 school board shall include a copy of a student's academic
23 record in the discharge packet when the student exits the
24 facility.

25 (9) The Department of Education shall ensure that all
26 district school boards make provisions for high school level
27 committed youth to earn credits toward high school graduation
28 while in residential and nonresidential juvenile justice
29 facilities. Provisions must be made for the transfer of
30 credits and partial credits earned.

31 (10) The district school board shall recruit and train

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1 teachers who are interested, qualified, or experienced in
2 educating students in juvenile justice programs. Students in
3 juvenile justice programs shall be provided a wide range of
4 educational programs and opportunities including textbooks,
5 technology, instructional support, and other resources
6 available to students in public schools. Teachers assigned to
7 educational programs in juvenile justice settings in which the
8 district school board operates the educational program shall
9 be selected by the district school board in consultation with
10 the director of the juvenile justice facility. Educational
11 programs in juvenile justice facilities shall have access to
12 the substitute teacher pool utilized by the district school
13 board. Full-time teachers working in juvenile justice schools,
14 whether employed by a district school board or a provider,
15 shall be eligible for the critical teacher shortage tuition
16 reimbursement program as defined by s. 1009.58.

17 (11) District school boards may contract with a
18 private provider for the provision of educational programs to
19 youths placed with the Department of Juvenile Justice and
20 shall generate local, state, and federal funding, including
21 funding through the Florida Education Finance Program for such
22 students. The district school board's planning and budgeting
23 process shall include the needs of Department of Juvenile
24 Justice programs in the district school board's plan for
25 expenditures for state categorical and federal funds.

26 (12) The district school board shall fund the
27 educational program in a Department of Juvenile Justice
28 facility at the same or higher level of funding for equivalent
29 students in the district school system based on the funds
30 generated by state funding through the Florida Education
31 Finance Program for such students. It is the intent of the

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1 Legislature that the school district maximize its available
2 local, state, and federal funding to a juvenile justice
3 program.

4 (a) Juvenile justice educational programs shall be
5 funded in the appropriate FEFP program based on the
6 educational services needed by the student for Department of
7 Juvenile Justice programs in accordance with s. 1011.62.

8 (b) Juvenile justice educational programs to receive
9 the appropriate FEFP funding for Department of Juvenile
10 Justice programs shall include those operated through a
11 contract with the Department of Juvenile Justice and which are
12 under purview of the Department of Juvenile Justice quality
13 assurance standards for education.

14 (c) Consistent with the rules of the State Board of
15 Education, district school boards are required to request an
16 alternative FTE survey for Department of Juvenile Justice
17 programs experiencing fluctuations in student enrollment.

18 (d) FTE count periods shall be prescribed in rules of
19 the State Board of Education and shall be the same for
20 programs of the Department of Juvenile Justice as for other
21 public school programs. The summer school period for students
22 in Department of Juvenile Justice programs shall begin on the
23 day immediately following the end of the regular school year
24 and end on the day immediately preceding the subsequent
25 regular school year. Students shall be funded for no more than
26 25 hours per week of direct instruction.

27 (13) Each district school board shall negotiate a
28 cooperative agreement with the Department of Juvenile Justice
29 on the delivery of educational services to youths under the
30 jurisdiction of the Department of Juvenile Justice. Such
31 agreement must include, but is not limited to:

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- 1 (a) Roles and responsibilities of each agency,
2 including the roles and responsibilities of contract
3 providers.
- 4 (b) Administrative issues including procedures for
5 sharing information.
- 6 (c) Allocation of resources including maximization of
7 local, state, and federal funding.
- 8 (d) Procedures for educational evaluation for
9 educational exceptionalities and special needs.
- 10 (e) Curriculum and delivery of instruction.
- 11 (f) Classroom management procedures and attendance
12 policies.
- 13 (g) Procedures for provision of qualified
14 instructional personnel, whether supplied by the district
15 school board or provided under contract by the provider, and
16 for performance of duties while in a juvenile justice setting.
- 17 (h) Provisions for improving skills in teaching and
18 working with juvenile delinquents.
- 19 (i) Transition plans for students moving into and out
20 of juvenile facilities.
- 21 (j) Procedures and timelines for the timely
22 documentation of credits earned and transfer of student
23 records.
- 24 (k) Methods and procedures for dispute resolution.
- 25 (l) Provisions for ensuring the safety of education
26 personnel and support for the agreed-upon education program.
- 27 (m) Strategies for correcting any deficiencies found
28 through the quality assurance process.
- 29 (14) Nothing in this section or in a cooperative
30 agreement shall be construed to require the district school
31 board to provide more services than can be supported by the

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1 funds generated by students in the juvenile justice programs.

2 (15)(a) The Department of Education in consultation
3 with the Department of Juvenile Justice, district school
4 boards, and providers shall establish objective and measurable
5 quality assurance standards for the educational component of
6 residential and nonresidential juvenile justice facilities.
7 These standards shall rate the district school board's
8 performance both as a provider and contractor. The quality
9 assurance rating for the educational component shall be
10 disaggregated from the overall quality assurance score and
11 reported separately.

12 (b) The Department of Education shall develop a
13 comprehensive quality assurance review process and schedule
14 for the evaluation of the educational component in juvenile
15 justice programs. The Department of Juvenile Justice quality
16 assurance site visit and the education quality assurance site
17 visit shall be conducted during the same visit.

18 (c) The Department of Education, in consultation with
19 district school boards and providers, shall establish minimum
20 thresholds for the standards and key indicators for
21 educational programs in juvenile justice facilities. If a
22 district school board fails to meet the established minimum
23 standards, it will be given 6 months to achieve compliance
24 with the standards. If after 6 months, the district school
25 board's performance is still below minimum standards, the
26 Department of Education shall exercise sanctions as prescribed
27 by rules adopted by the State Board of Education. If a
28 provider, under contract with the district school board, fails
29 to meet minimum standards, such failure shall cause the
30 district school board to cancel the provider's contract unless
31 the provider achieves compliance within 6 months or unless

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1 there are documented extenuating circumstances.

2 (16) The district school board shall not be charged
3 any rent, maintenance, utilities, or overhead on such
4 facilities. Maintenance, repairs, and remodeling of existing
5 facilities shall be provided by the Department of Juvenile
6 Justice.

7 (17) When additional facilities are required, the
8 district school board and the Department of Juvenile Justice
9 shall agree on the appropriate site based on the instructional
10 needs of the students. When the most appropriate site for
11 instruction is on district school board property, a special
12 capital outlay request shall be made by the commissioner in
13 accordance with s. 1013.60. When the most appropriate site is
14 on state property, state capital outlay funds shall be
15 requested by the Department of Juvenile Justice provided by s.
16 216.043 and shall be submitted as specified by s. 216.023.
17 Any instructional facility to be built on state property shall
18 have educational specifications jointly developed by the
19 district school board and the Department of Juvenile Justice
20 and approved by the Department of Education. The size of
21 space and occupant design capacity criteria as provided by
22 State Board of Education rules shall be used for remodeling or
23 new construction whether facilities are provided on state
24 property or district school board property.

25 (18) The parent of an exceptional student shall have
26 the due process rights provided for in chapter 1003.

27 (19) Department of Juvenile Justice detention and
28 commitment programs may be designated as second chance schools
29 pursuant to s. 1003.53(1)(d). Admission to such programs shall
30 be governed by chapter 985.

31 (20) The Department of Education and the Department of

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1 Juvenile Justice, after consultation with and assistance from
2 local providers and district school boards, shall report
3 annually to the Legislature by February 1 on the progress
4 towards developing effective educational programs for juvenile
5 delinquents, including the amount of funding provided by
6 district school boards to juvenile justice programs, the
7 amount retained for administration including documenting the
8 purposes for such expenses, the status of the development of
9 cooperative agreements, the results of the quality assurance
10 reviews including recommendations for system improvement, and
11 information on the identification of, and services provided
12 to, exceptional students in juvenile justice commitment
13 facilities to determine whether these students are properly
14 reported for funding and are appropriately served.

15 (21) The educational programs at the Arthur Dozier
16 School for Boys in Jackson County and the Florida School for
17 Boys in Okeechobee shall be operated by the Department of
18 Education, either directly or through grants or contractual
19 agreements with other public or duly accredited education
20 agencies approved by the Department of Education.

21 (22) The State Board of Education may adopt any rules
22 necessary to implement the provisions of this section,
23 including uniform curriculum, funding, and second chance
24 schools. Such rules shall require the minimum amount of
25 paperwork and reporting.

26 (23) The Department of Juvenile Justice and the
27 Department of Education shall, in consultation with the
28 statewide Workforce Development Youth Council, district school
29 boards, providers, and others, jointly develop a multiagency
30 plan for career and technical education which describes the
31 curriculum, goals, and outcome measures for career and

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1 technical education programming in juvenile commitment
2 facilities, pursuant to s. 985.3155.

3 Section 147. Section 1003.53, Florida Statutes, is
4 created to read:

5 1003.53 Dropout prevention and academic
6 intervention.--

7 (1)(a) Dropout prevention and academic intervention
8 programs may differ from traditional educational programs and
9 schools in scheduling, administrative structure, philosophy,
10 curriculum, or setting and shall employ alternative teaching
11 methodologies, curricula, learning activities, and diagnostic
12 and assessment procedures in order to meet the needs,
13 interests, abilities, and talents of eligible students. The
14 educational program shall provide curricula, character
15 development and law education, and related services that
16 support the program goals and lead to improved performance in
17 the areas of academic achievement, attendance, and discipline.
18 Student participation in such programs shall be voluntary.
19 District school boards may, however, assign students to a
20 program for disruptive students. Notwithstanding any other
21 provision of law to the contrary, no student shall be
22 identified as being eligible to receive services funded
23 through the dropout prevention and academic intervention
24 program based solely on the student being from a single-parent
25 family.

26 (b) Students in grades 1-12 shall be eligible for
27 dropout prevention and academic intervention programs.
28 Eligible students shall be reported in the appropriate basic
29 cost factor in the Florida Education Finance Program. The
30 strategies and supports provided to eligible students shall be
31 funded through the General Appropriations Act and may include,

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1 but are not limited to, those services identified on the
2 student's academic intervention plan.

3 (c) A student shall be identified as being eligible to
4 receive services funded through the dropout prevention and
5 academic intervention program based upon one of the following
6 criteria:

7 1. The student is academically unsuccessful as
8 evidenced by low test scores, retention, failing grades, low
9 grade point average, falling behind in earning credits, or not
10 meeting the state or district proficiency levels in reading,
11 mathematics, or writing.

12 2. The student has a pattern of excessive absenteeism
13 or has been identified as a habitual truant.

14 3. The student has a history of disruptive behavior in
15 school or has committed an offense that warrants out-of-school
16 suspension or expulsion from school according to the district
17 school board's code of student conduct. For the purposes of
18 this program, "disruptive behavior" is behavior that:

19 a. Interferes with the student's own learning or the
20 educational process of others and requires attention and
21 assistance beyond that which the traditional program can
22 provide or results in frequent conflicts of a disruptive
23 nature while the student is under the jurisdiction of the
24 school either in or out of the classroom; or

25 b. Severely threatens the general welfare of students
26 or others with whom the student comes into contact.

27 (d)1. "Second chance schools" means district school
28 board programs provided through cooperative agreements between
29 the Department of Juvenile Justice, private providers, state
30 or local law enforcement agencies, or other state agencies for
31 students who have been disruptive or violent or who have

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1 committed serious offenses. As partnership programs, second
2 chance schools are eligible for waivers by State Board of
3 Education rules from statutory requirements that prevent the
4 provision of appropriate educational services to violent,
5 severely disruptive, or delinquent students in small
6 nontraditional settings or in court-adjudicated settings.
7 2. District school boards seeking to enter into a
8 partnership with a private entity or public entity to operate
9 a second chance school for disruptive students may apply to
10 the Department of Education for startup grants. These grants
11 must be available for 1 year and must be used to offset the
12 startup costs for implementing such programs off public school
13 campuses. General operating funds must be generated through
14 the appropriate programs of the Florida Education Finance
15 Program. Grants approved under this program shall be for the
16 full operation of the school by a private nonprofit or
17 for-profit provider or the public entity. This program must
18 operate under rules adopted by the State Board of Education
19 and be implemented to the extent funded by the Legislature.
20 3. A student enrolled in a sixth, seventh, eighth,
21 ninth, or tenth grade class may be assigned to a second chance
22 school if the student meets the following criteria:
23 a. The student is a habitual truant as defined in s.
24 1003.01.
25 b. The student's excessive absences have detrimentally
26 affected the student's academic progress and the student may
27 have unique needs that a traditional school setting may not
28 meet.
29 c. The student's high incidences of truancy have been
30 directly linked to a lack of motivation.
31 d. The student has been identified as at risk of

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1 dropping out of school.

2 4. A student who is habitually truant may be assigned
3 to a second chance school only if the case staffing committee,
4 established pursuant to s. 984.12, determines that such
5 placement could be beneficial to the student and the criteria
6 included in subparagraph 3. are met.

7 5. A student may be assigned to a second chance school
8 if the district school board in which the student resides has
9 a second chance school and if the student meets one of the
10 following criteria:

11 a. The student habitually exhibits disruptive behavior
12 in violation of the code of student conduct adopted by the
13 district school board.

14 b. The student interferes with the student's own
15 learning or the educational process of others and requires
16 attention and assistance beyond that which the traditional
17 program can provide, or, while the student is under the
18 jurisdiction of the school either in or out of the classroom,
19 frequent conflicts of a disruptive nature occur.

20 c. The student has committed a serious offense which
21 warrants suspension or expulsion from school according to the
22 district school board's code of student conduct. For the
23 purposes of this program, "serious offense" is behavior which:

24 (I) Threatens the general welfare of students or
25 others with whom the student comes into contact;

26 (II) Includes violence;

27 (III) Includes possession of weapons or drugs; or

28 (IV) Is harassment or verbal abuse of school personnel
29 or other students.

30 6. Prior to assignment of students to second chance
31 schools, district school boards are encouraged to use

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1 alternative programs, such as in-school suspension, which
2 provide instruction and counseling leading to improved student
3 behavior, a reduction in the incidence of truancy, and the
4 development of more effective interpersonal skills.

5 7. Students assigned to second chance schools must be
6 evaluated by the district school board's child study team
7 before placement in a second chance school. The study team
8 shall ensure that students are not eligible for placement in a
9 program for emotionally disturbed children.

10 8. Students who exhibit academic and social progress
11 and who wish to return to a traditional school shall complete
12 a character development and law education program and
13 demonstrate preparedness to reenter the regular school setting
14 prior to reentering a traditional school.

15 (2)(a) Each district school board may establish
16 dropout prevention and academic intervention programs at the
17 elementary, middle, junior high school, or high school level.
18 Programs designed to eliminate patterns of excessive
19 absenteeism or habitual truancy shall emphasize academic
20 performance and may provide specific instruction in the areas
21 of career education, preemployment training, and behavioral
22 management. Such programs shall utilize instructional teaching
23 methods appropriate to the specific needs of the student.

24 (b) Each school that establishes a dropout prevention
25 and academic intervention program at that school site shall
26 reflect that program in the school improvement plan as
27 required under s. 1001.42(16).

28 (3) Each district school board receiving state funding
29 for dropout prevention and academic intervention programs
30 through the General Appropriations Act shall submit
31 information through an annual report to the Department of

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1 Education's database documenting the extent to which each of
2 the district's dropout prevention and academic intervention
3 programs has been successful in the areas of graduation rate,
4 dropout rate, attendance rate, and retention/promotion rate.
5 The department shall compile this information into an annual
6 report which shall be submitted to the presiding officers of
7 the Legislature by February 15.

8 (4) Each district school board shall establish
9 procedures for ensuring that teachers assigned to dropout
10 prevention and academic intervention programs possess the
11 affective, pedagogical, and content-related skills necessary
12 to meet the needs of these students.

13 (5) Each district school board providing a dropout
14 prevention and academic intervention program pursuant to this
15 section shall maintain for each participating student records
16 documenting the student's eligibility, the length of
17 participation, the type of program to which the student was
18 assigned or the type of academic intervention services
19 provided, and an evaluation of the student's academic and
20 behavioral performance while in the program. The school
21 principal or his or her designee shall, prior to placement in
22 a dropout prevention and academic intervention program or the
23 provision of an academic service, provide written notice of
24 placement or services by certified mail, return receipt
25 requested, to the student's parent. The parent of the student
26 shall sign an acknowledgment of the notice of placement or
27 service and return the signed acknowledgment to the principal
28 within 3 days after receipt of the notice. The parents of a
29 student assigned to such a dropout prevention and academic
30 intervention program shall be notified in writing and entitled
31 to an administrative review of any action by school personnel

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1 relating to such placement pursuant to the provisions of
2 chapter 120.

3 (6) District school board dropout prevention and
4 academic intervention programs shall be coordinated with
5 social service, law enforcement, prosecutorial, and juvenile
6 justice agencies and juvenile assessment centers in the school
7 district. Notwithstanding the provisions of s. 1002.22, these
8 agencies are authorized to exchange information contained in
9 student records and juvenile justice records. Such information
10 is confidential and exempt from the provisions of s.
11 119.07(1). District school boards and other agencies receiving
12 such information shall use the information only for official
13 purposes connected with the certification of students for
14 admission to and for the administration of the dropout
15 prevention and academic intervention program, and shall
16 maintain the confidentiality of such information unless
17 otherwise provided by law or rule.

18 (7) The State Board of Education shall have the
19 authority pursuant to ss. 120.536(1) and 120.54 to adopt rules
20 necessary to implement the provisions of this section; such
21 rules shall require the minimum amount of necessary paperwork
22 and reporting.

23 Section 148. Section 1003.54, Florida Statutes, is
24 created to read:

25 1003.54 Teenage parent programs.--

26 (1) Each district school board shall maintain a
27 teenage parent program.

28 (2) "Teenage parent programs" means educational
29 programs designed to provide a specialized curriculum to meet
30 the needs of students who are pregnant or students who are
31 mothers or fathers and the children of the students.

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1 (3)(a) The program shall provide pregnant students or
2 students who are parents and the children of these students
3 with a comprehensive teenage parent program. The program shall
4 provide pregnant students or students who are parents with the
5 option of participating in regular classroom activities or
6 enrolling in a special program designed to meet their needs
7 pursuant to s. 1003.21. Students participating in teenage
8 parent programs shall be exempt from minimum attendance
9 requirements for absences related to pregnancy or parenting,
10 but shall be required to make up work missed due to absence.

11 (b) The curriculum shall include instruction in such
12 topics as prenatal and postnatal health care, parenting
13 skills, benefits of sexual abstinence, and consequences of
14 subsequent pregnancies. Parenting skills should include
15 instruction in the stages of child growth and development,
16 methods for aiding in the intellectual, language, physical,
17 and social development of children, and guidance on
18 constructive play activities.

19 (c) Provision for necessary child care, health care,
20 social services, parent education, and transportation shall be
21 ancillary service components of teenage parent programs.
22 Ancillary services may be provided through the coordination of
23 existing programs and services and through joint agreements
24 between district school boards and local school readiness
25 coalitions or other appropriate public and private providers.

26 (d) The district school board shall make adequate
27 provisions for pregnant and parenting teenagers to complete
28 the coursework necessary to earn a high school diploma.

29 (e) Children enrolled in child care provided by the
30 district shall be funded at the special program cost factor
31 pursuant to s. 1011.62 if the parent or parents are enrolled

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1 full time in a public school in the district.

2 (4) Districts may modify courses listed in the State
3 Course Code Directory for the purpose of providing teenage
4 parent programs pursuant to the provisions of this section.
5 Such modifications must be approved by the commissioner and
6 may include lengthening or shortening of the school time
7 allotted for in-class study, alternate methods of assessment
8 of student performance, and the integration of curriculum
9 frameworks or student performance standards to produce
10 interdisciplinary units of instruction.

11 (5) The State Board of Education shall adopt rules
12 necessary to implement the provisions of this section.

13 Section 149. Section 1003.55, Florida Statutes, is
14 created to read:

15 1003.55 Instructional programs for blind or visually
16 impaired students and deaf or hard-of-hearing students.--

17 (1) The Department of Education may establish a
18 coordinating unit and instructional materials center for
19 visually impaired students and deaf or hard-of-hearing
20 students to provide staff and resources for the coordination,
21 cataloging, standardizing, producing, procuring, storing, and
22 distributing of braille, large print, tangible apparatus,
23 captioned films and video tapes, and other specialized
24 educational materials needed by these students and other
25 exceptional students. The coordinating unit shall have as its
26 major purpose the improvement of instructional programs for
27 visually impaired students and deaf or hard-of-hearing
28 students and may, as a second priority, extend appropriate
29 services to other exceptional students, consistent with
30 provisions and criteria established, to the extent that
31 resources are available.

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1 (2) The unit shall be operated under rules adopted by
2 the State Board of Education.

3 (3) As used in this section, the term:

4 (a) "Blind student" means a student who is eligible
5 for special education services and who:

6 1. Has a visual acuity of 20/200 or less in the better
7 eye with correcting lenses or has a limited field of vision
8 such that the widest diameter subtends an angular distance of
9 no greater than 20 degrees; or

10 2. Has a medically indicated expectation of visual
11 deterioration.

12 (b) "Braille" means the system of reading and writing
13 through touch commonly known as standard English braille.

14 (c) "Individualized education program" means a written
15 statement developed for a student eligible for special
16 education services pursuant to s. 602(a)(20), Part A of the
17 Individuals with Disabilities Education Act, 20 U.S.C. s.
18 1401(a).

19 (4) In developing an individualized written education
20 program for each blind student, the presumption shall be that
21 blind students can communicate effectively and efficiently
22 with the same level of proficiency expected of the students'
23 peers of comparable ability and grade level. Accordingly,
24 proficiency in reading and writing braille shall be considered
25 during the individualized planning and assessment processes in
26 this context.

27 (5) Any publisher of a textbook adopted pursuant to
28 the state instructional materials adoption process shall
29 furnish the Department of Education with a computer file in an
30 electronic format specified by the department at least 2 years
31 in advance that is readily translatable to braille and can be

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1 used for large print or speech access. Any textbook
2 reproduced pursuant to the provisions of this subsection shall
3 be purchased at a price equal to the price paid for the
4 textbook as adopted. The Department of Education shall not
5 reproduce textbooks obtained pursuant to this subsection in
6 any manner that would generate revenues for the department
7 from the use of such computer files or that would preclude the
8 rightful payment of fees to the publisher for use of all or
9 some portion of the textbook.

10 Section 150. Section 1003.56, Florida Statutes, is
11 created to read:

12 1003.56 English language instruction for limited
13 English proficient students.--

14 (1) Instruction in the English language shall be
15 provided to limited English proficient students. Such
16 instruction shall be designed to develop the student's mastery
17 of the four language skills, including listening, speaking,
18 reading, and writing, as rapidly as possible.

19 (2)(a) "Limited English proficient" or "limited
20 English proficiency," when used with reference to an
21 individual, means:

22 1.a. An individual who was not born in the United
23 States and whose native language is a language other than
24 English;

25 b. An individual who comes from a home environment
26 where a language other than English is spoken in the home; or

27 c. An individual who is an American Indian or Alaskan
28 native and who comes from an environment where a language
29 other than English has had a significant impact on his or her
30 level of English language proficiency; and

31 2. Who, by reason thereof, has sufficient difficulty

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1 speaking, reading, writing, or listening to the English
2 language to deny such individual the opportunity to learn
3 successfully in classrooms where the language of instruction
4 is English.

5 (b) "Home language" or "native language," when used
6 with reference to an individual of limited English
7 proficiency, means the language normally used by such
8 individual or, in the case of a student, the language normally
9 used by the parents of the student.

10 (c) "ESOL" means English for Speakers of Other
11 Languages and:

12 1. When modifying instruction, the strategy used to
13 teach limited English proficient students; or

14 2. When modifying program, the program funded in the
15 Florida Education Finance Program, listed under English for
16 Speakers of Other Languages in s. 1011.62.

17 (3) Each district school board shall implement the
18 following procedures:

19 (a) Develop and submit a plan for providing English
20 language instruction for limited English proficient students
21 to the Department of Education for review and approval.

22 (b) Identify limited English proficient students
23 through assessment.

24 (c) Provide for student exit from and reclassification
25 into the program.

26 (d) Provide limited English proficient students ESOL
27 instruction in English and ESOL instruction or home language
28 instruction in the basic subject areas of reading,
29 mathematics, science, social studies, and computer literacy.

30 (e) Maintain a student plan.

31 (f) Provide qualified teachers.

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1 (g) Provide equal access to other programs for
2 eligible limited English proficient students based on need.

3 (h) Provide for parental involvement in the program.

4 (4) Each district school board's program for limited
5 English proficient students shall be evaluated and monitored
6 periodically.

7 (5) The State Board of Education shall adopt rules for
8 the purpose of implementing this section.

9 Section 151. Section 1003.57, Florida Statutes, is
10 created to read:

11 1003.57 Exceptional students instruction.--Each
12 district school board shall provide for an appropriate program
13 of special instruction, facilities, and services for
14 exceptional students as prescribed by the State Board of
15 Education as acceptable, including provisions that:

16 (1) The district school board provide the necessary
17 professional services for diagnosis and evaluation of
18 exceptional students.

19 (2) The district school board provide the special
20 instruction, classes, and services, either within the district
21 school system, in cooperation with other district school
22 systems, or through contractual arrangements with approved
23 private schools or community facilities that meet standards
24 established by the commissioner.

25 (3) The district school board annually provide
26 information describing the Florida School for the Deaf and the
27 Blind and all other programs and methods of instruction
28 available to the parent of a sensory-impaired student.

29 (4) The district school board, once every 3 years,
30 submit to the department its proposed procedures for the
31 provision of special instruction and services for exceptional

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1 students.

2 (5) No student be given special instruction or
3 services as an exceptional student until after he or she has
4 been properly evaluated, classified, and placed in the manner
5 prescribed by rules of the State Board of Education. The
6 parent of an exceptional student evaluated and placed or
7 denied placement in a program of special education shall be
8 notified of each such evaluation and placement or denial. Such
9 notice shall contain a statement informing the parent that he
10 or she is entitled to a due process hearing on the
11 identification, evaluation, and placement, or lack thereof.
12 Such hearings shall be exempt from the provisions of ss.
13 120.569, 120.57, and 286.011, except to the extent that the
14 State Board of Education adopts rules establishing other
15 procedures and any records created as a result of such
16 hearings shall be confidential and exempt from the provisions
17 of s. 119.07(1). The hearing must be conducted by an
18 administrative law judge from the Division of Administrative
19 Hearings of the Department of Management Services. The
20 decision of the administrative law judge shall be final,
21 except that any party aggrieved by the finding and decision
22 rendered by the administrative law judge shall have the right
23 to bring a civil action in the circuit court. In such an
24 action, the court shall receive the records of the
25 administrative hearing and shall hear additional evidence at
26 the request of either party. In the alternative, any party
27 aggrieved by the finding and decision rendered by the
28 administrative law judge shall have the right to request an
29 impartial review of the administrative law judge's order by
30 the district court of appeal as provided by s. 120.68.
31 Notwithstanding any law to the contrary, during the pendency

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1 of any proceeding conducted pursuant to this section, unless
2 the district school board and the parents otherwise agree, the
3 student shall remain in his or her then-current educational
4 assignment or, if applying for initial admission to a public
5 school, shall be assigned, with the consent of the parents, in
6 the public school program until all such proceedings have been
7 completed.

8 (6) In providing for the education of exceptional
9 students, the district school superintendent, principals, and
10 teachers shall utilize the regular school facilities and adapt
11 them to the needs of exceptional students to the maximum
12 extent appropriate. Segregation of exceptional students shall
13 occur only if the nature or severity of the exceptionality is
14 such that education in regular classes with the use of
15 supplementary aids and services cannot be achieved
16 satisfactorily.

17 Section 152. Section 1003.58, Florida Statutes, is
18 created to read:

19 1003.58 Students in residential care facilities.--Each
20 district school board shall provide educational programs
21 according to rules of the State Board of Education to students
22 who reside in residential care facilities operated by the
23 Department of Children and Family Services.

24 (1) The district school board shall not be charged any
25 rent, maintenance, utilities, or overhead on such facilities.
26 Maintenance, repairs, and remodeling of existing facilities
27 shall be provided by the Department of Children and Family
28 Services.

29 (2) If additional facilities are required, the
30 district school board and the Department of Children and
31 Family Services shall agree on the appropriate site based on

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1 the instructional needs of the students. When the most
2 appropriate site for instruction is on district school board
3 property, a special capital outlay request shall be made by
4 the commissioner in accordance with s. 1013.60. When the most
5 appropriate site is on state property, state capital outlay
6 funds shall be requested by the Department of Children and
7 Family Services as provided by s. 216.043 and shall be
8 submitted as specified by s. 216.023. Any instructional
9 facility to be built on state property shall have educational
10 specifications jointly developed by the school district and
11 the Department of Children and Family Services and approved by
12 the Department of Education. The size of space and occupant
13 design capacity criteria as provided by state board rules
14 shall be used for remodeling or new construction whether
15 facilities are provided on state property or district school
16 board property. The planning of such additional facilities
17 shall incorporate current Department of Children and Family
18 Services deinstitutionalization plans.

19 (3) The district school board shall have full and
20 complete authority in the matter of the assignment and
21 placement of such students in educational programs. The parent
22 of an exceptional student shall have the same due process
23 rights as are provided under s. 1003.57(5).

24 (4) The district school board shall have a written
25 agreement with the Department of Children and Family Services
26 outlining the respective duties and responsibilities of each
27 party.

28
29 Notwithstanding the provisions herein, the educational program
30 at the Marianna Sunland Center in Jackson County shall be
31 operated by the Department of Education, either directly or

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1 through grants or contractual agreements with other public or
2 duly accredited educational agencies approved by the
3 Department of Education.

4 Section 153. Part VI of chapter 1003, Florida
5 Statutes, shall be entitled "Pilot Public K-12 Education
6 Programs" and shall consist of ss. 1003.61-1003.63.

7 Section 154. Section 1003.61, Florida Statutes, is
8 created to read:

9 1003.61 Pilot attendance project.--It is the purpose
10 of this section to require the Manatee County District School
11 Board to implement a pilot project that raises the compulsory
12 age of attendance for children from the age of 16 years to the
13 age of 18 years. The pilot project applies to each child who
14 has not attained the age of 16 years by September 30 of the
15 school year in which a school board policy is adopted.

16 (1) Beginning July 1, 1999, the Manatee County
17 District School Board shall implement a pilot project
18 consistent with policy adopted by the school board to raise
19 the compulsory age of attendance for children from the age of
20 16 years to the age of 18 years.

21 (2) The district school board must, before the
22 beginning of the school year, adopt a policy for raising the
23 compulsory age of attendance for children from the age of 16
24 years to 18 years.

25 (a) Before the adoption of the policy, the district
26 school board must provide a notice of intent to adopt a policy
27 to raise the compulsory age of attendance for children from
28 the age of 16 years to the age of 18 years. The notice must be
29 provided to the parent of each child who is 15 years of age
30 and who is enrolled in a school in the district.

31 (b) Within 2 weeks after adoption of the school board

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1 policy, the district school board must provide notice of the
2 policy to the parent of each child who is 15 years of age and
3 who is enrolled in a school in the district. The notice must
4 also provide information related to the penalties for refusing
5 or failing to comply with the compulsory attendance
6 requirements and information on alternative education programs
7 offered within the school district.

8 (3) All state laws and State Board of Education rules
9 related to students subject to compulsory school attendance
10 apply to the district school board. Notwithstanding the
11 provisions of s. 1003.21, the formal declaration of intent to
12 terminate school enrollment does not apply to the district
13 school board.

14 (4) The district school board must evaluate the effect
15 of its adopted policy raising the compulsory age of attendance
16 on school attendance and on the school district's dropout
17 rate, as well as on the costs associated with the pilot
18 project. The school district shall report its findings to the
19 President of the Senate, the Speaker of the House of
20 Representatives, the minority leader of each house of the
21 Legislature, the Governor, and the Commissioner of Education
22 not later than August 1 following each year that the pilot
23 project is in operation.

24 Section 155. Section 1003.62, Florida Statutes, is
25 created to read:

26 1003.62 Charter school districts pilot program.--The
27 State Board of Education is authorized to enter into a
28 performance contract with up to six district school boards for
29 the purpose of establishing them as charter school districts.
30 The State Board of Education shall give priority to
31 Hillsborough and Volusia Counties upon the submission of a

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1 completed precharter agreement or charter proposal for a
2 charter school district. The purpose of this pilot program is
3 to examine a new relationship between the State Board of
4 Education and district school boards that may produce
5 significant improvements in student achievement and school
6 management, while complying with constitutional requirements
7 assigned to each entity.

8 (1) CHARTER DISTRICT.--A charter school district is a
9 school district in Florida in which the district school board
10 has submitted and the State Board of Education has approved a
11 charter proposal that exchanges statutory and rule exemption
12 for agreement to meet performance goals in the proposal. The
13 charter school district shall be chartered for 3 years, at the
14 end of which the performance shall be evaluated.

15 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school
16 districts shall be exempt from state statutes and specified
17 State Board of Education rules. The district school board of a
18 charter school district shall not be exempt from any statute
19 governing election of district school board members, public
20 meetings and public records requirements, financial
21 disclosure, conflicts of interest, operation in the sunshine,
22 or any provisions outside the Florida K-20 Education Code.

23 (3) GOVERNING BOARD.--The governing board of the
24 charter school district shall be the duly elected district
25 school board. The district school board shall be responsible
26 for supervising the schools in the charter district and is
27 authorized to charter each of its existing public schools
28 pursuant to s. 1002.33, apply for deregulation of its public
29 schools pursuant to s. 1003.63, or otherwise establish
30 performance-based contractual relationships with its public
31 schools for the purpose of giving them greater autonomy with

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1 accountability for performance.

2 (4) PRECHARTER AGREEMENT.--The State Board of
3 Education is authorized to approve a precharter agreement with
4 a potential charter district. The agreement may grant limited
5 flexibility and direction for developing the full charter
6 proposal.

7 (5) TIME PERIOD FOR PILOT.--The pilot program shall be
8 authorized for a period of 3 full school years commencing with
9 award of a charter. The charter may be renewed upon action of
10 the State Board of Education.

11 (6) REPORTS.--The State Board of Education shall
12 annually report on the implementation of the charter school
13 district pilot program. Upon the completion of the first
14 3-year term, the State Board of Education, through the
15 Commissioner of Education, shall submit to the Legislature a
16 full evaluation of the effectiveness of the program.

17 (7) RULEMAKING.--The State Board of Education shall
18 have the authority to enact rules to implement this section in
19 accordance with ss. 120.536 and 120.54.

20 Section 156. Section 1003.63, Florida Statutes, is
21 created to read:

22 1003.63 Deregulated public schools pilot program.--

23 (1) PILOT PROGRAM.--To provide public schools the same
24 flexibility and accountability afforded charter schools, pilot
25 programs for deregulated public schools shall be conducted.
26 The following districts are authorized to conduct pilot
27 programs in 1998-1999: Palm Beach, Pinellas, Seminole, Leon,
28 Walton, and Citrus Counties. The schools and district school
29 boards which are participating in the pilot program as of
30 January 1, 1999, are authorized to continue the pilot program
31 through the 2003-2004 school year. Lee County is authorized to

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1 conduct the pilot program beginning in the 1999-2000 school
2 year through the 2003-2004 school year.

3 (2) PURPOSE.--The purpose of the pilot program for
4 deregulated public schools shall be to:

5 (a) Improve student learning.

6 (b) Increase learning opportunities for all students,
7 with special emphasis on expanded learning experiences for
8 students who are identified as academically low achieving.

9 (c) Encourage the use of different and innovative
10 learning methods.

11 (d) Increase choice of learning opportunities for
12 students.

13 (e) Establish a new form of accountability for
14 schools.

15 (f) Require the measurement of learning outcomes and
16 create innovative measurement tools.

17 (g) Make the school the unit for improvement.

18 (h) Relieve schools of paperwork and procedures that
19 are required by the state and the district school board for
20 purposes other than health, safety, equal opportunity, fiscal
21 accountability and documentation of student achievement.

22 (3) PROPOSAL.--

23 (a) A proposal to be a deregulated school must be
24 developed by the school principal and the school advisory
25 council. A majority of the members of the school advisory
26 council must approve the proposal, and the principal and the
27 school advisory council chair must sign the proposal. At least
28 50 percent of the teachers employed at the school must approve
29 the proposal. The school must conduct a survey to show
30 parental support for the proposal.

31 (b) A district school board shall receive and review

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1 all proposals for a deregulated public school. A district
2 school board must by a majority vote approve or deny a
3 proposal no later than 30 days after the proposal is received.
4 If a proposal is denied, the district school board must,
5 within 10 calendar days, articulate in writing the specific
6 reasons based upon good cause supporting its denial of the
7 proposal.

8 (c) The Department of Education may provide technical
9 assistance to an applicant upon written request.

10 (d) The terms and conditions for the operation of a
11 deregulated public school shall be set forth in the proposal.
12 The district school board shall not impose unreasonable rules
13 or regulations that violate the intent of giving schools
14 greater flexibility to meet educational goals.

15 (4) ELIGIBLE STUDENTS.--

16 (a) A deregulated school shall be open to all students
17 residing in the school's attendance boundaries as determined
18 by the district school board.

19 (b) The deregulated public school shall have maximum
20 flexibility to enroll students under the district school board
21 open enrollment plan.

22 (5) REQUIREMENTS.--Like other public schools, a
23 deregulated public school shall:

24 (a) Be nonsectarian in its programs, admission
25 policies, employment practices, and operations.

26 (b) Not charge tuition or fees, except those fees
27 normally charged by other public schools.

28 (c) Meet all applicable state and local health,
29 safety, and civil rights requirements.

30 (d) Not violate the antidiscrimination provisions of
31 s. 1000.05.

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1 (e) Be subject to an annual financial audit in a
2 manner similar to that of other public schools in the
3 district.

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

7 (a) The proposal shall address, and criteria for
8 approval of the proposal shall be based on:

9 1. The school's mission and the students to be served.

10 2. The focus of the curriculum, the instructional
11 methods to be used, and any distinctive instructional
12 techniques to be employed.

13 3. The current baseline standard of achievement and
14 the outcomes to be achieved and the method of measurement that
15 will be used.

16 4. The methods used to identify the educational
17 strengths and needs of students and how well educational goals
18 and performance standards are met by students attending the
19 school. Students in deregulated public schools shall, at a
20 minimum, participate in the statewide assessment program.

21 5. In secondary schools, a method for determining that
22 a student has satisfied the requirements for graduation in s.
23 1003.43.

24 6. A method for resolving conflicts between the school
25 and the district.

26 7. The admissions procedures and dismissal procedures,
27 including the school's code of student conduct.

28 8. The ways by which the school's racial/ethnic
29 balance reflects the community it serves or reflects the
30 racial/ethnic range of other public schools in the same school
31 district.

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1 9. The financial and administrative management of the
2 school including a statement of the areas in which the school
3 will have administrative and fiscal autonomy and the areas in
4 which the school will follow district school board fiscal and
5 administrative policies.

6 10. The manner in which the school will be insured,
7 including whether or not the school will be required to have
8 liability insurance, and, if so, the terms and conditions
9 thereof and the amounts of coverage.

10 11. The qualifications to be required of the teachers.

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

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

18 2. The information required in the annual school
19 report pursuant to s. 1008.345.

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

22 4. Salary and benefit levels of school employees.

23 (c) A district school board shall ensure that the
24 proposal is innovative and consistent with the state education
25 goals established by s. 1000.03(5).

26 (d) Upon receipt of the annual report required by
27 paragraph (b), the Department of Education shall provide the
28 State Board of Education, the Commissioner of Education, the
29 President of the Senate, and the Speaker of the House of
30 Representatives with a copy of each report and an analysis and
31 comparison of the overall performance of students, to include

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1 all students in deregulated public schools whose scores are
2 counted as part of the statewide assessment tests, versus
3 comparable public school students in the district as
4 determined by FCAT and district assessment tests and, as
5 appropriate, the Florida Writes Assessment Test, and other
6 assessments administered pursuant to s. 1008.22(3).

7 (7) EXEMPTION FROM STATUTES.--

8 (a) A deregulated public school shall operate in
9 accordance with its proposal and shall be exempt from all
10 statutes of the Florida K-20 Education Code, except those
11 pertaining to civil rights and student health, safety, and
12 welfare, or as otherwise required by this section. A
13 deregulated public school shall not be exempt from the
14 following statutes: chapter 119, relating to public records,
15 and s. 286.011, relating to public meetings and records,
16 public inspection, and penalties. The school district, upon
17 request of a deregulated public school, may apply to the State
18 Board of Education for a waiver of provisions of law
19 applicable to deregulated public schools under this section,
20 except that the provisions of chapter 1010 or chapter 1011
21 shall not be eligible for waiver if the waiver would affect
22 funding allocations or create inequity in public school
23 funding. The State Board of Education may grant the waiver if
24 necessary to implement the school program.

25 (b) A deregulated public school may employ or contract
26 with skilled selected noncertified personnel to provide
27 instructional services or to assist instructional staff
28 members as education paraprofessionals in the same manner as
29 defined in chapter 1012. A deregulated public school may not
30 employ an individual to provide instructional services or to
31 serve as an education paraprofessional if the individual's

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1 certification or licensure as an educator is suspended or
2 revoked by this or any other state. The qualifications of
3 teachers shall be disclosed to parents.

4 (c) A deregulated public school shall employ or
5 contract with employees who have been fingerprinted as
6 provided in s. 1012.32.

7 (8) REVENUE.--Students enrolled in a deregulated
8 public school shall be funded in a basic program or a special
9 program in the same manner as students enrolled in other
10 public schools in the school district.

11 (9) LENGTH OF SCHOOL YEAR.--A deregulated public
12 school shall provide instruction for at least the number of
13 days required by law for other public schools, and may provide
14 instruction for additional days.

15 (10) FACILITIES.--A deregulated public school shall
16 utilize facilities which comply with the State Uniform
17 Building Code for Public Educational Facilities Construction
18 adopted pursuant to s. 1013.37, or with applicable state
19 minimum building codes pursuant to chapter 553 and state
20 minimum fire protection codes pursuant to s. 633.025, as
21 adopted by the authority in whose jurisdiction the facility is
22 located.

23 Section 157. Chapter 1004, Florida Statutes, shall be
24 entitled "Public Postsecondary Education" and shall consist of
25 ss. 1004.01-1004.98.

26 Section 158. Part I of chapter 1004, Florida Statutes,
27 shall be entitled "General Provisions" and shall consist of
28 ss. 1004.01-1004.06.

29 Section 159. Section 1004.01, Florida Statutes, is
30 created to read:

31 1004.01 Statement of purpose and mission.--

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1 (1) The Legislature finds it in the public interest to
2 provide a system of postsecondary education which is of the
3 highest possible quality; which enables all students to
4 participate in the search for knowledge and individual
5 development; which stresses undergraduate teaching as its main
6 priority; which offers selected professional, graduate, and
7 research programs with emphasis on state and national needs;
8 which fosters diversity of educational opportunity; which
9 promotes service to the public; which makes effective and
10 efficient use of human and physical resources; which functions
11 cooperatively with other educational institutions and systems;
12 and which promotes internal coordination and the wisest
13 possible use of resources.

14 (2) The mission of the state system of postsecondary
15 education is to develop human resources, to discover and
16 disseminate knowledge, to extend knowledge and its application
17 beyond the boundaries of its campuses, and to develop in
18 students heightened intellectual, cultural, and humane
19 sensitivities; scientific, professional, and technological
20 expertise; and a sense of purpose. Inherent in this broad
21 mission are methods of instruction, research, extended
22 training, and public service designed to educate people and
23 improve the human condition.

24 Section 160. Section 1004.02, Florida Statutes, is
25 created to read:

26 1004.02 Definitions.--As used in this chapter:

27 (1) "Adult basic education" means courses of
28 instruction designed to improve the employability of the
29 state's workforce through instruction in mathematics, reading,
30 language, and workforce readiness skills at grade level
31 equivalency 0-8.9.

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1 (2) "Adult ESOL" or "adult ESL" means noncredit
2 English literacy courses designed to improve the employability
3 of the state's workforce through acquisition of communication
4 skills and cultural competencies that enhance ability to read,
5 write, speak, and listen in English. ESOL means English for
6 Speakers of Other Languages. ESL means English as a Second
7 Language. The two terms are interchangeable.

8 (3) "Adult general education" means comprehensive
9 instructional programs designed to improve the employability
10 of the state's workforce through adult basic education, adult
11 secondary education, English for Speakers of Other Languages,
12 vocational-preparatory instruction, and instruction for adults
13 with disabilities.

14 (4) "Adult high school credit program" means the award
15 of credits upon completion of courses and passing of state
16 mandated assessments necessary to qualify for a high school
17 diploma. Except as provided elsewhere in law, the graduation
18 standards for adults shall be the same as those for secondary
19 students.

20 (5) "Adult secondary education" means courses through
21 which a person receives high school credit that leads to the
22 award of a high school diploma or courses of instruction
23 through which a student prepares to take the General
24 Educational Development test.

25 (6) "Adult student" is a student who is beyond the
26 compulsory school age and who has legally left elementary or
27 secondary school, or a high school student who is taking an
28 adult course required for high school graduation.

29 (7) "Adult with disability" means an individual who
30 has a physical or mental impairment that substantially limits
31 one or more major life activities, has a record of such

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1 impairment, or is regarded as having such an impairment, and
2 who requires modifications to the educational program,
3 adaptive equipment, or specialized instructional methods and
4 services in order to participate in workforce development
5 programs that lead to competitive employment.

6 (8) "Applied technology diploma program" means a
7 course of study that is part of a technical degree program, is
8 less than 60 credit hours, and leads to employment in a
9 specific occupation. An applied technology diploma program may
10 consist of either technical credit or college credit. A public
11 school district may offer an applied technology diploma
12 program only as technical credit, with college credit awarded
13 to a student upon articulation to a community college.
14 Statewide articulation among public schools and community
15 colleges is guaranteed by s. 1007.23, and is subject to
16 guidelines and standards adopted by the State Board of
17 Education pursuant to ss. 1007.24 and 1007.25.

18 (9) "Basic literacy," means the demonstration of
19 academic competence from 2.0 through 5.9 educational grade
20 levels as measured by means approved for this purpose by the
21 State Board of Education.

22 (10) "Beginning literacy" means the demonstration of
23 academic competence from 0 through 1.9 educational grade
24 levels as measured by means approved for this purpose by the
25 State Board of Education.

26 (11) "College-preparatory instruction" means courses
27 through which a high school graduate who applies for any
28 college credit program may attain the communication and
29 computation skills necessary to enroll in college credit
30 instruction.

31 (12) "Community education" means the use of a school

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1 or other public facility as a community center operated in
2 conjunction with other public, private, and governmental
3 organizations for the purpose of providing educational,
4 recreational, social, cultural, health, and community services
5 for persons in the community in accordance with the needs,
6 interests, and concerns of that community, including lifelong
7 learning.

8 (13) "Continuing workforce education" means
9 instruction that does not result in a technical certificate,
10 diploma, associate in applied science degree, or associate in
11 science degree. Continuing workforce education is for:

12 (a) Individuals who are required to have training for
13 licensure renewal or certification renewal by a regulatory
14 agency or credentialing body;

15 (b) New or expanding businesses as described in
16 chapter 288;

17 (c) Business, industry, and government agencies whose
18 products or services are changing so that retraining of
19 employees is necessary or whose employees need training in
20 specific skills to increase efficiency and productivity; or

21 (d) Individuals who are enhancing occupational skills
22 necessary to maintain current employment, to cross train, or
23 to upgrade employment.

24 (14) "Technical degree education program" means a
25 course of study that leads to an associate in applied science
26 degree or an associate in science degree. A technical degree
27 program may contain within it one or more program progression
28 points and may lead to certificates or diplomas within the
29 course of study. The term is interchangeable with the term
30 "degree career education program." For licensure purposes, the
31 term "associate in science degree" is interchangeable with

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1 "associate in applied science degree."

2 (15) "Family literacy" means a program for adults with
3 a literacy component for parents and children or other
4 intergenerational literacy components.

5 (16) "Functional literacy," which is also referred to
6 as "intermediate adult basic education," means the
7 demonstration of academic competence from 6.0 through 8.9
8 educational grade levels as measured by means approved for
9 this purpose by the State Board of Education.

10 (17) "General Educational Development (GED) test
11 preparation" means courses of instruction designed to prepare
12 adults for success on GED subject area tests leading to
13 qualification for a State of Florida high school diploma.

14 (18) "Lifelong learning" means a noncredit course or
15 activity offered by a school district or community college
16 that seeks to address community social and economic issues
17 related to health and human relations, government, parenting,
18 consumer economics, and senior citizens.

19 (19) "Local educational agency" means a community
20 college or school district.

21 (20) "Local sponsor" means a district school board,
22 community college board of trustees, public library, other
23 public entity, or private nonprofit entity, or any combination
24 of these entities, that provides adult literacy instruction.

25 (21) "Technical certificate program" means a course of
26 study that leads to at least one occupational completion
27 point. The program may also confer credit that may articulate
28 with a diploma or technical degree education program, if
29 authorized by rules of the State Board of Education. Any
30 credit instruction designed to articulate to a degree program
31 is subject to guidelines and standards adopted by the

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1 Department of Education pursuant to chapter 1007. The term is
2 interchangeable with the term "certificate career and
3 technical education program."

4 (22) "Occupational completion point" means the
5 occupational competencies that qualify a person to enter an
6 occupation that is linked to a career and technical program.

7 (23) "Career and technical education planning region"
8 means the geographic area in which career and technical or
9 adult education is provided. Each career and technical region
10 is contiguous with one of the 28 community college service
11 areas.

12 (24) "Vocational-preparatory instruction" means adult
13 general education through which persons attain academic and
14 workforce readiness skills at the level of functional literacy
15 (grade levels 6.0-8.9) or higher so that such persons may
16 pursue technical certificate education or higher-level
17 technical education.

18 (25) "Career and technical program" means a group of
19 identified competencies leading to occupations identified by a
20 Classification of Instructional Programs number.

21 (26) "Workforce development education" means adult
22 general education or career and technical education and may
23 consist of a continuing workforce education course or a
24 program of study leading to an occupational completion point,
25 a technical certificate, an applied technology diploma, or a
26 technical degree.

27 (27) "Workforce literacy" means the basic skills
28 necessary to perform in entry-level occupations or the skills
29 necessary to adapt to technological advances in the workplace.

30 Section 161. Section 1004.03, Florida Statutes, is
31 created to read:

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1 1004.03 Program approval.--

2 (1) The State Board of Education shall establish
3 criteria for the approval of new programs at state
4 universities, which criteria include, but are not limited to,
5 the following:

6 (a) New programs may not be approved unless the same
7 objectives cannot be met through use of educational
8 technology.

9 (b) Unnecessary duplication of programs offered by
10 public and independent institutions shall be avoided.

11 (c) Cooperative programs, particularly within regions,
12 should be encouraged.

13 (d) New programs shall be approved only if they are
14 consistent with the state master plans adopted by the State
15 Board of Education.

16 (e) A new graduate-level program may be approved if:

17 1. The university has taken into account the offerings
18 of its counterparts, including institutions in other sectors,
19 particularly at the regional level.

20 2. The addition of the program will not alter the
21 emphasis on undergraduate education.

22 3. The regional need and demand for the graduate
23 program was addressed and the community needs are obvious.

24 (2) The State Board of Education shall establish
25 criteria for the approval of new programs at community
26 colleges, which criteria include, but are not limited to, the
27 following:

28 (a) New programs may not be approved unless the same
29 objectives cannot be met through use of educational
30 technology.

31 (b) Unnecessary duplication of programs offered by

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1 independent institutions shall be avoided.

2 (c) Cooperative programs, particularly within regions,
3 should be encouraged.

4 (d) New programs may be approved only if they are
5 consistent with the state master plan adopted by the State
6 Board of Education.

7 (3) New colleges, schools, or functional equivalents
8 of any program leading to a degree that is offered as a
9 credential for a specific license granted under the Florida
10 Statutes or the State Constitution shall not be established
11 without the specific approval of the Legislature.

12 Section 162. Section 1004.04, Florida Statutes, is
13 created to read:

14 1004.04 Public accountability and state approval for
15 teacher preparation programs.--

16 (1) INTENT.--The Legislature recognizes that skilled
17 teachers make an important contribution to a system that
18 allows students to obtain a high-quality education. The intent
19 of the Legislature is to establish a system for development
20 and approval of teacher preparation programs that will free
21 postsecondary teacher preparation institutions to employ
22 varied and innovative teacher preparation techniques while
23 being held accountable for producing graduates with the
24 competencies and skills necessary to achieve the state
25 education goals; help the state's diverse student population,
26 including students with limited English proficiency, meet high
27 standards for academic achievement; maintain safe, secure
28 classroom learning environments; and sustain the state system
29 of school improvement and education accountability established
30 pursuant to ss. 1000.03(5) and 1008.345. The State Board of
31 Education shall adopt rules pursuant to ss. 120.536(1) and

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1 120.54 that establish uniform core curricula for each
2 state-approved teacher preparation program.

3 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
4 system developed by the Department of Education in
5 collaboration with postsecondary educational institutions
6 shall assist departments and colleges of education in the
7 restructuring of their programs to meet the need for producing
8 quality teachers now and in the future. The system must be
9 designed to assist teacher educators in conceptualizing,
10 developing, implementing, and evaluating programs that meet
11 state-adopted standards. These standards shall emphasize
12 quality indicators drawn from research, professional
13 literature, recognized guidelines, Florida essential teaching
14 competencies and educator-accomplished practices, effective
15 classroom practices, and the outcomes of the state system of
16 school improvement and education accountability, as well as
17 performance measures. Departments and colleges of education
18 shall emphasize the state system of school improvement and
19 education accountability concepts and standards, including
20 Sunshine State Standards. State-approved teacher preparation
21 programs must incorporate appropriate English for Speakers of
22 Other Languages instruction so that program graduates will
23 have completed the requirements for teaching limited English
24 proficient students in Florida public schools.

25 (3) INITIAL STATE PROGRAM APPROVAL.--

26 (a) A program approval process based on standards
27 adopted pursuant to subsection (2) must be established for
28 postsecondary teacher preparation programs, phased in
29 according to timelines determined by the Department of
30 Education, and fully implemented for all teacher preparation
31 programs in the state. Each program shall be approved by the

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1 department, consistent with the intent set forth in subsection
2 (1) and based primarily upon significant, objective, and
3 quantifiable graduate performance measures.

4 (b) Each teacher preparation program approved by the
5 Department of Education, as provided for by this section,
6 shall require students to meet the following as prerequisites
7 for admission into the program:

8 1. Have a grade point average of at least 2.5 on a 4.0
9 scale for the general education component of undergraduate
10 studies or have completed the requirements for a baccalaureate
11 degree with a minimum grade point average of 2.5 on a 4.0
12 scale from any college or university accredited by a regional
13 accrediting association as defined by State Board of Education
14 rule.

15 2. Demonstrate mastery of general knowledge, including
16 the ability to read, write, and compute, by passing the
17 College Level Academic Skills Test, a corresponding component
18 of the National Teachers Examination series, or a similar test
19 pursuant to rules of the State Board of Education.

20
21 Each teacher preparation program may waive these admissions
22 requirements for up to 10 percent of the students admitted.
23 Programs shall implement strategies to ensure that students
24 admitted under a waiver receive assistance to demonstrate
25 competencies to successfully meet requirements for
26 certification.

27 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
28 subsection (3), failure by a public or nonpublic teacher
29 preparation program to meet the criteria for continued program
30 approval shall result in loss of program approval. The
31 Department of Education, in collaboration with the departments

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1 and colleges of education, shall develop procedures for
2 continued program approval that document the continuous
3 improvement of program processes and graduates' performance.

4 (a) Continued approval of specific teacher preparation
5 programs at each public and nonpublic postsecondary
6 educational institution within the state is contingent upon
7 the passing of the written examination required by s. 1012.56
8 by at least 90 percent of the graduates of the program who
9 take the examination. On request of an institution, the
10 Department of Education shall provide an analysis of the
11 performance of the graduates of such institution with respect
12 to the competencies assessed by the examination required by s.
13 1012.56.

14 (b) Additional criteria for continued program approval
15 for public institutions may be approved by the State Board of
16 Education. Such criteria must emphasize instruction in
17 classroom management and must provide for the evaluation of
18 the teacher candidates' performance in this area. The criteria
19 shall also require instruction in working with underachieving
20 students. Program evaluation procedures must include, but are
21 not limited to, program graduates' satisfaction with
22 instruction and the program's responsiveness to local school
23 districts. Additional criteria for continued program approval
24 for nonpublic institutions shall be developed in the same
25 manner as for public institutions; however, such criteria must
26 be based upon significant, objective, and quantifiable
27 graduate performance measures. Responsibility for collecting
28 data on outcome measures through survey instruments and other
29 appropriate means shall be shared by the postsecondary
30 educational institutions and the Department of Education. By
31 January 1 of each year, the Department of Education shall

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1 report this information for each postsecondary educational
2 institution that has state-approved programs of teacher
3 education to the Governor, the State Board of Education, the
4 Commissioner of Education, the President of the Senate, the
5 Speaker of the House of Representatives, all Florida
6 postsecondary teacher preparation programs, and interested
7 members of the public. This report must analyze the data and
8 make recommendations for improving teacher preparation
9 programs in the state.

10 (c) Continued approval for a teacher preparation
11 program is contingent upon the results of annual reviews of
12 the program conducted by the postsecondary educational
13 institution, using procedures and criteria outlined in an
14 institutional program evaluation plan approved by the
15 Department of Education. This plan must incorporate the
16 criteria established in paragraphs (a) and (b) and include
17 provisions for involving primary stakeholders, such as program
18 graduates, district school personnel, classroom teachers,
19 principals, community agencies, and business representatives
20 in the evaluation process. Upon request by an institution, the
21 department shall provide assistance in developing, enhancing,
22 or reviewing the institutional program evaluation plan and
23 training evaluation team members.

24 (d) Continued approval for a teacher preparation
25 program is contingent upon standards being in place that are
26 designed to adequately prepare elementary, middle, and high
27 school teachers to instruct their students in higher-level
28 mathematics concepts and in the use of technology at the
29 appropriate grade level.

30 (e) Continued approval of teacher preparation programs
31 is contingent upon compliance with the student admission

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1 requirements of subsection (3) and upon the receipt of at
2 least a satisfactory rating from public schools and private
3 schools that employ graduates of the program. Employer
4 satisfaction shall be determined by an annually administered
5 survey instrument approved by the Department of Education
6 that, at a minimum, must include employer satisfaction of the
7 graduates' ability to do the following:

8 1. Write and speak in a logical and understandable
9 style with appropriate grammar.

10 2. Recognize signs of students' difficulty with the
11 reading and computational process and apply appropriate
12 measures to improve students' reading and computational
13 performance.

14 3. Use and integrate appropriate technology in
15 teaching and learning processes.

16 4. Demonstrate knowledge and understanding of Sunshine
17 State Standards.

18 (f)1. Each Florida public and private institution that
19 offers a state-approved teacher preparation program must
20 annually report information regarding these programs to the
21 state and the general public. This information shall be
22 reported in a uniform and comprehensible manner that is
23 consistent with definitions and methods approved by the
24 Commissioner of the National Center for Educational Statistics
25 and that is approved by the State Board of Education. This
26 information must include, at a minimum:

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

29 b. The average length of stay of graduates in their
30 full-time teaching positions.

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

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1 2. Each public and private institution offering
2 training for school readiness related professions, including
3 training in the fields of child care and early childhood
4 education, whether offering technical credit, associate in
5 applied science degree programs, associate in science degree
6 programs, or associate in arts degree programs, shall annually
7 report information regarding these programs to the state and
8 the general public in a uniform and comprehensible manner that
9 conforms with definitions and methods approved by the State
10 Board of Education. This information must include, at a
11 minimum:

12 a. Average length of stay of graduates in their
13 positions.

14 b. Satisfaction ratings of graduates' employers.

15
16 This information shall be reported through publications,
17 including college and university catalogs and promotional
18 materials sent to potential applicants, secondary school
19 guidance counselors, and prospective employers of the
20 institution's program graduates.

21 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
22 instructors, school district personnel and instructional
23 personnel, and school sites preparing instructional personnel
24 through preservice field experience courses and internships
25 shall meet special requirements.

26 (a) All instructors in postsecondary teacher
27 preparation programs who instruct or supervise preservice
28 field experience courses or internships shall have at least
29 one of the following: specialized training in clinical
30 supervision; a valid professional teaching certificate
31 pursuant to ss. 1012.56 and 1012.585; or at least 3 years of

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1 successful teaching experience in prekindergarten through
2 grade 12.

3 (b) All school district personnel and instructional
4 personnel who supervise or direct teacher preparation students
5 during field experience courses or internships must have
6 evidence of "clinical educator" training and must successfully
7 demonstrate effective classroom management strategies that
8 consistently result in improved student performance. The State
9 Board of Education shall approve the training requirements.

10 (c) Preservice field experience programs must provide
11 specific guidance and demonstration of effective classroom
12 management strategies, strategies for incorporating technology
13 into classroom instruction, and ways to link instructional
14 plans to the Sunshine State Standards, as appropriate. The
15 length of structured field experiences may be extended to
16 ensure that candidates achieve the competencies needed to meet
17 certification requirements.

18 (d) Postsecondary teacher preparation programs in
19 cooperation with district school boards and approved private
20 school associations shall select the school sites for
21 preservice field experience activities. These sites must
22 represent the full spectrum of school communities, including,
23 but not limited to, schools located in urban settings. In
24 order to be selected, school sites must demonstrate commitment
25 to the education of public school students and to the
26 preparation of future teachers.

27 (6) STANDARDS OF EXCELLENCE.--The State Board of
28 Education shall approve standards of excellence for teacher
29 preparation. These standards must exceed the requirements for
30 program approval pursuant to subsection (3) and must
31 incorporate state and national recommendations for exemplary

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1 teacher preparation programs.

2 (7) NATIONAL BOARD STANDARDS.--The State Board of
3 Education shall review standards and recommendations developed
4 by the National Board for Professional Teaching Standards and
5 may incorporate those parts deemed appropriate into criteria
6 for continued state program approval, standards of excellence,
7 and requirements for inservice education.

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

14 (9) PRETEACHER AND TEACHER EDUCATION PILOT
15 PROGRAMS.--State universities and community colleges may
16 establish preteacher education and teacher education pilot
17 programs to encourage promising minority students to prepare
18 for a career in education. These pilot programs shall be
19 designed to recruit and provide additional academic, clinical,
20 and counseling support for students whom the institution
21 judges to be potentially successful teacher education
22 candidates, but who may not meet teacher education program
23 admission standards. Priority consideration shall be given to
24 those pilot programs that are jointly submitted by community
25 colleges and state universities.

26 (a) These pilot programs shall be approved by the
27 State Board of Education and shall be designed to provide help
28 and support for program participants during the preteacher
29 education period of general academic preparation at a
30 community college or state university and during professional
31 preparation in a state-approved teacher education program.

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1 Emphasis shall be placed on development of the basic skills
2 needed by successful teachers.

3 (b) State universities and community colleges may
4 admit into the pilot program those incoming students who
5 demonstrate an interest in teaching as a career, but who may
6 not meet the requirements for entrance into an approved
7 teacher education program.

8 1. Flexibility may be given to colleges of education
9 to develop and market innovative teacher training programs
10 directed at specific target groups such as graduates from the
11 colleges of arts and sciences, employed education
12 paraprofessionals, substitute teachers, early federal
13 retirees, and nontraditional college students. Programs must
14 be submitted to the State Board of Education for approval.

15 2. Academically successful graduates in the fields of
16 liberal arts and science may be encouraged to embark upon a
17 career in education.

18 3. Models may be developed to provide a positive
19 initial experience in teaching in order to encourage
20 retention. Priority should be given to models that encourage
21 minority graduates.

22 (c) In order to be certified, a graduate from a pilot
23 program shall meet all requirements for teacher certification
24 specified by s. 1012.56. Should a graduate of a pilot program
25 not meet the requirements of s. 1012.56, that person shall not
26 be included in the calculations required by paragraph (4)(a)
27 and State Board of Education rules for continued program
28 approval, or in the statutes used by the State Board of
29 Education in deciding which teacher education programs to
30 approve.

31 (d) Institutions participating in the pilot program

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1 shall submit an annual report evaluating the success of the
2 program to the Commissioner of Education by March 1 of each
3 year. The report shall contain, but shall not be limited to:
4 the number of pilot program participants, including the number
5 participating in general education and the number admitted to
6 approved teacher education programs, the number of pilot
7 program graduates, and the number of pilot program graduates
8 who met the requirements of s. 1012.56. The commissioner shall
9 consider the number of participants recruited, the number of
10 graduates, and the number of graduates successfully meeting
11 the requirements of s. 1012.56 reported by each institution,
12 and shall make an annual recommendation to the State Board of
13 Education regarding the institution's continued participation
14 in the pilot program.

15 (10) TEACHER EDUCATION PILOT PROGRAMS FOR
16 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
17 shall be established at the University of Central Florida, the
18 University of North Florida, and the University of South
19 Florida. These programs shall include a year-long paid
20 teaching assignment and competency-based learning experiences
21 and shall be designed to encourage high-achieving students, as
22 identified by the institution, to pursue a career in
23 education. Students chosen to participate in the pilot
24 programs shall agree to teach for at least 1 year after they
25 receive their degrees. Criteria for identifying
26 high-achieving students shall be developed by the institution
27 and shall include, at a minimum, requirements that the student
28 have a 3.3 grade point average or above and that the student
29 has demonstrated mastery of general knowledge pursuant to s.
30 1012.56. The year-long paid teaching assignment shall begin
31 after completion of the equivalent of 3 years of the state

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1 university teacher preparation program.

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

3 1. A year-long paid teaching assignment at a specified
4 school site during the fourth year of the state university
5 teacher preparation program, which includes intense
6 supervision by a support team trained in clinical education.
7 The support team shall include a state university supervisor
8 and experienced school-based mentors. A mentor teacher shall
9 be assigned to each fourth year employed teacher to implement
10 an individualized learning plan. This mentor teacher will be
11 considered an adjunct professor for purposes of this program
12 and may receive credit for time spent as a mentor teacher in
13 the program. The mentor teacher must have a master's degree
14 or above, a minimum of 3 years of teaching experience, and
15 clinical education training or certification by the National
16 Board of Professional Teaching Standards. Experiences and
17 instruction may be delivered by other mentors, assigned
18 teachers, professors, individualized learning, and
19 demonstrations. Students in this paid teaching assignment
20 shall assume full responsibility of all teaching duties.

21 2. Professional education curriculum requirements that
22 address the educator-accomplished practices and other
23 competencies specified in state board rule.

24 3. A modified instructional delivery system that
25 provides onsite training during the paid teaching assignment
26 in the professional education areas and competencies specified
27 in this subsection. The institutions participating in this
28 pilot program shall be given a waiver to provide a modified
29 instructional delivery system meeting criteria that allows
30 earned credit through nontraditional approaches. The modified
31 system may provide for an initial evaluation of the

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1 candidate's competencies to determine an appropriate
2 individualized professional development plan and may provide
3 for earned credit by:

4 a. Internet learning and competency acquisition.

5 b. Learning acquired by observing demonstrations and
6 being observed in application.

7 c. Independent study or instruction by mentor teachers
8 or adjunct teachers.

9 4. Satisfactory demonstration of the
10 educator-accomplished practices and content area competencies
11 for program completion.

12 5. For program completion, required achievement of
13 passing scores on all tests required for certification by
14 State Board of Education rules.

15 (b) Beginning in July 2003, each institution
16 participating in the pilot program shall submit to the
17 Commissioner of Education an annual report evaluating the
18 effectiveness of the program. The report shall include, but
19 shall not be limited to, the number of students selected for
20 the pilot program, the number of students successfully
21 completing the pilot program, the number of program
22 participants who passed all required examinations, the number
23 of program participants who successfully demonstrated all
24 required competencies, and a followup study to determine the
25 number of pilot program completers who were employed in a
26 teaching position and employers' satisfaction with the
27 performance of pilot program completers.

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

30 (11) RULES.--The State Board of Education shall adopt
31 necessary rules pursuant to ss. 120.536(1) and 120.54 to

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1 implement this section.

2 Section 163. Section 1004.05, Florida Statutes, is
3 created to read:

4 1004.05 Substance abuse training programs.--

5 (1) Each state university and community college may
6 develop courses designed for public school teachers,
7 counselors, physicians, law enforcement personnel, and other
8 professionals to assist them in recognizing symptoms of
9 substance abuse impairment and identifying appropriate service
10 providers for referral and treatment.

11 (2) Such courses may be made available to students who
12 are currently enrolled and for continuing education units.

13 Section 164. Section 1004.06, Florida Statutes, is
14 created to read:

15 1004.06 Prohibited expenditures.--No community
16 college, state university, community college direct-support
17 organization, or state university direct-support organization
18 shall expend any funds, regardless of source, to purchase
19 membership in, or goods and services from, any organization
20 that discriminates on the basis of race, national origin,
21 gender, or religion.

22 Section 165. Part II of chapter 1004, Florida
23 Statutes, shall be entitled "State Universities" and shall
24 consist of ss. 1004.21-1004.62.

25 Section 166. Part II.a. of chapter 1004, Florida
26 Statutes, shall be entitled "General Provisions" and shall
27 consist of ss. 1004.21-1004.32.

28 Section 167. Section 1004.21, Florida Statutes, is
29 created to read:

30 1004.21 State universities; legislative intent.--It is
31 the legislative intent that state universities be constituted

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1 as public corporations of the state and be operated by a board
2 of trustees as provided in s. 1001.74.

3 Section 168. Section 1004.22, Florida Statutes, is
4 created to read:

5 1004.22 Divisions of sponsored research at state
6 universities.--

7 (1) Each university is authorized to create, as it
8 deems advisable, divisions of sponsored research which will
9 serve the function of administration and promotion of the
10 programs of research, including sponsored training programs,
11 of the university at which they are located. A division of
12 sponsored research created under the provisions of this
13 section shall be under the supervision of the president of
14 that university.

15 (2) The university shall set such policies to regulate
16 the activities of the divisions of sponsored research as it
17 may consider necessary to effectuate the purposes of this act
18 and to administer the research programs in a manner which
19 assures efficiency and effectiveness, producing the maximum
20 benefit for the educational programs and maximum service to
21 the state. To this end, materials that relate to methods of
22 manufacture or production, potential trade secrets,
23 potentially patentable material, actual trade secrets,
24 business transactions, or proprietary information received,
25 generated, ascertained, or discovered during the course of
26 research conducted within the state universities shall be
27 confidential and exempt from the provisions of s. 119.07(1),
28 except that a division of sponsored research shall make
29 available upon request the title and description of a research
30 project, the name of the researcher, and the amount and source
31 of funding provided for such project.

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1 (3) The president of the university where a division
2 of sponsored research is created, or his or her designee, is
3 authorized to negotiate, enter into, and execute research
4 contracts; to solicit and accept research grants and
5 donations; and to fix and collect fees, other payments, and
6 donations that may accrue by reason thereof. The president or
7 his or her designee may negotiate, enter into, and execute
8 contracts on a cost-reimbursement basis and may provide
9 temporary financing of such costs prior to reimbursement from
10 moneys on deposit in a sponsored research development fund,
11 except as may be prohibited elsewhere by law.

12 (4) A division of sponsored research shall be financed
13 from the moneys of a university which are on deposit or
14 received for use in the research or related programs of that
15 particular university. Such moneys shall be deposited by the
16 university in a permanent sponsored research development fund.

17 (5) Moneys deposited in the permanent sponsored
18 research development fund of a university shall be disbursed
19 in accordance with the terms of the contract, grant, or
20 donation under which they are received. Moneys received for
21 overhead or indirect costs and other moneys not required for
22 the payment of direct costs shall be applied to the cost of
23 operating the division of sponsored research. Any surplus
24 moneys shall be used to support other research or sponsored
25 training programs in any area of the university.
26 Transportation and per diem expense allowances shall be the
27 same as those provided by law in s. 112.061, except that
28 personnel performing travel under a sponsored research
29 subcontract may be reimbursed for travel expenses in
30 accordance with the provisions of the applicable prime
31 contract or grant and the travel allowances established by the

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1 subcontractor, subject to the requirements of subsection (7),
2 or except as provided in subsection (11).

3 (6)(a) Each university shall submit to the State Board
4 of Education a report of the activities of each division of
5 sponsored research together with an estimated budget for the
6 next fiscal year.

7 (b) Not less than 90 days prior to the convening of
8 each regular session of the Legislature in which an
9 appropriation shall be made, the State Board of Education
10 shall submit to the chair of the appropriations committee of
11 each house of the Legislature a compiled report, together with
12 a compiled estimated budget for the next fiscal year. A copy
13 of such report and estimated budget shall be furnished to the
14 Governor, as the chief budget officer of the state.

15 (7) All purchases of a division of sponsored research
16 shall be made in accordance with the policies and procedures
17 of the university; however, upon certification addressed to
18 the university president that it is necessary for the
19 efficient or expeditious prosecution of a research project,
20 the president may exempt the purchase of material, supplies,
21 equipment, or services for research purposes shall be exempt
22 from the general purchasing requirement of the Florida
23 Statutes.

24 (8) The university may authorize the construction,
25 alteration, or remodeling of buildings when the funds used are
26 derived entirely from the sponsored research development fund
27 of a university or from that fund in combination with other
28 nonstate sources, provided that such construction, alteration,
29 or remodeling is for use exclusively in the area of research;
30 it also may authorize the acquisition of real property when
31 the cost is entirely from said funds. Title to all real

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1 property purchased prior to January 7, 2003, or with funds
2 appropriated by the Legislature shall vest in the Board of
3 Trustees of the Internal Improvement Trust Fund and shall only
4 be transferred or conveyed by it.

5 (9) The sponsored research programs of the Institute
6 of Food and Agricultural Sciences, the University of Florida
7 Health Science Center, and the engineering and industrial
8 experiment station shall continue to be centered at the
9 University of Florida as heretofore provided by law. Indirect
10 cost reimbursements of all grants deposited in the Division of
11 Sponsored Research shall be distributed directly to the above
12 units in direct proportion to the amounts earned by each unit.

13 (10) The operation of the divisions of sponsored
14 research and the conduct of the sponsored research program are
15 expressly exempted from the provisions of any other laws or
16 portions of laws in conflict herewith and are, subject to the
17 requirements of subsection (7), exempted from the provisions
18 of chapters 215, 216, and 283.

19 (11) The divisions of sponsored research may pay, by
20 advancement or reimbursement, or a combination thereof, the
21 costs of per diem of university employees and of other
22 authorized persons, as defined in s. 112.061(2)(e), for
23 foreign travel up to the current rates as stated in the grant
24 and contract terms and may also pay incidental expenses as
25 authorized by s. 112.061(8). This subsection applies to any
26 university employee traveling in foreign countries for
27 sponsored programs of the university, if such travel expenses
28 are approved in the terms of the contract or grant. The
29 provisions of s. 112.061, other than those relating to per
30 diem, apply to the travel described in this subsection. As
31 used in this subsection, "foreign travel" means any travel

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1 outside the United States and its territories and possessions
2 and Canada. Persons traveling in foreign countries pursuant
3 to this section shall not be entitled to reimbursements or
4 advancements pursuant to s. 112.061(6)(a)2. for such travel.

5 (12) Each division of sponsored research is authorized
6 to advance funds to any principal investigator who, under the
7 contract or grant terms, will be performing a portion of his
8 or her research at a site that is remote from the university.
9 Funds shall be advanced only to employees who have executed a
10 proper power of attorney with the university to ensure the
11 proper collection of such advanced funds if it becomes
12 necessary. As used in this subsection, the term "remote"
13 means so far removed from the university as to render normal
14 purchasing and payroll functions ineffective.

15 (13) Each university board of trustees is authorized
16 to adopt rules, as necessary, to administer this section.

17 Section 169. Section 1004.23, Florida Statutes, is
18 created to read:

19 1004.23 Universities; powers; patents, copyrights, and
20 trademarks.--Any other law to the contrary notwithstanding,
21 each state university is authorized, in its own name, to:

22 (1) Perform all things necessary to secure letters of
23 patent, copyrights, and trademarks on any work products and to
24 enforce its rights therein. The university shall consider
25 contributions by university personnel in the development of
26 trademarks, copyrights, and patents and shall enter into
27 written contracts with such personnel establishing the
28 interests of the university and such personnel in each
29 trademark, copyright, or patent.

30 (2) License, lease, assign, or otherwise give written
31 consent to any person, firm, or corporation for the

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1 manufacture or use thereof, on a royalty basis or for such
2 other consideration as the university shall deem proper.

3 (3) Take any action necessary, including legal action,
4 to protect the same against improper or unlawful use or
5 infringement.

6 (4) Enforce the collection of any sums due the
7 university for the manufacture or use thereof by any other
8 party.

9 (5) Sell any of the same and execute all instruments
10 necessary to consummate any such sale.

11 (6) Do all other acts necessary and proper for the
12 execution of powers and duties herein conferred upon the
13 university, including adopting rules, as necessary, in order
14 to administer this section. Any proceeds therefrom shall be
15 deposited and expended in accordance with s. 1004.22. Any
16 action taken by the university in securing or exploiting such
17 trademarks, copyrights, or patents shall, within 30 days, be
18 reported in writing by the president to the Department of
19 State.

20 Section 170. Section 1004.24, Florida Statutes, is
21 created to read:

22 1004.24 State Board of Education authorized to secure
23 liability insurance.--

24 (1) The State Board of Education is authorized to
25 secure, or otherwise provide as a self-insurer, or by a
26 combination thereof, comprehensive general liability
27 insurance, including professional liability for health care
28 and veterinary sciences, for:

29 (a) The State Board of Education and its officers and
30 members.

31 (b) A university board of trustees and its officers

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1 and members.

2 (c) The faculty and other employees and agents of a
3 university board of trustees.

4 (d) The students of a state university.

5 (e) A state university or any college, school,
6 institute, center, or program thereof.

7 (f) Any not-for-profit corporation organized pursuant
8 to chapter 617, and the directors, officers, employees, and
9 agents thereof, which is affiliated with a state university,
10 if the corporation is operated for the benefit of the state
11 university in a manner consistent with the best interests of
12 the state, and if such participation is approved by a
13 self-insurance program council, the university president, and
14 the board of trustees.

15 (2) In the event the State Board of Education adopts a
16 self-insurance program, a governing council chaired by the
17 vice president for health affairs or his or her academic
18 equivalent shall be established to administer the program and
19 its duties and responsibilities, including the administration
20 of self-insurance program assets and expenditure policies,
21 which shall be defined in rules as authorized by this section.
22 The council shall have an annual actuary review performed to
23 establish funding requirements to maintain the fiscal
24 integrity of the self-insurance program. The assets of a
25 self-insurance program shall be deposited outside the State
26 Treasury and shall be administered in accordance with rules as
27 authorized by this section.

28 (3) Any self-insurance program created under this
29 section shall be funded by the entities and individuals
30 protected by such program. There shall be no funds
31 appropriated to any self-insurance program. The assets of the

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1 self-insurance program shall be the property of the State
2 Board of Education and shall be used only to pay the
3 administrative expenses of the self-insurance program and to
4 pay any claim, judgment, or claims bill arising out of
5 activities for which the self-insurance program was created.
6 Investment income that is in excess of that income necessary
7 to ensure the solvency of a self-insurance program as
8 established by a casualty actuary may be used to defray the
9 annual contribution paid into the program by the entities and
10 individuals protected by the program.

11 (4) No self-insurance program adopted by the State
12 Board of Education may sue or be sued. The claims files of any
13 such program are privileged and confidential, exempt from the
14 provisions of s. 119.07(1), and are only for the use of the
15 program in fulfilling its duties. Any self-insurance trust
16 fund and revenues generated by that fund shall only be used to
17 pay claims and administration expenses.

18 (5) Each self-insurance program council shall make
19 provision for an annual postaudit of its financial accounts to
20 be conducted by an independent certified public accountant.
21 The annual audit report must include a management letter and
22 shall be submitted to the State Board of Education for review.
23 The State Board of Education shall have the authority to
24 require and receive from the self-insurance program council or
25 from its independent auditor any detail or supplemental data
26 relative to the operation of the self-insurance program.

27 (6) The State Board of Education may make such rules
28 as are necessary to carry out the provisions of this section.

29 Section 171. Section 1004.25, Florida Statutes, is
30 created to read:

31 1004.25 State universities; payment of costs of civil

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1 action.--A university may defray all costs of defending any
2 civil action brought against any officer or employee of the
3 university for any act or omission arising out of and in the
4 course of the performance of his or her duties and
5 responsibilities, which costs may include reasonable
6 attorney's fees and expenses together with costs of appeal,
7 and may save harmless and protect such person from any
8 financial loss resulting from the lawful performance of his or
9 her duties and responsibilities. Claims based on such actions
10 or omissions may be settled prior to or after the filing of
11 suit thereon. The university may arrange for and pay the
12 premium for appropriate insurance to cover all such losses and
13 expenses. The university may use funds available, not subject
14 to the obligation of contract, covenant, or trust, to carry
15 out the purposes of this section in the amount necessary.
16 Failure by the university to perform any act authorized by
17 this section shall not constitute a cause of action against
18 the university or its members, officers, or employees.

19 Section 172. Section 1004.28, Florida Statutes, is
20 created to read:

21 1004.28 Direct-support organizations; use of property;
22 board of directors; activities; audit; facilities.--

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

24 (a) "University direct-support organization" means an
25 organization which is:

26 1. A Florida corporation not for profit incorporated
27 under the provisions of chapter 617 and approved by the
28 Department of State.

29 2. Organized and operated exclusively to receive,
30 hold, invest, and administer property and to make expenditures
31 to or for the benefit of a state university in Florida or for

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1 the benefit of a research and development park or research and
2 development authority affiliated with a state university and
3 organized under part V of chapter 159.

4 3. An organization that a state university board of
5 trustees, after review, has certified to be operating in a
6 manner consistent with the goals of the university and in the
7 best interest of the state. Any organization that is denied
8 certification by the board of trustees shall not use the name
9 of the university that it serves.

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

12 (2) USE OF PROPERTY.--

13 (a) Each state university board of trustees is
14 authorized to permit the use of property, facilities, and
15 personal services at any state university by any university
16 direct-support organization, and, subject to the provisions of
17 this section, direct-support organizations may establish
18 accounts with the State Board of Administration for investment
19 of funds pursuant to part IV of chapter 218.

20 (b) The board of trustees shall prescribe by rule
21 conditions with which a university direct-support organization
22 must comply in order to use property, facilities, or personal
23 services at any state university. Such rules shall provide
24 for budget and audit review and oversight by the board of
25 trustees.

26 (c) The board of trustees shall not permit the use of
27 property, facilities, or personal services at any state
28 university by any university direct-support organization that
29 does not provide equal employment opportunities to all persons
30 regardless of race, color, religion, gender, age, or national
31 origin.

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1 (3) BOARD OF DIRECTORS.--The chair of the university
2 board of trustees may appoint a representative to the board of
3 directors and the executive committee of any direct-support
4 organization established under this section. The president of
5 the university for which the direct-support organization is
6 established, or his or her designee, shall also serve on the
7 board of directors and the executive committee of any
8 direct-support organization established to benefit that
9 university.

10 (4) ACTIVITIES; RESTRICTION.--A university
11 direct-support organization is prohibited from giving, either
12 directly or indirectly, any gift to a political committee or
13 committee of continuous existence as defined in s. 106.011 for
14 any purpose other than those certified by a majority roll call
15 vote of the governing board of the direct-support organization
16 at a regularly scheduled meeting as being directly related to
17 the educational mission of the university.

18 (5) ANNUAL AUDIT.--Each direct-support organization
19 shall provide for an annual financial audit of its accounts
20 and records to be conducted by an independent certified public
21 accountant in accordance with rules adopted by the Auditor
22 General pursuant to s. 11.45(8) and by the university board of
23 trustees. The annual audit report shall be submitted, within
24 9 months after the end of the fiscal year, to the Auditor
25 General and the State Board of Education for review. The State
26 Board of Education, the university board of trustees, the
27 Auditor General, and the Office of Program Policy Analysis and
28 Government Accountability shall have the authority to require
29 and receive from the organization or from its independent
30 auditor any records relative to the operation of the
31 organization. The identity of donors who desire to remain

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1 anonymous shall be protected, and that anonymity shall be
2 maintained in the auditor's report. All records of the
3 organization other than the auditor's report, management
4 letter, and any supplemental data requested by the State Board
5 of Education, the university board of trustees, the Auditor
6 General, and the Office of Program Policy Analysis and
7 Government Accountability shall be confidential and exempt
8 from the provisions of s. 119.07(1).

9 (6) FACILITIES.--In addition to issuance of
10 indebtedness pursuant to s. 1010.60(2), each direct-support
11 organization is authorized to enter into agreements to
12 finance, design and construct, lease, lease-purchase,
13 purchase, or operate facilities necessary and desirable to
14 serve the needs and purposes of the university, as determined
15 by the systemwide strategic plan adopted by the State Board of
16 Education. Such agreements are subject to the provisions of
17 s. 1013.171.

18 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
19 organization shall submit to the university president and the
20 State Board of Education its federal Internal Revenue Service
21 Application for Recognition of Exemption form (Form 1023) and
22 its federal Internal Revenue Service Return of Organization
23 Exempt from Income Tax form (Form 990).

24 Section 173. Section 1004.29, Florida Statutes, is
25 created to read:

26 1004.29 University health services support
27 organizations.--

28 (1) Each state university is authorized to establish
29 university health services support organizations which shall
30 have the ability to enter into, for the benefit of the
31 university academic health sciences center, arrangements with

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1 other entities as providers in other integrated health care
2 systems or similar entities. To the extent required by law or
3 rule, university health services support organizations shall
4 become licensed as insurance companies, pursuant to chapter
5 624, or be certified as health maintenance organizations,
6 pursuant to chapter 641. University health services support
7 organizations shall have sole responsibility for the acts,
8 debts, liabilities, and obligations of the organization. In
9 no case shall the state or university have any responsibility
10 for such acts, debts, liabilities, and obligations incurred or
11 assumed by university health services support organizations.

12 (2) Each university health services support
13 organization shall be a Florida corporation not for profit,
14 incorporated under the provisions of chapter 617 and approved
15 by the Department of State.

16 (3) A state university board of trustees may
17 prescribe, by rule, conditions with which a university health
18 services support organization must comply in order to be
19 certified and to use property, facilities, or personal
20 services at any state university. The rules must provide for
21 budget, audit review, and oversight by the board of trustees.
22 Such rules shall provide that the university health services
23 support organization may provide salary supplements and other
24 compensation or benefits for university faculty and staff
25 employees only as set forth in the organization's budget,
26 which shall be subject to approval by the university
27 president.

28 (4) The chair of the university board of trustees may
29 appoint a representative to the board of directors and the
30 executive committee of any university health services support
31 organization established under this section. The president of

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1 the university for which the university health services
2 support organization is established, or the president's
3 designee, shall also serve on the board of directors and the
4 executive committee of any university health services support
5 organization established to benefit that university.

6 (5) Each university health services support
7 organization shall provide for an annual financial audit in
8 accordance with s. 1004.28(5). The auditor's report,
9 management letter, and any supplemental data requested by the
10 State Board of Education, the university board of trustees,
11 and the Auditor General shall be considered public records,
12 pursuant to s. 119.07.

13 Section 174. Section 1004.30, Florida Statutes, is
14 created to read:

15 1004.30 University health services support
16 organization; confidentiality of information.--

17 (1) All meetings of a governing board of a university
18 health services support organization and all university health
19 services support organization records shall be open and
20 available to the public in accordance with s. 286.011 and s.
21 24(b), Art. I of the State Constitution and chapter 119 and s.
22 24(a), Art. I of the State Constitution, respectively, unless
23 made confidential or exempt by law. Records required by the
24 Department of Insurance to discharge its duties shall be made
25 available to the department upon request.

26 (2) The following university health services support
27 organization's records and information are confidential and
28 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
29 I of the State Constitution:

30 (a) Contracts for managed care arrangements under
31 which the university health services support organization

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1 provides health care services, preferred provider organization
2 contracts, health maintenance organization contracts, alliance
3 network arrangements, and exclusive provider organization
4 contracts, and any documents directly relating to the
5 negotiation, performance, and implementation of any such
6 contracts for managed care arrangements or alliance network
7 arrangements. As used in this paragraph, the term "managed
8 care" means systems or techniques generally used by
9 third-party payors or their agents to affect access to and
10 control payment for health care services. Managed-care
11 techniques most often include one or more of the following:
12 prior, concurrent, and retrospective review of the medical
13 necessity and appropriateness of services or site of services;
14 contracts with selected health care providers; financial
15 incentives or disincentives related to the use of specific
16 providers, services, or service sites; controlled access to
17 and coordination of services by a case manager; and payor
18 efforts to identify treatment alternatives and modify benefit
19 restrictions for high-cost patient care.

20 (b) Each university health services support
21 organization's marketing plan the disclosure of which may
22 reasonably be expected by the organization's governing board
23 to be used by a competitor or an affiliated provider of the
24 organization to frustrate, circumvent, or exploit the purposes
25 of the plan before it is implemented and which is not
26 otherwise known or cannot be legally obtained by a competitor
27 or an affiliated provider. However, documents that are
28 submitted to the organization's governing board as part of the
29 board's approval of the organization's budget, and the budget
30 itself, are not confidential and exempt.

31 (c) Trade secrets, as defined in s. 688.002, including

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1 reimbursement methodologies and rates.

2 (d) The records of the peer review panels, committees,
3 governing board, and agents of the university health services
4 support organization which relate solely to the evaluation of
5 health care services and professional credentials of health
6 care providers and physicians employed by or providing
7 services under contract to the university health services
8 support organization. The exemptions created by this
9 paragraph shall not be construed to impair any otherwise
10 established rights of an individual health care provider to
11 inspect documents concerning the determination of such
12 provider's professional credentials.

13 (3) Any portion of a governing board or peer review
14 panel or committee meeting during which a confidential and
15 exempt contract, document, record, marketing plan, or trade
16 secret, as provided for in subsection (2), is discussed is
17 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
18 of the State Constitution.

19 (4) Those portions of any public record, such as a
20 tape recording, minutes, and notes, generated during that
21 portion of a governing board or peer review panel or committee
22 meeting which is closed to the public pursuant to this
23 section, which contain information relating to contracts,
24 documents, records, marketing plans, or trade secrets which
25 are made confidential and exempt by this section, are
26 confidential and exempt from the provisions of s. 119.07(1)
27 and s. 24(a), Art. I of the State Constitution.

28 (5) The exemptions from s. 119.07(1) and s. 24(a),
29 Art. I of the State Constitution and s. 286.011 and s. 24(b),
30 Art. I of the State Constitution provided in this section do
31 not apply if the governing board of a university health

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1 services support organization votes to lease, sell, or
2 transfer all or any substantial part of the facilities or
3 property of the university health services support
4 organization to a nonpublic entity.

5 (6) Any person may petition a court of competent
6 jurisdiction for an order for the public release of those
7 portions of any public record, such as a tape recording,
8 minutes, or notes, generated during that portion of a
9 governing board meeting which is closed to the public pursuant
10 to subsection (3), which record is made confidential and
11 exempt by subsection (4). Any action pursuant to this
12 subsection must be brought in the county where the principal
13 office of the university health services support organization
14 is located, as reflected in the records of the Secretary of
15 State. In any order for the public release of a record
16 pursuant to this subsection, the court shall make a finding
17 that a compelling public interest is served by the release of
18 the record or portions thereof which exceeds the public
19 necessity for maintaining the confidentiality of such record
20 as described in s. 2, chapter 96-171, Laws of Florida, and
21 that the release of the record will not cause damage to or
22 adversely affect the interests of private persons, business
23 entities, the university health services support organization,
24 or the affiliated university.

25 (7) Those portions of any public record, such as a
26 tape recording, minutes, or notes, generated during that
27 portion of a governing board meeting at which negotiations for
28 contracts for managed-care arrangements occur, are reported
29 on, or are acted on by the governing board, which record is
30 made confidential and exempt by subsection (4), shall become
31 public records 2 years after the termination or completion of

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1 the term of the contract to which such negotiations relate or,
2 if no contract was executed, 2 years after the termination of
3 the negotiations. Notwithstanding paragraph (2)(a) and
4 subsection (4), a university health services support
5 organization must make available, upon request, the title and
6 general description of a contract for managed-care
7 arrangements, the names of the contracting parties, and the
8 duration of the contract term. All contracts for managed-care
9 arrangements which are made confidential and exempt by
10 paragraph (2)(a), except those portions of any contract
11 containing trade secrets which are made confidential and
12 exempt by paragraph (2)(c), shall become public 2 years after
13 the termination or completion of the term of the contract.

14 (8) A university health services support organization
15 may petition a court of competent jurisdiction to continue the
16 confidentiality of any public record made nonconfidential by
17 this section, upon a showing of good cause. In determining
18 good cause, the court shall balance the property, privacy, and
19 economic interests of any affected person or business entity
20 with those of the university health services support
21 organization and with the public interest and must make a
22 finding that a substantial public interest is served by the
23 continued confidentiality of the public record for an
24 additional time period. The length of time for this continued
25 exemption may be no longer than is necessary to protect that
26 substantial public interest.

27 (9) This act does not preclude discovery of records
28 and information that are otherwise discoverable under the
29 Florida Rules of Civil Procedure or any statutory provision
30 allowing discovery or presuit disclosure of such records and
31 information for the purpose of civil actions.

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1 Section 175. Section 1004.31, Florida Statutes, is
2 created to read:

3 1004.31 Assent to Hatch Act and Morrill Land-Grant
4 Act.--The assent of the Legislature is given to the provisions
5 and requirements of the Acts of Congress commonly known as the
6 "Hatch Act of 1887," the "First Morrill Act of 1862," the
7 "Second Morrill Act of 1890," and all acts supplemental
8 thereto. The University of Florida Board of Trustees may
9 receive grants of money appropriated for the benefit of the
10 University of Florida Institute of Food and Agricultural
11 Sciences in the case of the First Morrill Act, the Hatch Act,
12 and all acts supplemental thereto. The Florida Agricultural
13 and Mechanical University Board of Trustees may receive grants
14 of money appropriated for the benefit of Florida Agricultural
15 and Mechanical University in the case of the Second Morrill
16 Act and all acts supplemental thereto. The provisions of
17 chapter 3564, 1885, Laws of Florida, and s. 7, chapter 1776,
18 1870, Laws of Florida, are made applicable to said
19 universities insofar as the same are or can be made effective;
20 and all estate, right, property claim, and emoluments, and the
21 rents and issues thereof, or any substitutions thereof, and
22 all claims and demands arising or that may or can arise
23 thereunder, or any Act of Congress in that regard, are hereby
24 preserved, maintained, and transferred to the University of
25 Florida Board of Trustees and the Florida Agricultural and
26 Mechanical University Board of Trustees for the use and
27 benefit of said universities under the terms of said acts.

28 Section 176. Section 1004.32, Florida Statutes, is
29 created to read:

30 1004.32 New College of Florida.--

31 (1) MISSION AND GOALS.--New College of Florida serves

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1 a distinctive mission as the 4-year residential liberal arts
2 honors college of the State of Florida. To maintain this
3 mission, New College of Florida has the following goals:

4 (a) To provide a quality education to students of high
5 ability who, because of their ability, deserve a program of
6 study that is both demanding and stimulating.

7 (b) To engage in undergraduate educational reform by
8 combining educational innovation with educational excellence.

9 (c) To provide programs of study that allow students
10 to design their educational experience as much as possible in
11 accordance with their individual interests, values, and
12 abilities.

13 (d) To challenge undergraduates not only to master
14 existing bodies of knowledge but also to extend the frontiers
15 of knowledge through original research.

16 (2) ACCREDITATION.--As soon as possible, New College
17 of Florida shall apply to the Commission on Colleges of the
18 Southern Association of Colleges and Schools for separate
19 accreditation.

20 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12
21 members to the Board of Trustees, to serve 4-year staggered
22 terms, as follows:

23 (a) Three residents of Sarasota County.

24 (b) Two residents of Manatee County.

25 (c) Until the expiration date of the terms of office
26 of the members who are on the board June 30, 2001, seven
27 members selected from the Board of Trustees of the New College
28 Foundation.

29
30 In addition, the student body president shall serve ex officio
31 as a voting member of the board of trustees.

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1 Section 177. Part II.b. of chapter 1004, Florida
2 Statutes, shall be entitled "Branch Campuses, Centers,
3 Institutes, and Special Programs" and shall consist of ss.
4 1004.33-1004.62.

5 Section 178. Section 1004.33, Florida Statutes, is
6 created to read:

7 1004.33 The University of South Florida St.
8 Petersburg.--

9 (1) The St. Petersburg campus of the University of
10 South Florida is established and shall be known as the
11 "University of South Florida St. Petersburg."

12 (a) The Legislature intends that the University of
13 South Florida St. Petersburg be operated and maintained as a
14 separate organizational and budget entity of the University of
15 South Florida, and that all legislative appropriations for the
16 University of South Florida St. Petersburg be set forth as
17 separate line items in the annual General Appropriations Act.

18 (b) The University of South Florida St. Petersburg
19 shall have a Campus Board and a Campus Executive Officer.

20 (c) As soon as possible, but no later than the
21 effective date of this act, the President of the University of
22 South Florida shall begin the process of application to the
23 Commission on Colleges of the Southern Association of Colleges
24 and Schools for separate accreditation of the University of
25 South Florida St. Petersburg. If the application is not
26 approved or is provisionally approved, the University of South
27 Florida shall correct any identified deficiencies and shall
28 continue to work for accreditation.

29 (2) The Board of Trustees of the University of South
30 Florida shall appoint to the Campus Board, from
31 recommendations of the President of the University of South

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1 Florida, five residents of Pinellas County. If a resident of
2 Pinellas County is appointed to the Board of Trustees of the
3 University of South Florida, the board shall appoint that
4 member to serve jointly as a member of the Campus Board. If
5 more than one Pinellas County resident is appointed to the
6 Board of Trustees, the board shall select one joint member.
7 The Board of Trustees may reappoint a member to the Campus
8 Board for one additional term. The Campus Board has the powers
9 and duties provided by law, which include the authority to:
10 (a) Review and approve an annual legislative budget
11 request to be submitted to the Commissioner of Education. The
12 Campus Executive Officer shall prepare the legislative budget
13 request in accordance with guidelines established by the State
14 Board of Education. This request must include items for campus
15 operations and fixed capital outlay.
16 (b) Approve and submit an annual operating plan and
17 budget for review and consultation by the Board of Trustees of
18 the University of South Florida. The campus operating budget
19 must reflect the actual funding available to that campus from
20 separate line-item appropriations contained in each annual
21 General Appropriations Act, which line-item appropriations
22 must initially reflect the funds reported to the Legislature
23 for the University of South Florida St. Petersburg campus for
24 fiscal year 2000-2001 and any additional funds provided in the
25 fiscal year 2001-2002 legislative appropriation.
26 (c) Enter into central support services contracts with
27 the Board of Trustees of the University of South Florida for
28 any services that the St. Petersburg campus cannot provide
29 more economically, including payroll processing, accounting,
30 technology, construction administration, and other desired
31 services. However, all legal services for the campus must be

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1 provided by a central services contract with the university.
2 The Board of Trustees of the University of South Florida and
3 the Campus Board shall determine in a letter of agreement any
4 allocation or sharing of student fee revenue between the
5 University of South Florida's main campus and the St.
6 Petersburg campus.

7
8 The Board of Trustees of the University of South Florida may
9 lawfully delegate other powers and duties to the Campus Board
10 for the efficient operation and improvement of the campus and
11 for the purpose of vesting in the campus the attributes
12 necessary to meet the requirements for separate accreditation
13 by the Southern Association of Colleges and Schools.

14 (3) The University of South Florida St. Petersburg
15 shall be administered by a Campus Executive Officer who shall
16 be appointed by, report directly to, and serve at the pleasure
17 of the President of the University of South Florida. The
18 President shall consult with the Campus Board before hiring or
19 terminating the Campus Executive Officer. The Campus Executive
20 Officer has authority and responsibility as provided in law,
21 including the authority to:

22 (a) Administer campus operations within the annual
23 operating budget as approved by the Campus Board.

24 (b) Recommend to the Campus Board an annual
25 legislative budget request that includes funding for campus
26 operations and fixed capital outlay.

27 (c) Recommend to the Campus Board an annual campus
28 operating budget.

29 (d) Recommend to the Campus Board appropriate services
30 and terms and conditions to be included in annual central
31 support services contracts.

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1 (e) Carry out any additional responsibilities assigned
2 or delegated by the President of the University of South
3 Florida for the efficient operation and improvement of the
4 campus, especially any authority necessary for the purpose of
5 vesting in the campus attributes necessary to meet the
6 requirements for separate accreditation.

7 (4) Students enrolled at the University of South
8 Florida, including those enrolled at a branch campus, have the
9 same rights and obligations as provided by law, policy, or
10 rule adopted by the University of South Florida, the Florida
11 Department of Education, or other lawful entity. The
12 University of South Florida shall provide a comprehensive and
13 coordinated system of student registration so that a student
14 enrolled at any campus of the University of South Florida has
15 the ability to register for courses at any other campus of the
16 University of South Florida.

17 (5) The following entities are not affected by this
18 section and remain under the administrative control of the
19 University of South Florida:

20 (a) The University of South Florida College of Marine
21 Science, which is a component college of the main campus.

22 (b) The Florida Institute of Oceanography, which is a
23 Type One Institute.

24 (c) The University of South Florida Pediatric Research
25 Center.

26 (d) The University of South Florida/USGS joint
27 facility.

28 Section 179. Section 1004.34, Florida Statutes, is
29 created to read:

30 1004.34 The University of South Florida
31 Sarasota/Manatee.--

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1 (1) The Sarasota/Manatee campus of the University of
2 South Florida is established and shall be known as the
3 "University of South Florida Sarasota/Manatee."

4 (a) The Legislature intends that the University of
5 South Florida Sarasota/Manatee be operated and maintained as a
6 separate organizational and budget entity of the University of
7 South Florida and that all legislative appropriations for the
8 University of South Florida Sarasota/Manatee be set forth as
9 separate line items in the annual General Appropriations Act.

10 (b) The University of South Florida Sarasota/Manatee
11 shall have a Campus Board and a Campus Executive Officer.

12 (c) As soon as possible, but no later than July 1,
13 2002, the President of the University of South Florida shall
14 begin the process of application to the Commission on Colleges
15 of the Southern Association of Colleges and Schools for
16 separate accreditation of the University of South Florida
17 Sarasota/Manatee. If the application is not approved or is
18 provisionally approved, the University of South Florida shall
19 correct any identified deficiencies and shall continue to work
20 for accreditation.

21 (2) The Board of Trustees of the University of South
22 Florida shall appoint to the Campus Board, from
23 recommendations of the President of the University of South
24 Florida, three residents of Manatee County and two residents
25 of Sarasota County, to serve 4-year staggered terms. If one or
26 more residents of Sarasota County or Manatee County are
27 appointed to the Board of Trustees of the University of South
28 Florida, the board shall, at the next vacancy of the Campus
29 Board, appoint one of those members to serve jointly as a
30 member of the Campus Board. The Board of Trustees may
31 reappoint a member to the Campus Board for one additional

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1 term. The Campus Board has the powers and duties provided by
2 law, which include the authority to:

3 (a) Review and approve an annual legislative budget
4 request to be submitted to the Commissioner of Education. The
5 Campus Executive Officer shall prepare the legislative budget
6 request in accordance with guidelines established by the State
7 Board of Education. This request must include items for campus
8 operations and fixed capital outlay.

9 (b) Approve and submit an annual operating plan and
10 budget for review and consultation by the Board of Trustees of
11 the University of South Florida. The campus operating budget
12 must reflect the actual funding available to that campus from
13 separate line-item appropriations contained in each annual
14 General Appropriations Act, which line-item appropriations
15 must initially reflect the funds reported to the Legislature
16 for the University of South Florida Sarasota/Manatee campus
17 for fiscal year 2000-2001 and any additional funds provided in
18 the fiscal year 2001-2002 legislative appropriation.

19 (c) Enter into central support services contracts with
20 the Board of Trustees of the University of South Florida for
21 any services that the campus at Sarasota/Manatee cannot
22 provide more economically, including payroll processing,
23 accounting, technology, construction administration, and other
24 desired services. However, all legal services for the campus
25 must be provided by a central services contract with the
26 university. The Board of Trustees of the University of South
27 Florida and the Campus Board shall determine in a letter of
28 agreement any allocation or sharing of student fee revenue
29 between the University of South Florida's main campus and the
30 Sarasota/Manatee campus.

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1 The Board of Trustees of the University of South Florida may
2 lawfully delegate other powers and duties to the Campus Board
3 for the efficient operation and improvement of the campus and
4 for the purpose of vesting in the campus the attributes
5 necessary to meet the requirements for separate accreditation
6 by the Southern Association of Colleges and Schools.

7 (3) The University of South Florida Sarasota/Manatee
8 shall be administered by a Campus Executive Officer who shall
9 be appointed by, report directly to, and serve at the pleasure
10 of the President of the University of South Florida. The
11 President shall consult with the Campus Board before hiring or
12 terminating the Campus Executive Officer. The Campus Executive
13 Officer has authority and responsibility as provided in law,
14 including the authority to:

15 (a) Administer campus operations within the annual
16 operating budget as approved by the Campus Board.

17 (b) Recommend to the Campus Board an annual
18 legislative budget request that includes funding for campus
19 operations and fixed capital outlay.

20 (c) Recommend to the Campus Board an annual campus
21 operating budget.

22 (d) Recommend to the Campus Board appropriate services
23 and terms and conditions to be included in annual central
24 support services contracts.

25 (e) Carry out any additional responsibilities assigned
26 or delegated by the President of the University of South
27 Florida for the efficient operation and improvement of the
28 campus, especially any authority necessary for the purpose of
29 vesting in the campus attributes necessary to meet the
30 requirements for separate accreditation.

31 (4) Students enrolled at the University of South

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1 Florida, including those enrolled at a branch campus, have the
2 same rights and obligations as provided by law, policy, or
3 rule adopted by the University of South Florida, the Florida
4 Department of Education, or other lawful entity. The
5 University of South Florida shall provide a comprehensive and
6 coordinated system of student registration so that a student
7 enrolled at any campus of the University of South Florida has
8 the ability to register for courses at any other campus of the
9 University of South Florida.

10 (5) Promote technology transfer between the research
11 operations of the University of South Florida and local
12 economic development agencies.

13 Section 180. Section 1004.35, Florida Statutes, is
14 created to read:

15 1004.35 Broward County campuses of Florida Atlantic
16 University; coordination with other institutions.--The State
17 Board of Education and Florida Atlantic University shall
18 consult with Broward Community College and Florida
19 International University in coordinating course offerings at
20 the postsecondary level in Broward County. Florida Atlantic
21 University may contract with the Board of Trustees of Broward
22 Community College and with Florida International University to
23 provide instruction in courses offered at the Southeast
24 Campus. Florida Atlantic University shall increase course
25 offerings at the Southeast Campus as facilities become
26 available.

27 Section 181. Section 1004.36, Florida Statutes, is
28 created to read:

29 1004.36 Florida Atlantic University campuses.--

30 (1) The Broward County campuses of Florida Atlantic
31 University are hereby established as a partner of the Florida

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1 Atlantic University campus in Boca Raton. The Broward County
2 campuses of Florida Atlantic University shall be known as
3 "Florida Atlantic University Broward." The Boca Raton campuses
4 of Florida Atlantic University shall be known as "Florida
5 Atlantic University Boca Raton." The office of the president
6 shall be at the campus in Boca Raton.

7 (2) Florida Atlantic University shall develop and
8 administer a separate budget for Florida Atlantic University
9 Broward. The budget shall include, at a minimum, an allocation
10 of those operating and capital outlay funds appropriated
11 annually by the Legislature in the General Appropriations Act
12 for the Broward campuses; a proportional share, based on
13 student credit hours produced at the Broward campuses, of any
14 allocations received by the university from student tuition
15 and fees, except for athletic fees, specifically authorized by
16 law; all overhead charges from sponsored research conducted on
17 the Broward campuses; and all revenues derived from vending
18 funds, auxiliary enterprises and contracts, and grants and
19 donations, as authorized by s. 1011.91, which result from
20 activities on Broward campuses. Florida Atlantic University
21 Broward and Florida Atlantic University Boca Raton may pay
22 reasonable charges to appropriate levels of administration of
23 Florida Atlantic University for services delivered
24 universitywide.

25 (3) The Florida Atlantic University Board of Trustees
26 shall take all actions necessary to ensure that Florida
27 Atlantic University Broward and Florida Atlantic University
28 Boca Raton are partners in the overall policymaking and
29 academic governance structures of the university. Annual
30 legislative budget requests for operations and facilities
31 shall separately identify those funds requested for Florida

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1 Atlantic University Broward and Florida Atlantic University
2 Boca Raton. Florida Atlantic University Broward and Florida
3 Atlantic University Boca Raton shall have local management
4 authority over their campus faculty, staff, and programs, but
5 there shall be universitywide standards and processes for
6 evaluating requests for promotion and tenure; there shall be
7 complete transferability of credits and uniform programs
8 across campuses; and colleges operating on multiple campuses
9 shall have only one dean for each college. Florida Atlantic
10 University Broward shall establish a faculty senate and may
11 establish a direct-support organization. Any such
12 direct-support organization shall be subject to s. 1004.28(5).

13 (4) The State Board of Education, as a function of its
14 comprehensive master planning process, shall continue to
15 evaluate the need for undergraduate programs in Broward County
16 and shall assess the extent to which existing postsecondary
17 programs are addressing those needs.

18 Section 182. Section 1004.37, Florida Statutes, is
19 created to read:

20 1004.37 County or area extension programs; cooperation
21 between counties and University of Florida and Florida
22 Agricultural and Mechanical University.--

23 (1) The Florida Cooperative Extension Service is
24 administered through the University of Florida and is
25 supported programmatically by the University of Florida and
26 Florida Agricultural and Mechanical University in
27 collaboration with individual county governments. County or
28 area extension programs will be developed, based on local
29 situations, needs, and problems, supported by scientific and
30 technical information developed by the University of Florida,
31 Florida Agricultural and Mechanical University, the United

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1 States Department of Agriculture, and other sources of
2 research information. This information will be made available
3 through the local program, with the aid of research scientists
4 and extension specialists of the University of Florida
5 Institute of Food and Agricultural Sciences and Florida
6 Agricultural and Mechanical University.

7 (2) In each county or other geographic subdivision the
8 board of county commissioners or other legally constituted
9 governing body will annually determine the extent of its
10 financial participation in cooperative extension work. The
11 extent of such financial participation by the counties will
12 influence the number of county extension agents and clerical
13 staff employed and the scope of the local extension program.

14 (3) Boards of county commissioners or other legally
15 constituted governing bodies will approve or disapprove of
16 persons recommended for extension positions in the county. If
17 the governing body of the county notifies the extension
18 service by resolution that it wants a list of three qualified
19 candidates, then the extension service shall, for each
20 position, make its recommendation by submitting a list of not
21 fewer than three qualified persons, or all qualified persons
22 if three or fewer. From this list, the board of county
23 commissioners, or other legally constituted governing body,
24 shall make its selection. If none of the persons recommended
25 are approved, the extension service shall continue to submit
26 lists of not fewer than three additional qualified persons
27 until one person is selected. If the governing body of the
28 county does not forward such a resolution to the extension
29 service, the extension service shall recommend one qualified
30 candidate to the governing body. If a person recommended is
31 not approved, the extension service shall recommend another

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1 qualified candidate and shall repeat this procedure as
2 necessary until one person is selected. Extension agents so
3 appointed will be staff members of the University of Florida
4 or Florida Agricultural and Mechanical University, depending
5 on the source of funds. It is the responsibility of the
6 cooperative extension service to determine qualifications for
7 positions.

8 (4) Although county extension agents are jointly
9 employed by the state universities and federal and county
10 governments for the purposes of administration of the
11 cooperative extension service, the personnel policies and
12 procedures of the University of Florida or Florida
13 Agricultural and Mechanical University, depending on
14 appointment, will apply except in those instances when federal
15 legislation or the basic memorandum of understanding is
16 applicable.

17 (5) The University of Florida will provide county
18 extension personnel in the county with supervision and
19 resources for planning and programming and is responsible for
20 the programming process. The Florida Cooperative Extension
21 Service will make available needed program materials to the
22 extension agents through the subject matter specialists or
23 through other resource persons available from within the
24 university. It will be responsible for maintaining a high
25 level of technical competence in the county extension staff
26 through a continuous program of inservice training.

27 (6) The county extension director will report
28 periodically to the board of county commissioners or other
29 legally constituted governing body on programs underway and
30 results in the county. Each board of county commissioners or
31 other legally constituted governing body will develop a plan

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1 which will enable it to be kept informed on the progress and
2 results of the local extension program so that its own
3 knowledge of program needs and problems may become a part of
4 the educational work carried on by the agents. Such plan shall
5 provide for a means of communicating the board's satisfaction
6 with the extension program to the county extension director
7 and the cooperative extension service.

8 Section 183. Section 1004.38, Florida Statutes, is
9 created to read:

10 1004.38 Master of science program in speech-language
11 pathology; Florida International University.--A master of
12 science degree program in speech-language pathology is hereby
13 authorized at Florida International University.

14 Section 184. Section 1004.39, Florida Statutes, is
15 created to read:

16 1004.39 College of law at Florida International
17 University.--

18 (1) A college of law is authorized at Florida
19 International University.

20 (2) The college of law at Florida International
21 University must be operated in compliance with the standards
22 approved by nationally recognized associations for accredited
23 colleges of law.

24 (3) The college of law at Florida International
25 University, to the extent consistent with the standards
26 required by the American Bar Association or any other
27 nationally recognized association for the accreditation of
28 colleges of law, shall develop a law library collection
29 utilizing electronic formats and mediums.

30 (4) The college of law at Florida International
31 University shall develop and institute a program that is

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1 consistent with sound legal education principles as determined
2 by the American Bar Association or any other nationally
3 recognized association for the accreditation of colleges of
4 law and that, to the extent consistent with such sound legal
5 education principles, is structured to serve the legal needs
6 of traditionally underserved portions of the population by
7 providing an opportunity for participation in a legal clinic
8 program or pro bono legal service.

9 (5) The Florida International University Board of
10 Trustees shall commence the planning of a college of law at
11 Florida International University. In planning the college of
12 law, the Florida International University Board of Trustees
13 and the State Board of Education may accept grants, donations,
14 gifts, and moneys available for this purpose, including moneys
15 for planning and constructing the college. The Florida
16 International University Board of Trustees may procure and
17 accept any federal funds that are available for the planning,
18 creation, and establishment of the college of law. Classes
19 must commence by the fall semester 2003. If the American Bar
20 Association or any other nationally recognized association for
21 the accreditation of colleges of law issues a third
22 disapproval of an application for provisional approval or for
23 full approval or fails to grant, within 5 years following the
24 graduation of the first class, a provisional approval, to the
25 college of law at Florida International University, the State
26 Board of Education shall make recommendations to the Governor
27 and the Legislature as to whether the college of law will
28 cease operations at the end of the full academic year
29 subsequent to the receipt by the college of law of any such
30 third disapproval, or whether the college of law will continue
31 operations and any conditions for continued operations. If the

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1 college of law ceases operations pursuant to this section, the
2 following conditions apply:

3 (a) The authority for the college of law at Florida
4 International University and the authority of the Florida
5 International University Board of Trustees and the State Board
6 of Education provided in this section shall terminate upon the
7 cessation of operations of the college of law at Florida
8 International University. The college of law at Florida
9 International University shall receive no moneys allocated for
10 the planning, construction, or operation of the college of law
11 after its cessation of operations other than moneys to be
12 expended for the cessation of operations of the college of
13 law. Any moneys allocated to the college of law at Florida
14 International University not expended prior to or scheduled to
15 be expended after the date of the cessation of the college of
16 law shall be appropriated for other use by the Legislature of
17 the State of Florida.

18 (b) Any buildings of the college of law at Florida
19 International University constructed from the expenditure of
20 capital outlay funds appropriated by the Legislature shall be
21 owned by the Board of Trustees of the Internal Improvement
22 Trust Fund and managed by the Florida International University
23 Board of Trustees upon the cessation of the college of law.

24
25 Nothing in this section shall undermine commitments to current
26 students receiving support as of the date of the enactment of
27 this section from the law school scholarship program of the
28 Florida Education Fund as provided in s. 1009.70(8). Students
29 attending the college of law at Florida International
30 University shall be eligible for financial, academic, or other
31 support from the Florida Education Fund as provided in s.

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1 1009.70(8) without the college's obtaining accreditation by
2 the American Bar Association.

3 (6) The college of law at Florida International
4 University shall be dedicated to providing opportunities for
5 minorities to attain representation within the legal
6 profession proportionate to their representation in the
7 general population; however, the college of law shall not
8 include preferences in the admissions process for applicants
9 on the basis of race, national origin, or gender.

10 Section 185. Section 1004.40, Florida Statutes, is
11 created to read:

12 1004.40 College of law at Florida Agricultural and
13 Mechanical University.--

14 (1) A college of law is authorized at Florida
15 Agricultural and Mechanical University.

16 (2) The college of law at Florida Agricultural and
17 Mechanical University must be operated in compliance with the
18 standards approved by nationally recognized associations for
19 accredited colleges of law.

20 (3) The college of law at Florida Agricultural and
21 Mechanical University, to the extent consistent with the
22 standards required by the American Bar Association or any
23 other nationally recognized association for the accreditation
24 of colleges of law, shall develop a law library collection
25 utilizing electronic formats and mediums.

26 (4) The college of law at Florida Agricultural and
27 Mechanical University shall develop and institute a program
28 that is consistent with sound legal education principles as
29 determined by the American Bar Association or any other
30 nationally recognized association for the accreditation of
31 colleges of law and that, to the extent consistent with such

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1 sound legal education principles, is structured to serve the
2 legal needs of traditionally underserved portions of the
3 population by providing an opportunity for participation in a
4 legal clinic program or pro bono legal service.

5 (5) The Florida Agricultural and Mechanical University
6 Board of Trustees shall commence the planning of a college of
7 law under the auspices of Florida Agricultural and Mechanical
8 University to be located in the I-4 corridor area. In planning
9 the college of law, the Florida Agricultural and Mechanical
10 University Board of Trustees and the State Board of Education
11 may accept grants, donations, gifts, and moneys available for
12 this purpose, including moneys for planning and constructing
13 the college. The Florida Agricultural and Mechanical
14 University Board of Trustees may procure and accept any
15 federal funds that are available for the planning, creation,
16 and establishment of the college of law. Classes must commence
17 by the fall semester 2003. If the American Bar Association or
18 any other nationally recognized association for the
19 accreditation of colleges of law issues a third disapproval of
20 an application for provisional approval or for full approval
21 or fails to grant, within 5 years following the graduation of
22 the first class, a provisional approval, to the college of law
23 at Florida Agricultural and Mechanical University, the State
24 Board of Education shall make recommendations to the Governor
25 and Legislature as to whether the college of law will cease
26 operations at the end of the full academic year subsequent to
27 the receipt by the college of law of any such third
28 disapproval, or whether the college of law will continue
29 operations and any conditions for continued operations. If the
30 college of law ceases operations of the college of law
31 pursuant to this section, the following conditions apply:

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1 (a) The authority for the college of law at Florida
2 Agricultural and Mechanical University and the authority of
3 the Florida Agricultural and Mechanical University Board of
4 Trustees and the State Board of Education provided in this
5 section shall terminate upon the cessation of operations of
6 the college of law at Florida Agricultural and Mechanical
7 University. The college of law at Florida Agricultural and
8 Mechanical University shall receive no moneys allocated for
9 the planning, construction, or operation of the college of law
10 after its cessation of operations other than moneys to be
11 expended for the cessation of operations of the college of
12 law. Any moneys allocated to the college of law at Florida
13 Agricultural and Mechanical University not expended prior to
14 or scheduled to be expended after the date of the cessation of
15 the college of law shall be appropriated for other use by the
16 Legislature of the State of Florida.

17 (b) Any buildings of the college of law at Florida
18 Agricultural and Mechanical University constructed from the
19 expenditure of capital outlay funds appropriated by the
20 Legislature shall be owned by the Board of Trustees of the
21 Internal Improvement Trust Fund and managed by the Florida
22 Agricultural and Mechanical University Board of Trustees upon
23 the cessation of the college of law.

24
25 Nothing in this section shall undermine commitments to current
26 students receiving support as of the date of the enactment of
27 this section from the law school scholarship program of the
28 Florida Education Fund as provided in s. 1009.70(8). Students
29 attending the college of law at Florida Agricultural and
30 Mechanical University shall be eligible for financial,
31 academic, or other support from the Florida Education Fund as

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1 provided in s. 1009.70(8) without the college's obtaining
2 accreditation by the American Bar Association.

3 (6) The college of law at Florida Agricultural and
4 Mechanical University shall be dedicated to providing
5 opportunities for minorities to attain representation within
6 the legal profession proportionate to their representation in
7 the general population; however, the college of law shall not
8 include preferences in the admissions process for applicants
9 on the basis of race, national origin, or gender.

10 Section 186. Section 1004.41, Florida Statutes, is
11 created to read:

12 1004.41 University of Florida; J. Hillis Miller Health
13 Center.--

14 (1) There is established the J. Hillis Miller Health
15 Center at the University of Florida, including campuses at
16 Gainesville and Jacksonville and affiliated teaching
17 hospitals, which shall include the following colleges:

18 (a) College of Dentistry.

19 (b) College of Health Professions.

20 (c) College of Medicine.

21 (d) College of Nursing.

22 (e) College of Pharmacy.

23 (f) College of Veterinary Medicine and related
24 teaching hospitals.

25 (2) Each college of the health center shall be so
26 maintained and operated as to comply with the standards
27 approved by a nationally recognized association for
28 accreditation.

29 (3)(a) The University of Florida Health Center
30 Operations and Maintenance Trust Fund shall be administered by
31 the University of Florida Board of Trustees. Funds shall be

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1 credited to the trust fund from the sale of goods and services
2 performed by the University of Florida Veterinary Medicine
3 Teaching Hospital. The purpose of the trust fund is to support
4 the instruction, research, and service missions of the
5 University of Florida College of Veterinary Medicine.

6 (b) Notwithstanding the provisions of s. 216.301, and
7 pursuant to s. 216.351, any balance in the trust fund at the
8 end of any fiscal year shall remain in the trust fund and
9 shall be available for carrying out the purposes of the trust
10 fund.

11 (4)(a) The University of Florida Board of Trustees
12 shall lease the hospital facilities of the health center,
13 known as the Shands Teaching Hospital and Clinics on the
14 campus of the University of Florida and all furnishings,
15 equipment, and other chattels or choses in action used in the
16 operation of the hospital, to a private not-for-profit
17 corporation organized solely for the purpose of operating the
18 hospital and ancillary health care facilities of the health
19 center and other health care facilities and programs
20 determined to be necessary by the board of the nonprofit
21 corporation. The rental for the hospital facilities shall be
22 an amount equal to the debt service on bonds or revenue
23 certificates issued solely for capital improvements to the
24 hospital facilities or as otherwise provided by law.

25 (b) The University of Florida Board of Trustees shall
26 provide in the lease or by separate contract or agreement with
27 the not-for-profit corporation for the following:

28 1. Approval of the articles of incorporation of the
29 not-for-profit corporation by the University of Florida Board
30 of Trustees and the governance of the not-for-profit
31 corporation by a board of directors appointed and chaired by

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1 the President of the University of Florida and vice-chaired by
2 the Vice President for Health Affairs of the University of
3 Florida.

4 2. The use of hospital facilities and personnel in
5 support of the research programs and of the teaching role of
6 the health center.

7 3. The continued recognition of the collective
8 bargaining units and collective bargaining agreements as
9 currently composed and recognition of the certified labor
10 organizations representing those units and agreements.

11 4. The use of hospital facilities and personnel in
12 connection with research programs conducted by the health
13 center.

14 5. Reimbursement to the hospital for indigent
15 patients, state-mandated programs, underfunded state programs,
16 and costs to the hospital for support of the teaching and
17 research programs of the health center. Such reimbursement
18 shall be appropriated to either the health center or the
19 hospital each year by the Legislature after review and
20 approval of the request for funds.

21 (c) The University of Florida Board of Trustees may,
22 with the approval of the Legislature, increase the hospital
23 facilities or remodel or renovate them, provided that the
24 rental paid by the hospital for such new, remodeled, or
25 renovated facilities is sufficient to amortize the costs
26 thereof over a reasonable period of time or fund the debt
27 service for any bonds or revenue certificates issued to
28 finance such improvements.

29 (d) The University of Florida Board of Trustees is
30 authorized to provide to the not-for-profit corporation
31 leasing the hospital facilities and its not-for-profit

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1 subsidiaries comprehensive general liability insurance
2 including professional liability from a self-insurance trust
3 program established pursuant to s. 1004.24.

4 (e) In the event that the lease of the hospital
5 facilities to the not-for-profit corporation is terminated for
6 any reason, the University of Florida Board of Trustees shall
7 resume management and operation of the hospital facilities.
8 In such event, the Administration Commission is authorized to
9 appropriate revenues generated from the operation of the
10 hospital facilities to the University of Florida Board of
11 Trustees to pay the costs and expenses of operating the
12 hospital facility for the remainder of the fiscal year in
13 which such termination occurs.

14 (f) The University of Florida Board of Trustees is
15 authorized to provide to Shands Jacksonville Healthcare, Inc.,
16 and its not-for-profit subsidiaries and affiliates and any
17 successor corporation that acts in support of the board of
18 trustees, comprehensive general liability coverage, including
19 professional liability, from the self-insurance programs
20 established pursuant to s. 1004.24.

21 Section 187. Section 1004.42, Florida Statutes, is
22 created to read:

23 1004.42 Florida State University College of
24 Medicine.--

25 (1) CREATION.--There is hereby established a 4-year
26 allopathic medical school within the Florida State University,
27 to be known as the Florida State University College of
28 Medicine, with a principal focus on recruiting and training
29 medical professionals to meet the primary health care needs of
30 the state, especially the needs of the state's elderly, rural,
31 minority, and other underserved citizens.

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1 (2) LEGISLATIVE INTENT.--It is the intent of the
2 Legislature that the Florida State University College of
3 Medicine represent a new model for the training of allopathic
4 physician healers for the citizens of the state. In accordance
5 with this intent, the governing philosophy of the College of
6 Medicine should include the training of students, in a humane
7 environment, in the scientific, clinical, and behavioral
8 practices required to deliver patient-centered health care.
9 Key components of the College of Medicine, which would build
10 on the foundation of the 30-year-old Florida State University
11 Program in Medical Sciences (PIMS), would include: admission
12 of diverse types of students who possess good communication
13 skills and are compassionate individuals, representative of
14 the population of the state; basic and behavioral sciences
15 training utilizing medical problem-based teaching; and
16 clinical training at several dispersed sites throughout the
17 state in existing community hospitals, clinics, and doctors'
18 offices. The Legislature further intends that study of the
19 aging human be a continuing focus throughout the 4-year
20 curriculum and that use of information technology be a key
21 component of all parts of the educational program.

22 (3) PURPOSE.--The College of Medicine shall be
23 dedicated to: preparing physicians to practice primary care,
24 geriatric, and rural medicine, to make appropriate use of
25 emerging technologies, and to function successfully in a
26 rapidly changing health care environment; advancing knowledge
27 in the applied biomedical and behavioral sciences, geriatric
28 research, autism, cancer, and chronic diseases; training
29 future scientists to assume leadership in health care delivery
30 and academic medicine; and providing access to medical
31 education for groups which are underrepresented in the medical

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1 profession.

2 (4) TRANSITION; ORGANIZATIONAL STRUCTURE; ADMISSIONS
3 PROCESS.--The General Appropriations Act for fiscal year
4 1999-2000 included initial funding for facilities and
5 operations to provide a transition from the Program in Medical
6 Sciences (PIMS) to a College of Medicine at the Florida State
7 University. For transitional purposes, the Program in Medical
8 Sciences (PIMS) in the College of Arts and Sciences at the
9 Florida State University shall be reorganized and
10 restructured, as soon as practicable, as the Institute of
11 Human Medical Sciences. At such time as the 4-year educational
12 program development is underway and a sufficient number of
13 basic and behavioral sciences and clinical faculty are
14 recruited, the Institute of Human Medical Sciences shall
15 evolve into the Florida State University College of Medicine,
16 with appropriate departments. The current admissions procedure
17 utilized by the Program in Medical Sciences (PIMS) shall
18 provide the basis for the design of an admissions process for
19 the College of Medicine, with selection criteria that focus on
20 identifying future primary care physicians who have
21 demonstrated interest in serving underserved areas. Enrollment
22 levels at the College of Medicine are planned to not exceed
23 120 students per class, and shall be phased in from 30
24 students in the Program in Medical Sciences (PIMS), to 40
25 students admitted to the College of Medicine as the charter
26 class in Fall 2001, and 20 additional students admitted to the
27 College of Medicine in each class thereafter until the maximum
28 class size is reached.

29 (5) PARTNER ORGANIZATIONS FOR CLINICAL INSTRUCTION;
30 GRADUATE PROGRAMS.--To provide broad-based clinical
31 instruction in both rural and urban settings for students in

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1 the community-based medical education program, the College of
2 Medicine, through creation of nonprofit corporations, shall
3 seek affiliation agreements with health care systems and
4 organizations, local hospitals, medical schools, and military
5 health care facilities in the following targeted communities:
6 Pensacola, Tallahassee, Orlando, Sarasota, Jacksonville, and
7 the rural areas of the state. Selected hospitals in the target
8 communities include, but are not limited to, the following:

- 9 (a) Baptist Health Care in Pensacola.
10 (b) Sacred Heart Health System in Pensacola.
11 (c) West Florida Regional Medical Center in Pensacola.
12 (d) Tallahassee Memorial Healthcare in Tallahassee.
13 (e) Florida Hospital Health System in Orlando.
14 (f) Sarasota Memorial Health Care System in Sarasota.
15 (g) Mayo Clinic in Jacksonville.
16 (h) Lee Memorial Health System, Inc., in Fort Myers.
17 (i) Rural hospitals in the state.

18
19 The College of Medicine shall also explore all alternatives
20 for cooperation with established graduate medical education
21 programs in the state to develop a plan to retain its
22 graduates in residency programs in Florida.

23 (6) ACCREDITATION.--The College of Medicine shall
24 develop a program which conforms to the accreditation
25 standards of the Liaison Committee on Medical Education
26 (LCME).

27 (7) CURRICULA; CLINICAL ROTATION TRAINING SITES.--

28 (a) The preclinical curriculum shall draw on the
29 Florida State University's Program in Medical Sciences (PIMS)
30 experience and national trends in basic and behavioral
31 sciences instruction, including use of technology for

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1 distributed and distance learning. First-year instruction
2 shall include a lecture mode and problem-based learning. In
3 the second year, a small-group, problem-based learning
4 approach shall provide more advanced treatment of each
5 academic subject in a patient-centered context. Various
6 short-term clinical exposures shall be programmed throughout
7 the preclinical years, including rural, geriatric, and
8 minority health, and contemporary practice patterns in these
9 areas.

10 (b) During the third and fourth years, the curriculum
11 shall follow a distributed, community-based model with a
12 special focus on rural health. Subgroups of students shall be
13 assigned to clinical rotation training sites in local
14 communities in roughly equal numbers, as follows:

- 15 1. Group 1 - Tallahassee.
- 16 2. Group 2 - Pensacola.
- 17 3. Group 3 - Orlando.
- 18 4. Group 4 - Sarasota.
- 19 5. Group 5 - Jacksonville.
- 20 6. Group 6 - To be determined prior to 2005, based on
21 emerging state needs.

22 7. Group 7 - Rural Physician Associate Program (RPAP).

23 (8) MEDICAL NEEDS OF THE ELDERLY.--The College of
24 Medicine shall develop a comprehensive program to ensure
25 training in the medical needs of the elderly and incorporate
26 principles embodied in the curriculum guidelines of the
27 American Geriatric Society. The College of Medicine shall
28 have as one of its primary missions the improvement of medical
29 education for physicians who will treat elder citizens. To
30 accomplish this mission, the College of Medicine shall
31 establish an academic leadership position in geriatrics,

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1 create an external elder care advisory committee, and
2 implement an extensive faculty development plan. For student
3 recruitment purposes, the current Program in Medical Sciences
4 (PIMS) selection criteria shall be expanded to include
5 consideration of students who have expressed an interest in
6 elder care and who have demonstrated, through life choices, a
7 commitment to serve older persons.

8 (9) MEDICAL NEEDS OF UNDERSERVED AREAS.--To address
9 the medical needs of the state's rural and underserved
10 populations, the College of Medicine shall develop a
11 Department of Family Medicine with a significant rural
12 training track that provides students with early and frequent
13 clinical experiences in community-based settings to train and
14 produce highly skilled primary care physicians. The College
15 of Medicine shall consider developing new, rural-based family
16 practice clinical training programs and shall establish a
17 partnership with the West Florida Area Health Education Center
18 to assist in developing partnerships and programs to provide
19 incentives and support for physicians to practice in primary
20 care, geriatric, and rural medicine in underserved areas of
21 the state.

22 (10) INCREASING PARTICIPATION OF UNDERREPRESENTED
23 GROUPS.--To increase the participation of underrepresented
24 groups and socially and economically disadvantaged youth in
25 science and medical programs, the College of Medicine shall
26 continue the outreach efforts of the Program in Medical
27 Sciences (PIMS) to middle and high school minority students,
28 including the Science Students Together Reaching Instructional
29 Diversity and Excellence (SSTRIDE), and shall build an
30 endowment income to support recruitment programs and
31 scholarship and financial aid packages for these students. To

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1 develop a base of qualified potential medical school
2 candidates from underrepresented groups, the College of
3 Medicine shall coordinate with the undergraduate premedical
4 and science programs currently offered at the Florida State
5 University, develop relationships with potential feeder
6 institutions, including 4-year institutions and community
7 colleges, and pursue grant funds to support programs, as well
8 as support scholarship and financial aid packages. The College
9 of Medicine shall develop plans for a postbaccalaureate,
10 1-year academic program that provides a second chance to a
11 limited number of students per year who have been declined
12 medical school admission, who are state residents, and who
13 meet established criteria as socially and economically
14 disadvantaged. The College of Medicine shall make every
15 effort, through recruitment and retention, to employ a faculty
16 and support staff that reflect the heterogeneous nature of the
17 state's general population.

18 (11) TECHNOLOGY.--To create technology-rich learning
19 environments, the College of Medicine shall build on the
20 considerable infrastructure that already supports the many
21 technology resources of the Florida State University and shall
22 expand the infrastructure to conduct an effective medical
23 education program, including connectivity between the main
24 campus, community-based training locations, and rural clinic
25 locations. Additional technology programs shall include
26 extensive professional development opportunities for faculty;
27 an on-line library of academic and medical resources for
28 students, faculty, and community preceptors; and
29 technology-sharing agreements with other medical schools to
30 allow for the exchange of technology applications among
31 medical school faculty for the purpose of enhancing medical

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1 education. The College of Medicine shall explore the
2 opportunities afforded by Mayo Clinic in Jacksonville through
3 clerkships, visiting professors or lectures through the
4 existing telecommunications systems, and collaboration in
5 research activities at the Mayo Clinic's Jacksonville campus.

6 (12) ADMINISTRATION; FACULTY.--Each of the major
7 community-based clinical rotation training sites described in
8 subsection (7) shall have a community dean and a student
9 affairs/administrative officer. Teaching faculty for the
10 community-based clinical training component shall be community
11 physicians serving part-time appointments. Sixty faculty
12 members shall be recruited to serve in the basic and
13 behavioral sciences department. The College of Medicine shall
14 have a small core staff of on-campus, full-time faculty and
15 administrators at the Florida State University, including a
16 dean, a senior associate dean for educational programs, an
17 associate dean for clinical education, a chief
18 financial/administrative officer, an admissions/student
19 affairs officer, an instructional resources coordinator, a
20 coordinator for graduate and continuing medical education, and
21 several mission focus coordinators.

22 (13) COLLABORATION WITH OTHER PROFESSIONALS.--To
23 provide students with the skills, knowledge, and values needed
24 to practice medicine in the evolving national system of health
25 care delivery, the College of Medicine shall fully integrate
26 modern health care delivery concepts into its curriculum. For
27 this purpose, the College of Medicine shall develop a
28 partnership with one or more health care organizations in the
29 state and shall recruit faculty with strong health care
30 delivery competencies. Faculty from other disciplines at the
31 Florida State University shall be utilized to develop

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1 team-based approaches to core competencies in the delivery of
2 health care.

3 (14) INDEMNIFICATION FROM LIABILITY.--This section
4 shall be construed to authorize the Florida State University
5 Board of Trustees to negotiate and purchase policies of
6 insurance to indemnify from any liability those individuals or
7 entities providing sponsorship or training to the students of
8 the medical school, professionals employed by the medical
9 school, and students of the medical school.

10 Section 188. Section 1004.43, Florida Statutes, is
11 created to read:

12 1004.43 H. Lee Moffitt Cancer Center and Research
13 Institute.--There is established the H. Lee Moffitt Cancer
14 Center and Research Institute at the University of South
15 Florida.

16 (1) The State Board of Education shall enter into an
17 agreement for the utilization of the facilities on the campus
18 of the University of South Florida to be known as the H. Lee
19 Moffitt Cancer Center and Research Institute, including all
20 furnishings, equipment, and other chattels used in the
21 operation of said facilities, with a Florida not-for-profit
22 corporation organized solely for the purpose of governing and
23 operating the H. Lee Moffitt Cancer Center and Research
24 Institute. This not-for-profit corporation, acting as an
25 instrumentality of the State of Florida, shall govern and
26 operate the H. Lee Moffitt Cancer Center and Research
27 Institute in accordance with the terms of the agreement
28 between the State Board of Education and the not-for-profit
29 corporation. The not-for-profit corporation may, with the
30 prior approval of the State Board of Education, create
31 not-for-profit corporate subsidiaries to fulfill its mission.

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1 The not-for-profit corporation and its subsidiaries are
2 authorized to receive, hold, invest, and administer property
3 and any moneys received from private, local, state, and
4 federal sources, as well as technical and professional income
5 generated or derived from practice activities of the
6 institute, for the benefit of the institute and the
7 fulfillment of its mission. The affairs of the corporation
8 shall be managed by a board of directors who shall serve
9 without compensation. The President of the University of
10 South Florida and the chair of the State Board of Education,
11 or his or her designee, shall be directors of the
12 not-for-profit corporation, together with 5 representatives of
13 the state universities and no more than 14 nor fewer than 10
14 directors who are not medical doctors or state employees.
15 Each director shall have only one vote, shall serve a term of
16 3 years, and may be reelected to the board. Other than the
17 President of the University of South Florida and the chair of
18 the State Board of Education, directors shall be elected by a
19 majority vote of the board. The chair of the board of
20 directors shall be selected by majority vote of the directors.

21 (2) The State Board of Education shall provide in the
22 agreement with the not-for-profit corporation for the
23 following:

24 (a) Approval of the articles of incorporation of the
25 not-for-profit corporation by the State Board of Education.

26 (b) Approval of the articles of incorporation of any
27 not-for-profit corporate subsidiary created by the
28 not-for-profit corporation.

29 (c) Utilization of hospital facilities and personnel
30 by the not-for-profit corporation and its subsidiaries for
31 mutually approved teaching and research programs conducted by

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1 the University of South Florida or other accredited medical
2 schools or research institutes.

3 (d) Preparation of an annual financial audit of the
4 not-for-profit corporation's accounts and records and the
5 accounts and records of any subsidiaries to be conducted by an
6 independent certified public accountant. The annual audit
7 report shall include a management letter, as defined in s.
8 11.45, and shall be submitted to the Auditor General and the
9 State Board of Education. The State Board of Education, the
10 Auditor General, and the Office of Program Policy Analysis and
11 Government Accountability shall have the authority to require
12 and receive from the not-for-profit corporation and any
13 subsidiaries or from their independent auditor any detail or
14 supplemental data relative to the operation of the
15 not-for-profit corporation or subsidiary.

16 (e) Provision by the not-for-profit corporation and
17 its subsidiaries of equal employment opportunities to all
18 persons regardless of race, color, religion, sex, age, or
19 national origin.

20 (3) The State Board of Education is authorized to
21 secure comprehensive general liability protection, including
22 professional liability protection, for the not-for-profit
23 corporation and its subsidiaries pursuant to s. 1004.24.

24 (4) In the event that the agreement between the
25 not-for-profit corporation and the State Board of Education is
26 terminated for any reason, the State Board of Education shall
27 resume governance and operation of said facilities.

28 (5) The institute shall be administered by a chief
29 executive officer who shall serve at the pleasure of the board
30 of directors of the not-for-profit corporation and who shall
31 have the following powers and duties subject to the approval

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1 of the board of directors:

2 (a) The chief executive officer shall establish
3 programs which fulfill the mission of the institute in
4 research, education, treatment, prevention, and the early
5 detection of cancer; however, the chief executive officer
6 shall not establish academic programs for which academic
7 credit is awarded and which terminate in the conference of a
8 degree without prior approval of the State Board of Education.

9 (b) The chief executive officer shall have control
10 over the budget and the dollars appropriated or donated to the
11 institute from private, local, state, and federal sources, as
12 well as technical and professional income generated or derived
13 from practice activities of the institute. However,
14 professional income generated by university faculty from
15 practice activities at the institute shall be shared between
16 the institute and the university as determined by the chief
17 executive officer and the appropriate university dean or vice
18 president.

19 (c) The chief executive officer shall appoint members
20 to carry out the research, patient care, and educational
21 activities of the institute and determine compensation,
22 benefits, and terms of service. Members of the institute
23 shall be eligible to hold concurrent appointments at
24 affiliated academic institutions. University faculty shall be
25 eligible to hold concurrent appointments at the institute.

26 (d) The chief executive officer shall have control
27 over the use and assignment of space and equipment within the
28 facilities.

29 (e) The chief executive officer shall have the power
30 to create the administrative structure necessary to carry out
31 the mission of the institute.

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1 (f) The chief executive officer shall have a reporting
2 relationship to the Commissioner of Education.

3 (g) The chief executive officer shall provide a copy
4 of the institute's annual report to the Governor and Cabinet,
5 the President of the Senate, the Speaker of the House of
6 Representatives, and the chair of the State Board of
7 Education.

8 (6) The board of directors of the not-for-profit
9 corporation shall create a council of scientific advisers to
10 the chief executive officer comprised of leading researchers,
11 physicians, and scientists. This council shall review programs
12 and recommend research priorities and initiatives so as to
13 maximize the state's investment in the institute. The council
14 shall be appointed by the board of directors of the
15 not-for-profit corporation and shall include five appointees
16 of the State Board of Education. Each member of the council
17 shall be appointed to serve a 2-year term and may be
18 reappointed to the council.

19 (7) In carrying out the provisions of this section,
20 the not-for-profit corporation and its subsidiaries are not
21 "agencies" within the meaning of s. 20.03(11).

22 (8)(a) Records of the not-for-profit corporation and
23 of its subsidiaries are public records unless made
24 confidential or exempt by law.

25 (b) Proprietary confidential business information is
26 confidential and exempt from the provisions of s. 119.07(1)
27 and s. 24(a), Art. I of the State Constitution. However, the
28 Auditor General, the Office of Program Policy Analysis and
29 Government Accountability, and the State Board of Education,
30 pursuant to their oversight and auditing functions, must be
31 given access to all proprietary confidential business

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1 information upon request and without subpoena and must
2 maintain the confidentiality of information so received. As
3 used in this paragraph, the term "proprietary confidential
4 business information" means information, regardless of its
5 form or characteristics, which is owned or controlled by the
6 not-for-profit corporation or its subsidiaries; is intended to
7 be and is treated by the not-for-profit corporation or its
8 subsidiaries as private and the disclosure of which would harm
9 the business operations of the not-for-profit corporation or
10 its subsidiaries; has not been intentionally disclosed by the
11 corporation or its subsidiaries unless pursuant to law, an
12 order of a court or administrative body, a legislative
13 proceeding pursuant to s. 5, Art. III of the State
14 Constitution, or a private agreement that provides that the
15 information may be released to the public; and which is
16 information concerning:

17 1. Internal auditing controls and reports of internal
18 auditors;

19 2. Matters reasonably encompassed in privileged
20 attorney-client communications;

21 3. Contracts for managed-care arrangements, including
22 preferred provider organization contracts, health maintenance
23 organization contracts, and exclusive provider organization
24 contracts, and any documents directly relating to the
25 negotiation, performance, and implementation of any such
26 contracts for managed-care arrangements;

27 4. Bids or other contractual data, banking records,
28 and credit agreements the disclosure of which would impair the
29 efforts of the not-for-profit corporation or its subsidiaries
30 to contract for goods or services on favorable terms;

31 5. Information relating to private contractual data,

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1 the disclosure of which would impair the competitive interest
2 of the provider of the information;

3 6. Corporate officer and employee personnel
4 information;

5 7. Information relating to the proceedings and records
6 of credentialing panels and committees and of the governing
7 board of the not-for-profit corporation or its subsidiaries
8 relating to credentialing;

9 8. Minutes of meetings of the governing board of the
10 not-for-profit corporation and its subsidiaries, except
11 minutes of meetings open to the public pursuant to subsection
12 (9);

13 9. Information that reveals plans for marketing
14 services that the corporation or its subsidiaries reasonably
15 expect to be provided by competitors;

16 10. Trade secrets as defined in s. 688.002, including
17 reimbursement methodologies or rates; or

18 11. The identity of donors or prospective donors of
19 property who wish to remain anonymous or any information
20 identifying such donors or prospective donors. The anonymity
21 of these donors or prospective donors must be maintained in
22 the auditor's report.

23
24 As used in this paragraph, the term "managed care" means
25 systems or techniques generally used by third-party payors or
26 their agents to affect access to and control payment for
27 health care services. Managed-care techniques most often
28 include one or more of the following: prior, concurrent, and
29 retrospective review of the medical necessity and
30 appropriateness of services or site of services; contracts
31 with selected health care providers; financial incentives or

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1 disincentives related to the use of specific providers,
2 services, or service sites; controlled access to and
3 coordination of services by a case manager; and payor efforts
4 to identify treatment alternatives and modify benefit
5 restrictions for high-cost patient care.

6 (9) Meetings of the governing board of the
7 not-for-profit corporation and meetings of the subsidiaries of
8 the not-for-profit corporation at which the expenditure of
9 dollars appropriated to the not-for-profit corporation by the
10 state are discussed or reported must remain open to the public
11 in accordance with s. 286.011 and s. 24(b), Art. I of the
12 State Constitution, unless made confidential or exempt by law.
13 Other meetings of the governing board of the not-for-profit
14 corporation and of the subsidiaries of the not-for-profit
15 corporation are exempt from s. 286.011 and s. 24(b), Art. I of
16 the State Constitution.

17 Section 189. Section 1004.435, Florida Statutes, is
18 created to read:

19 1004.435 Cancer control and research.--

20 (1) SHORT TITLE.--This section shall be known and may
21 be cited as the "Cancer Control and Research Act."

22 (2) LEGISLATIVE INTENT.--It is the finding of the
23 Legislature that:

24 (a) Advances in scientific knowledge have led to the
25 development of preventive and therapeutic capabilities in the
26 control of cancer. Such knowledge and therapy must be made
27 available to all citizens of this state through educational
28 and therapeutic programs.

29 (b) The present state of our knowledge concerning the
30 prevalence, cause or associated factors, and treatment of
31 cancer have resulted primarily from a vast federal investment

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1 into basic and clinical research, some of which is expended in
2 this state. These research activities must continue, but
3 programs must be established to extend this knowledge in
4 preventive measures and patient treatment throughout the
5 state.

6 (c) Research in cancer has implicated the environment
7 as a causal factor for many types of cancer, i.e., sunshine, X
8 rays, diet, smoking, etc., and programs are needed to further
9 document such cause and effect relationships. Proven causes
10 of cancer should be publicized and be the subject of
11 educational programs for the prevention of cancer.

12 (d) An effective cancer control program would mobilize
13 the scientific, educational, and medical resources that
14 presently exist into an intense attack against this dread
15 disease.

16 (3) DEFINITIONS.--The following words and phrases when
17 used in this section have, unless the context clearly
18 indicates otherwise, the meanings given to them in this
19 subsection:

20 (a) "Cancer" means all malignant neoplasms, regardless
21 of the tissue of origin, including lymphoma and leukemia.

22 (b) "Council" means the Florida Cancer Control and
23 Research Advisory Council, which is an advisory body appointed
24 to function on a continuing basis for the study of cancer and
25 which recommends solutions and policy alternatives to the
26 State Board of Education and the secretary and which is
27 established by this section.

28 (c) "Department" means the Department of Health.

29 (d) "Fund" means the Florida Cancer Control and
30 Research Fund established by this section.

31 (e) "Qualified nonprofit association" means any

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1 association, incorporated or unincorporated, that has received
2 tax-exempt status from the Internal Revenue Service.

3 (f) "Secretary" means the Secretary of Health.

4 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY
5 COUNCIL; CREATION; COMPOSITION.--

6 (a) There is created within the H. Lee Moffitt Cancer
7 Center and Research Institute, Inc., the Florida Cancer
8 Control and Research Advisory Council. The council shall
9 consist of 35 members, which includes the chairperson, all of
10 whom must be residents of this state. All members, except
11 those appointed by the Speaker of the House of Representatives
12 and the President of the Senate, must be appointed by the
13 Governor. At least one of the members appointed by the
14 Governor must be 60 years of age or older. One member must be
15 a representative of the American Cancer Society; one member
16 must be a representative of the Florida Tumor Registrars
17 Association; one member must be a representative of the
18 Sylvester Comprehensive Cancer Center of the University of
19 Miami; one member must be a representative of the Department
20 of Health; one member must be a representative of the
21 University of Florida Shands Cancer Center; one member must be
22 a representative of the Agency for Health Care Administration;
23 one member must be a representative of the Florida Nurses
24 Association; one member must be a representative of the
25 Florida Osteopathic Medical Association; one member must be a
26 representative of the American College of Surgeons; one member
27 must be a representative of the School of Medicine of the
28 University of Miami; one member must be a representative of
29 the College of Medicine of the University of Florida; one
30 member must be a representative of NOVA Southeastern College
31 of Osteopathic Medicine; one member must be a representative

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1 of the College of Medicine of the University of South Florida;
2 one member must be a representative of the College of Public
3 Health of the University of South Florida; one member must be
4 a representative of the Florida Society of Clinical Oncology;
5 one member must be a representative of the Florida Obstetric
6 and Gynecologic Society who has had training in the specialty
7 of gynecologic oncology; one member must be a representative
8 of the Florida Medical Association; one member must be a
9 member of the Florida Pediatric Society; one member must be a
10 representative of the Florida Radiological Society; one member
11 must be a representative of the Florida Society of
12 Pathologists; one member must be a representative of the H.
13 Lee Moffitt Cancer Center and Research Institute, Inc.; three
14 members must be representatives of the general public acting
15 as consumer advocates; one member must be a member of the
16 House of Representatives appointed by the Speaker of the House
17 of Representatives; one member must be a member of the Senate
18 appointed by the President of the Senate; one member must be a
19 representative of the Department of Education; one member must
20 be a representative of the Florida Dental Association; one
21 member must be a representative of the Florida Hospital
22 Association; one member must be a representative of the
23 Association of Community Cancer Centers; one member shall be a
24 representative from a statutory teaching hospital affiliated
25 with a community-based cancer center; one member must be a
26 representative of the Florida Association of Pediatric Tumor
27 Programs, Inc.; one member must be a representative of the
28 Cancer Information Service; one member must be a
29 representative of the Florida Agricultural and Mechanical
30 University Institute of Public Health; and one member must be
31 a representative of the Florida Society of Oncology Social

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1 Workers. Of the members of the council appointed by the
2 Governor, at least 10 must be individuals who are minority
3 persons as defined by s. 288.703(3).

4 (b) The terms of the members shall be 4 years from
5 their respective dates of appointment.

6 (c) A chairperson shall be appointed by the Governor
7 for a term of 2 years. The chairperson shall appoint an
8 executive committee of no fewer than three persons to serve at
9 the pleasure of the chairperson. This committee will prepare
10 material for the council but make no final decisions.

11 (d) The council shall meet no less than semiannually
12 at the call of the chairperson or, in his or her absence or
13 incapacity, at the call of the secretary. Sixteen members
14 constitute a quorum for the purpose of exercising all of the
15 powers of the council. A vote of the majority of the members
16 present is sufficient for all actions of the council.

17 (e) The council members shall serve without pay.
18 Pursuant to the provisions of s. 112.061, the council members
19 may be entitled to be reimbursed for per diem and travel
20 expenses.

21 (f) No member of the council shall participate in any
22 discussion or decision to recommend grants or contracts to any
23 qualified nonprofit association or to any agency of this state
24 or its political subdivisions with which the member is
25 associated as a member of the governing body or as an employee
26 or with which the member has entered into a contractual
27 arrangement.

28 (g) The council may prescribe, amend, and repeal
29 bylaws governing the manner in which the business of the
30 council is conducted.

31 (h) The council shall advise the State Board of

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1 Education, the secretary, and the Legislature with respect to
2 cancer control and research in this state.

3 (i) The council shall approve each year a program for
4 cancer control and research to be known as the "Florida Cancer
5 Plan" which shall be consistent with the State Health Plan and
6 integrated and coordinated with existing programs in this
7 state.

8 (j) The council shall formulate and recommend to the
9 secretary a plan for the care and treatment of persons
10 suffering from cancer and recommend the establishment of
11 standard requirements for the organization, equipment, and
12 conduct of cancer units or departments in hospitals and
13 clinics in this state. The council may recommend to the
14 secretary the designation of cancer units following a survey
15 of the needs and facilities for treatment of cancer in the
16 various localities throughout the state. The secretary shall
17 consider the plan in developing departmental priorities and
18 funding priorities and standards under chapter 395.

19 (k) The council is responsible for including in the
20 Florida Cancer Plan recommendations for the coordination and
21 integration of medical, nursing, paramedical, lay, and other
22 plans concerned with cancer control and research. Committees
23 shall be formed by the council so that the following areas
24 will be established as entities for actions:

25 1. Cancer plan evaluation: tumor registry, data
26 retrieval systems, and epidemiology of cancer in the state and
27 its relation to other areas.

28 2. Cancer prevention.

29 3. Cancer detection.

30 4. Cancer patient management: treatment,
31 rehabilitation, terminal care, and other patient-oriented

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1 activities.

2 5. Cancer education: lay and professional.

3 6. Unproven methods of cancer therapy: quackery and
4 unorthodox therapies.

5 7. Investigator-initiated project research.

6 (l) In order to implement in whole or in part the
7 Florida Cancer Plan, the council shall recommend to the State
8 Board of Education or the secretary the awarding of grants and
9 contracts to qualified profit or nonprofit associations or
10 governmental agencies in order to plan, establish, or conduct
11 programs in cancer control or prevention, cancer education and
12 training, and cancer research.

13 (m) If funds are specifically appropriated by the
14 Legislature, the council shall develop or purchase
15 standardized written summaries, written in layperson's terms
16 and in language easily understood by the average adult
17 patient, informing actual and high-risk breast cancer
18 patients, prostate cancer patients, and men who are
19 considering prostate cancer screening of the medically viable
20 treatment alternatives available to them in the effective
21 management of breast cancer and prostate cancer; describing
22 such treatment alternatives; and explaining the relative
23 advantages, disadvantages, and risks associated therewith.
24 The breast cancer summary, upon its completion, shall be
25 printed in the form of a pamphlet or booklet and made
26 continuously available to physicians and surgeons in this
27 state for their use in accordance with s. 458.324 and to
28 osteopathic physicians in this state for their use in
29 accordance with s. 459.0125. The council shall periodically
30 update both summaries to reflect current standards of medical
31 practice in the treatment of breast cancer and prostate

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1 cancer. The council shall develop and implement educational
2 programs, including distribution of the summaries developed or
3 purchased under this paragraph, to inform citizen groups,
4 associations, and voluntary organizations about early
5 detection and treatment of breast cancer and prostate cancer.

6 (n) The council shall have the responsibility to
7 advise the State Board of Education and the secretary on
8 methods of enforcing and implementing laws already enacted and
9 concerned with cancer control, research, and education.

10 (o) The council may recommend to the State Board of
11 Education or the secretary rules not inconsistent with law as
12 it may deem necessary for the performance of its duties and
13 the proper administration of this section.

14 (p) The council shall formulate and put into effect a
15 continuing educational program for the prevention of cancer
16 and its early diagnosis and disseminate to hospitals, cancer
17 patients, and the public information concerning the proper
18 treatment of cancer.

19 (q) The council shall be physically located at the H.
20 Lee Moffitt Cancer Center and Research Institute, Inc., at the
21 University of South Florida.

22 (r) On February 15 of each year, the council shall
23 report to the Governor and to the Legislature.

24 (5) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION,
25 THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.,
26 AND THE SECRETARY.--

27 (a) The State Board of Education or the secretary,
28 after consultation with the council, shall award grants and
29 contracts to qualified nonprofit associations and governmental
30 agencies in order to plan, establish, or conduct programs in
31 cancer control and prevention, cancer education and training,

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1 and cancer research.

2 (b) The H. Lee Moffitt Cancer Center and Research
3 Institute, Inc., shall provide such staff, information, and
4 other assistance as reasonably necessary for the completion of
5 the responsibilities of the council.

6 (c) The State Board of Education or the secretary,
7 after consultation with the council, may adopt rules necessary
8 for the implementation of this section.

9 (d) The secretary, after consultation with the
10 council, shall make rules specifying to what extent and on
11 what terms and conditions cancer patients of the state may
12 receive financial aid for the diagnosis and treatment of
13 cancer in any hospital or clinic selected. The department may
14 furnish to citizens of this state who are afflicted with
15 cancer financial aid to the extent of the appropriation
16 provided for that purpose in a manner which in its opinion
17 will afford the greatest benefit to those afflicted and may
18 make arrangements with hospitals, laboratories, or clinics to
19 afford proper care and treatment for cancer patients in this
20 state.

21 (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

22 (a) There is created the Florida Cancer Control and
23 Research Fund consisting of funds appropriated therefor from
24 the General Revenue Fund and any gifts, grants, or funds
25 received from other sources.

26 (b) The fund shall be used exclusively for grants and
27 contracts to qualified nonprofit associations or governmental
28 agencies for the purpose of cancer control and prevention,
29 cancer education and training, cancer research, and all
30 expenses incurred in connection with the administration of
31 this section and the programs funded through the grants and

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1 contracts authorized by the State Board of Education or the
2 secretary.

3 Section 190. Section 1004.44, Florida Statutes, is
4 created to read:

5 1004.44 Louis de la Parte Florida Mental Health
6 Institute.--There is established the Louis de la Parte Florida
7 Mental Health Institute within the University of South
8 Florida.

9 (1) The purpose of the institute is to strengthen
10 mental health services throughout the state by providing
11 technical assistance and support services to mental health
12 agencies and mental health professionals. Such assistance and
13 services shall include:

14 (a) Technical training and specialized education.

15 (b) Development, implementation, and evaluation of
16 mental health service programs.

17 (c) Evaluation of availability and effectiveness of
18 existing mental health services.

19 (d) Analysis of factors that influence the incidence
20 and prevalence of mental and emotional disorders.

21 (e) Dissemination of information about innovations in
22 mental health services.

23 (f) Consultation on all aspects of program development
24 and implementation.

25 (g) Provisions for direct client services, provided
26 for a limited period of time either in the institute facility
27 or in other facilities within the state, and limited to
28 purposes of research or training.

29 (2) The Department of Children and Family Services is
30 authorized to designate the Louis de la Parte Florida Mental
31 Health Institute a treatment facility for the purpose of

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1 accepting voluntary and involuntary clients in accordance with
2 institute programs. Clients to be admitted are exempted from
3 prior screening by a community mental health center.

4 (3) The institute may provide direct services in
5 coordination with other agencies. The institute may also
6 provide support services to state agencies through joint
7 programs, collaborative agreements, contracts, and grants.

8 (4) The institute shall operate under the authority of
9 the President of the University of South Florida and shall
10 employ a mental health professional as director. The director
11 shall hold a faculty appointment in a university's college or
12 department related to mental health within the university.
13 The director has primary responsibility for establishing
14 active liaisons with the community of mental health
15 professionals and other related constituencies in the state
16 and may, with approval of the university president, establish
17 appropriate statewide advisory groups to assist in developing
18 these communication links.

19 Section 191. Section 1004.445, Florida Statutes, is
20 created to read:

21 1004.445 Florida Alzheimer's Center and Research
22 Institute.--

23 (1) There is established the Florida Alzheimer's
24 Center and Research Institute at the University of South
25 Florida.

26 (2)(a) The State Board of Education shall enter into
27 an agreement for the utilization of the facilities on the
28 campus of the University of South Florida to be known as the
29 Florida Alzheimer's Center and Research Institute, including
30 all furnishings, equipment, and other chattels used in the
31 operation of said facilities, with a Florida not-for-profit

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1 corporation organized solely for the purpose of governing and
2 operating the Florida Alzheimer's Center and Research
3 Institute. This not-for-profit corporation, acting as an
4 instrumentality of the state, shall govern and operate the
5 Florida Alzheimer's Center and Research Institute in
6 accordance with the terms of the agreement between the State
7 Board of Education and the not-for-profit corporation. The
8 not-for-profit corporation may, with the prior approval of the
9 State Board of Education, create not-for-profit corporate
10 subsidiaries to fulfill its mission. The not-for-profit
11 corporation and its subsidiaries are authorized to receive,
12 hold, invest, and administer property and any moneys received
13 from private, local, state, and federal sources, as well as
14 technical and professional income generated or derived from
15 practice activities of the institute, for the benefit of the
16 institute and the fulfillment of its mission.

17 (b)1. The affairs of the not-for-profit corporation
18 shall be managed by a board of directors who shall serve
19 without compensation. The board of directors shall consist of
20 the President of the University of South Florida and the chair
21 of the State Board of Education, or their designees, five
22 representatives of the state universities, and no fewer than
23 nine nor more than 14 representatives of the public who are
24 neither medical doctors nor state employees. Each director
25 who is a representative of a state university or of the public
26 shall serve a term of 3 years. The chair of the board of
27 directors shall be selected by a majority vote of the
28 directors. Each director shall have only one vote.

29 2. The initial board of directors shall consist of the
30 President of the University of South Florida and the chair of
31 the State Board of Education, or their designees; the five

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1 university representatives, of whom one shall be appointed by
2 the Governor, two by the President of the Senate, and two by
3 the Speaker of the House of Representatives; and nine public
4 representatives, of whom three shall be appointed by the
5 Governor, three by the President of the Senate, and three by
6 the Speaker of the House of Representatives. Upon the
7 expiration of the terms of the initial appointed directors,
8 all directors subject to 3-year terms of office under this
9 paragraph shall be elected by a majority vote of the directors
10 and the board may be expanded to include additional public
11 representative directors up to the maximum number allowed.
12 Any vacancy in office shall be filled for the remainder of the
13 term by majority vote of the directors. Any director may be
14 reelected.

15 (3) The State Board of Education shall provide in the
16 agreement with the not-for-profit corporation for the
17 following:

18 (a) Approval by the State Board of Education of the
19 articles of incorporation of the not-for-profit corporation.

20 (b) Approval by the State Board of Education of the
21 articles of incorporation of any not-for-profit corporate
22 subsidiary created by the not-for-profit corporation.

23 (c) Utilization of hospital facilities and personnel
24 by the not-for-profit corporation and its subsidiaries for
25 mutually approved teaching and research programs conducted by
26 the University of South Florida or other accredited medical
27 schools or research institutes.

28 (d) Preparation of an annual postaudit of the
29 not-for-profit corporation's financial accounts and the
30 financial accounts of any subsidiaries to be conducted by an
31 independent certified public accountant. The annual audit

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1 report shall include management letters and shall be submitted
2 to the Auditor General and the State Board of Education for
3 review. The State Board of Education, the Auditor General,
4 and the Office of Program Policy Analysis and Government
5 Accountability shall have the authority to require and receive
6 from the not-for-profit corporation and any subsidiaries or
7 from their independent auditor any detail or supplemental data
8 relative to the operation of the not-for-profit corporation or
9 subsidiary.

10 (e) Provision by the not-for-profit corporation and
11 its subsidiaries of equal employment opportunities to all
12 persons regardless of race, color, religion, gender, age, or
13 national origin.

14 (4) The State Board of Education is authorized to
15 secure comprehensive general liability protection, including
16 professional liability protection, for the not-for-profit
17 corporation and its subsidiaries, pursuant to s. 1004.24.

18 (5) In the event that the agreement between the
19 not-for-profit corporation and the State Board of Education is
20 terminated for any reason, the State Board of Education shall
21 assume governance and operation of the facilities.

22 (6) The institute shall be administered by a chief
23 executive officer who shall be appointed by and serve at the
24 pleasure of the board of directors of the not-for-profit
25 corporation and who shall have the following powers and
26 duties, subject to the approval of the board of directors:

27 (a) The chief executive officer shall establish
28 programs that fulfill the mission of the institute in
29 research, education, treatment, prevention, and early
30 detection of Alzheimer's disease; however, the chief executive
31 officer may not establish academic programs for which academic

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1 credit is awarded and which terminate in the conferring of a
2 degree without prior approval of the State Board of Education.

3 (b) The chief executive officer shall have control
4 over the budget and the moneys appropriated or donated to the
5 institute from private, local, state, and federal sources, as
6 well as technical and professional income generated or derived
7 from practice activities of the institute. However,
8 professional income generated by university faculty from
9 practice activities at the institute shall be shared between
10 the institute and the university as determined by the chief
11 executive officer and the appropriate university dean or vice
12 president.

13 (c) The chief executive officer shall appoint members
14 to carry out the research, patient care, and educational
15 activities of the institute and determine compensation,
16 benefits, and terms of service. Members of the institute
17 shall be eligible to hold concurrent appointments at
18 affiliated academic institutions. University faculty shall be
19 eligible to hold concurrent appointments at the institute.

20 (d) The chief executive officer shall have control
21 over the use and assignment of space and equipment within the
22 facilities.

23 (e) The chief executive officer shall have the power
24 to create the administrative structure necessary to carry out
25 the mission of the institute.

26 (f) The chief executive officer shall have a reporting
27 relationship to the Commissioner of Education.

28 (g) The chief executive officer shall provide a copy
29 of the institute's annual report to the Governor and Cabinet,
30 the President of the Senate, the Speaker of the House of
31 Representatives, and the chair of the State Board of

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2 (7) The board of directors of the not-for-profit
3 corporation shall create a council of scientific advisers to
4 the chief executive officer comprised of leading researchers,
5 physicians, and scientists. The council shall review programs
6 and recommend research priorities and initiatives to maximize
7 the state's investment in the institute. The members of the
8 council shall be appointed by the board of directors of the
9 not-for-profit corporation, except for five members who shall
10 be appointed by the State Board of Education. Each member of
11 the council shall be appointed to serve a 2-year term and may
12 be reappointed to the council.

13 (8) In carrying out the provisions of this section,
14 the not-for-profit corporation and its subsidiaries are not
15 agencies within the meaning of s. 20.03(11).

16 Section 192. The sum of \$20 million is appropriated
17 for fiscal year 2002-2003 from the Public Education Capital
18 Outlay and Debt Service Trust Fund to the University of South
19 Florida for partial construction of a \$40 million research
20 facility at the university for the Florida Alzheimer's Center
21 and Research Institute.

22 Section 193. The sum of \$20 million is appropriated
23 for fiscal year 2002-2003 from the General Revenue Fund to the
24 University of South Florida for the operations of the Florida
25 Alzheimer's Center and Research Institute. From this amount
26 \$15 million shall be used by the institute to contract with
27 the following entities, at \$5 million each, to support the
28 purposes of this act: the Mayo Clinic in Jacksonville,
29 Florida; the University of Florida; and the University of
30 Miami.

31 Section 194. Section 1004.45, Florida Statutes, is

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1 created to read:

2 1004.45 Ringling Center for Cultural Arts.--

3 (1) The Florida State University Ringling Center for
4 Cultural Arts is created. The center consists of the following
5 properties located in Sarasota County:

6 (a) The John and Mable Ringling Museum of Art composed
7 of:

8 1. The art museum.

9 2. The Ca' d'Zan (the Ringling residence).

10 3. The Ringling Museum of the Circus.

11 (b) The Florida State University Center for the Fine
12 and Performing Arts, including the Asolo Theater and the
13 Florida State University Center for the Performing Arts, both
14 of which shall provide for academic programs in theatre,
15 dance, art, art history, and museum management.

16
17 The center shall be operated by the Florida State University,
18 which shall be charged with encouraging participation by K-12
19 schools and by other postsecondary educational institutions,
20 public and private, in the educational and cultural enrichment
21 programs of the center.

22 (2)(a) The John and Mable Ringling Museum of Art is
23 designated as the official Art Museum of the State of Florida.
24 The purpose and function of the museum is to maintain and
25 preserve all objects of art and artifacts donated to the state
26 through the will of John Ringling; to acquire and preserve
27 objects of art or artifacts of historical or cultural
28 significance; to exhibit such objects to the public; to
29 undertake scholarly research and publication, including that
30 relating to the collection; to provide educational programs
31 for students at K-12 schools and those in college and graduate

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1 school and enrichment programs for children and adults; to
2 assist other museums in the state and nation through education
3 programs and through loaning objects from the collection when
4 such loans do not threaten the safety and security of the
5 objects; to enhance knowledge and appreciation of the
6 collection; and to engage in other activities related to
7 visual arts which benefit the public. The museum shall also
8 engage in programs on the national and international level to
9 enhance further the cultural resources of the state.

10 (b) The Florida State University shall approve a John
11 and Mable Ringling Museum of Art direct-support organization.
12 Such direct-support organization shall consist of no more than
13 31 members appointed by the president of the university from a
14 list of nominees provided by the Ringling direct-support
15 organization. No fewer than one-third of the members must be
16 residents of Sarasota and Manatee Counties, and the remaining
17 members may reside elsewhere. The current members of the Board
18 of Trustees of the John and Mable Ringling Museum of Art may
19 be members of the direct-support organization. They shall
20 develop a charter and bylaws to govern their operation, and
21 these shall be subject to approval by the Florida State
22 University.

23 (c) The John and Mable Ringling Museum of Art
24 direct-support organization, operating under the charter and
25 bylaws and such contracts as are approved by the university,
26 shall set policies to maintain and preserve the collections of
27 the Art Museum; the Circus Museum; the furnishings and objects
28 in the Ringling home, referred to as the Ca' d'Zan; and other
29 objects of art and artifacts in the custody of the museum.
30 Title to all such collections, art objects, and artifacts of
31 the museums and its facilities shall remain with the Florida

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1 State University, which shall assign state registration
2 numbers to, and conduct annual inventories of, all such
3 properties. The direct-support organization shall develop
4 policy for the museum, subject to the provisions of the John
5 Ringling will and the overall direction of the president of
6 the university; and it is invested with power and authority to
7 nominate a museum director who is appointed by and serves at
8 the pleasure of the president of the university and shall
9 report to the provost of the university or his or her
10 designee. The museum director, with the approval of the
11 provost or his or her designee, shall appoint other employees
12 in accordance with Florida Statutes and rules; remove the same
13 in accordance with Florida Statutes and rules; provide for the
14 proper keeping of accounts and records and budgeting of funds;
15 enter into contracts for professional programs of the museum
16 and for the support and maintenance of the museum; secure
17 public liability insurance; and do and perform every other
18 matter or thing requisite to the proper management,
19 maintenance, support, and control of the museum at the highest
20 efficiency economically possible, while taking into
21 consideration the purposes of the museum.

22 (d) Notwithstanding the provision of s. 287.057, the
23 John and Mable Ringling Museum of Art direct-support
24 organization may enter into contracts or agreements with or
25 without competitive bidding, in its discretion, for the
26 restoration of objects of art in the museum collection or for
27 the purchase of objects of art that are to be added to the
28 collection.

29 (e) Notwithstanding s. 273.055, the university may
30 sell any art object in the museum collection, which object has
31 been acquired after 1936, if the director and the

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1 direct-support organization recommend such sale to the
2 president of the university and if they first determine that
3 the object is no longer appropriate for the collection. The
4 proceeds of the sale shall be deposited in the Ringling Museum
5 Art Acquisition, Restoration, and Conservation Trust Fund. The
6 university also may exchange any art object in the collection,
7 which object has been acquired after 1936, for an art object
8 or objects that the director and the museum direct-support
9 organization recommend to the university after judging these
10 to be of equivalent or greater value to the museum.

11 (f) An employee or member of the museum direct-support
12 organization may not receive a commission, fee, or financial
13 benefit in connection with the sale or exchange of a work of
14 art and may not be a business associate of any individual,
15 firm, or organization involved in the sale or exchange.

16 (g) The university, in consultation with the
17 direct-support organization, shall establish policies and may
18 adopt rules for the sale or exchange of works of art.

19 (h) The John and Mable Ringling Museum of Art
20 direct-support organization shall provide for an annual
21 financial audit in accordance with s. 1004.28(5). Florida
22 State University is authorized to require and receive from the
23 direct-support organization, or from its independent auditor,
24 any detail or supplemental data relative to the operation of
25 such organization. Information that, if released, would
26 identify donors who desire to remain anonymous, is
27 confidential and exempt from the provisions of s. 119.07(1).
28 Information that, if released, would identify prospective
29 donors is confidential and exempt from the provisions of s.
30 119.07(1) when the direct-support organization has identified
31 the prospective donor itself and has not obtained the name of

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1 the prospective donor by copying, purchasing, or borrowing
2 names from another organization or source. Identities of such
3 donors and prospective donors shall not be revealed in the
4 auditor's report.

5 (i) The direct-support organization is given authority
6 to make temporary loans of paintings and other objects of art
7 or artifacts belonging to the John and Mable Ringling Museum
8 of Art for the purpose of public exhibition in art museums,
9 other museums, or institutions of higher learning wherever
10 located, including such museums or institutions in other
11 states or countries. Temporary loans may also be made to the
12 executive mansion in Tallahassee, chapters and affiliates of
13 the John and Mable Ringling Museum of Art, and, for education
14 purposes, to schools, public libraries, or other institutions
15 in the state, if such exhibition will benefit the general
16 public as the university deems wise and for the best interest
17 of the John and Mable Ringling Museum of Art and under
18 policies established by Florida State University for the
19 protection of the paintings and other objects of art and
20 artifacts. In making temporary loans, the direct-support
21 organization shall give first preference to art museums, other
22 museums, and institutions of higher learning.

23 (j) Notwithstanding any other provision of law, the
24 John and Mable Ringling Museum of Art direct-support
25 organization is eligible to match state funds in the Major
26 Gifts Trust Fund established pursuant to s. 1011.94 as
27 follows:

28 1. For the first \$1,353,750, matching shall be on the
29 basis of 75 cents in state matching for each dollar of private
30 funds.

31 2. For additional funds, matching shall be provided on

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1 the same basis as is authorized in s. 1011.94.

2 Section 195. Section 1004.46, Florida Statutes, is
3 created to read:

4 1004.46 Multidisciplinary Center for Affordable
5 Housing.--

6 (1) The Multidisciplinary Center for Affordable
7 Housing is established within the School of Building
8 Construction of the College of Architecture of the University
9 of Florida with the collaboration of other related disciplines
10 such as agriculture, business administration, engineering,
11 law, and medicine. The center shall work in conjunction with
12 other state universities. The Multidisciplinary Center for
13 Affordable Housing shall:

14 (a) Conduct research relating to the problems and
15 solutions associated with the availability of affordable
16 housing in the state for families who are below the median
17 income level and widely disseminate the results of such
18 research to appropriate public and private audiences in the
19 state. Such research shall emphasize methods to improve the
20 planning, design, and production of affordable housing,
21 including, but not limited to, the financial, maintenance,
22 management, and regulatory aspects of residential development.

23 (b) Provide public services to local, regional, and
24 state agencies, units of government, and authorities by
25 helping them create regulatory climates that are amenable to
26 the introduction of affordable housing within their
27 jurisdictions.

28 (c) Conduct special research relating to firesafety.

29 (d) Provide a focus for the teaching of new technology
30 and skills relating to affordable housing in the state.

31 (e) Develop a base of informational and financial

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1 support from the private sector for the activities of the
2 center.

3 (f) Develop prototypes for both multifamily and
4 single-family units.

5 (g) Establish a research agenda and general work plan
6 in cooperation with the Department of Community Affairs which
7 is the state agency responsible for research and planning for
8 affordable housing and for training and technical assistance
9 for providers of affordable housing.

10 (h) Submit a report to the Governor, the President of
11 the Senate, and the Speaker of the House of Representatives by
12 January 1 of each year. The annual report shall include
13 information relating to the activities of the center,
14 including collaborative efforts with public and private
15 entities, affordable housing models, and any other findings
16 and recommendations related to the production of safe, decent,
17 and affordable housing.

18 (2) The Director of the Multidisciplinary Center for
19 Affordable Housing shall be appointed by the Dean of the
20 College of Architecture of the University of Florida.

21 Section 196. Section 1004.47, Florida Statutes, is
22 created to read:

23 1004.47 Research activities relating to solid and
24 hazardous waste management.--Research, training, and service
25 activities related to solid and hazardous waste management
26 conducted by state universities shall be coordinated by the
27 State Board of Education. Proposals for research contracts and
28 grants; public service assignments; and responses to requests
29 for information and technical assistance by state and local
30 government, business, and industry shall be addressed by a
31 formal Type I Center process involving an advisory board of

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1 university personnel appointed by the Commissioner of
2 Education and chaired and directed by an individual appointed
3 by the Commissioner of Education. The State Board of Education
4 shall consult with the Department of Environmental Protection
5 in developing the research programs and provide the department
6 with a copy of the proposed research program for review and
7 comment before the research is undertaken. Research contracts
8 shall be awarded to independent nonprofit colleges and
9 universities within the state which are accredited by the
10 Southern Association of Colleges and Schools on the same basis
11 as those research contracts awarded to the state universities.
12 Research activities shall include, but are not limited to, the
13 following areas:

14 (1) Methods and processes for recycling solid and
15 hazardous waste.

16 (2) Methods of treatment for detoxifying hazardous
17 waste.

18 (3) Technologies for disposing of solid and hazardous
19 waste.

20 Section 197. Section 1004.48, Florida Statutes, is
21 created to read:

22 1004.48 Research protocols to determine most
23 appropriate pollutant dispersal agents.--The Center for Solid
24 and Hazardous Waste Management shall coordinate the research
25 protocols for projects to determine the most appropriate
26 dispersal agents that can be used in an environmentally safe
27 manner in Florida waters as part of a pollutant cleanup
28 activity. Such research shall be used by the Department of
29 Environmental Protection in approving the use of such agents
30 by pollutant spill cleanup contractors and others who may be
31 required to use such agents in containing and cleaning up

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1 pollutant spills in the waters of the state.

2 Section 198. Section 1004.49, Florida Statutes, is
3 created to read:

4 1004.49 Florida LAKEWATCH Program.--The Florida
5 LAKEWATCH Program is hereby created within the Department of
6 Fisheries and Aquaculture of the Institute of Food and
7 Agricultural Sciences at the University of Florida. The
8 purpose of the program is to provide public education and
9 training with respect to the water quality of Florida's lakes.
10 The Department of Fisheries and Aquaculture may, in
11 implementing the LAKEWATCH program:

12 (1) Train, supervise, and coordinate volunteers to
13 collect water quality data from Florida's lakes.

14 (2) Compile the data collected by volunteers.

15 (3) Disseminate information to the public about the
16 LAKEWATCH program.

17 (4) Provide or loan equipment to volunteers in the
18 program.

19 (5) Perform other functions as may be necessary or
20 beneficial in coordinating the LAKEWATCH program.

21
22 Data collected and compiled shall be used to establish trends
23 and provide general background information and shall in no
24 instance be used in a regulatory proceeding.

25 Section 199. Section 1004.50, Florida Statutes, is
26 created to read:

27 1004.50 Institute on Urban Policy and Commerce.--

28 (1) There is created the Institute on Urban Policy and
29 Commerce as a Type I Institute at Florida Agricultural and
30 Mechanical University to improve the quality of life in urban
31 communities through research, teaching, and outreach

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1 activities.

2 (2) The major purposes of the institute are to pursue
3 basic and applied research on urban policy issues confronting
4 the inner-city areas and neighborhoods in the state; to
5 influence the equitable allocation and stewardship of federal,
6 state, and local financial resources; to train a new
7 generation of civic leaders and university students interested
8 in approaches to community planning and design; to assist with
9 the planning, development, and capacity building of urban area
10 nonprofit organizations and government agencies; to develop
11 and maintain a database relating to inner-city areas; and to
12 support the community development efforts of inner-city areas,
13 neighborhood-based organizations, and municipal agencies.

14 (3) The institute shall research and recommend
15 strategies concerning critical issues facing the underserved
16 population in urban communities, including, but not limited
17 to, transportation and physical infrastructure; affordable
18 housing; tourism and commerce; environmental restoration; job
19 development and retention; child care; public health; lifelong
20 learning; family intervention; public safety; and community
21 relations.

22 (4) The institute may establish regional urban centers
23 to be located in the inner cities of St. Petersburg, Tampa,
24 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,
25 Miami, Daytona Beach, and Pensacola to assist urban
26 communities on critical economic, social, and educational
27 problems affecting the underserved population.

28 (5) Before January 1 of each year, the institute shall
29 submit a report of its critical findings and recommendations
30 for the prior year to the President of the Senate, the Speaker
31 of the House of Representatives, and the appropriate

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1 committees of the Legislature. The report shall be titled "The
2 State of Unmet Needs in Florida's Urban Communities" and shall
3 include, but is not limited to, a recommended list of
4 resources that could be made available for revitalizing urban
5 communities; significant accomplishments and activities of the
6 institute; and recommendations concerning the expansion,
7 improvement, or termination of the institute.

8 (6) The Governor shall submit an annual report to the
9 Legislature on the unmet needs in the state's urban
10 communities.

11 Section 200. Section 1004.51, Florida Statutes, is
12 created to read:

13 1004.51 Community and Faith-based Organizations
14 Initiative; Community and Library Technology Access
15 Partnership.--

16 (1) CREATION.--There is created the Community and
17 Faith-based Organizations Initiative which shall be
18 administered by the Institute on Urban Policy and Commerce at
19 Florida Agricultural and Mechanical University and the
20 Community and Library Technology Access Partnership which
21 shall be administered by the Division of Library and
22 Information Services of the Department of State.

23 (2) INTENT.--The purpose of the initiative is to
24 promote community development in low-income communities
25 through partnerships with not-for-profit community and
26 faith-based organizations. The purpose of the partnership is
27 to encourage public libraries eligible for e-rate discounted
28 telecommunications services to partner with community and
29 faith-based organizations to provide technology access and
30 training to assist other state efforts to close the digital
31 divide.

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1 (3) AUTHORIZED ACTIVITIES.--

2 (a) Authorized activities of the initiative.--The
3 Institute on Urban Policy and Commerce at Florida Agricultural
4 and Mechanical University may conduct the following activities
5 as part of the Community and Faith-based Organizations
6 Initiative:

7 1. Create and operate training programs to enhance the
8 professional skills of individuals in community and
9 faith-based organizations.

10 2. Create and operate a program to select and place
11 students and recent graduates from business and related
12 professional schools as interns with community and faith-based
13 organizations for a period not to exceed 1 year, and provide
14 stipends for such interns.

15 3. Organize an annual conference for community and
16 faith-based organizations to discuss and share information on
17 best practices regarding issues relevant to the creation,
18 operation, and sustainability of these organizations.

19 4. Provide funding for the development of materials
20 for courses on topics in the area of community development,
21 and for research on economic, operational, and policy issues
22 relating to community development.

23 5. Provide financial assistance to community and
24 faith-based organizations through small grants for
25 partnerships with universities and the operation of programs
26 to build strong communities and future community development
27 leaders. The Institute on Urban Policy and Commerce at Florida
28 Agricultural and Mechanical University shall develop selection
29 criteria for awarding such grants which are based on the goals
30 of the initiative.

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1 The institute, to the maximum extent possible, shall leverage
2 state funding for the initiative with any federal funding that
3 the institute may receive to support similar community-based
4 activities.

5 (b) Authorized activities of the partnership.--The
6 Division of Library and Information Services of the Department
7 of State may conduct the following activities as part of the
8 Community and Library Technology Access Partnership:

9 1. Provide funding for e-rate eligible public
10 libraries to provide technology access and training to
11 community and faith-based organizations. Funding provided
12 under this subparagraph must be for eligible public libraries
13 in distressed communities in the state. The division shall
14 consult with the Institute on Urban Policy and Commerce to
15 identify such communities and to develop criteria to be used
16 in evaluating funding proposals. The division shall coordinate
17 with the institute to ensure that, to the maximum extent
18 possible, the division and the institute leverage their
19 resources under the programs authorized by this section in
20 order to focus efforts on addressing the most distressed
21 communities in the state. The division shall include a
22 representative of the institute on a review team to evaluate
23 funding proposals under this subparagraph.

24 2. Provide a method of assessment and outcome
25 measurement for e-rate eligible public libraries to assess
26 progress in closing the digital divide and in training for
27 individuals to succeed in the emerging information economy.

28 (4) ELIGIBILITY.--A community or faith-based
29 organization receiving funding or other assistance under the
30 Community and Faith-based Organizations Initiative or the
31 Community Library Technology Access Partnership must be a

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1 nonprofit organization holding a current exemption from
2 federal taxation under s. 501(c)(3) or (4) of the Internal
3 Revenue Code. Funding under this section shall not be used for
4 religious or sectarian purposes.

5 Section 201. Section 1004.52, Florida Statutes, is
6 created to read:

7 1004.52 Community computer access grant program.--

8 (1) The Legislature finds that there is a growing
9 digital divide in the state, manifested in the fact that many
10 youths from distressed urban communities do not possess the
11 degree and ease of access to computers and information
12 technologies which youths in other communities in the state
13 possess. This disparity in access to rapidly changing and
14 commercially significant technologies has a negative impact on
15 the educational, workforce development, and employment
16 competitiveness of these needy youths, and thereby impedes the
17 economic development of the distressed urban communities in
18 which these youths reside. Although many public libraries
19 offer users access to computers and are increasingly making
20 library materials available to the public through electronic
21 means, many youths from distressed urban communities do not
22 live near a library that has such technology and do not have
23 computers to access Internet-based virtual libraries.
24 Neighborhood organizations, such as churches, are more likely,
25 however, to be located in closer proximity to the homes of
26 these youths than are educational institutions or libraries,
27 and these youths are more likely to gain the desirable
28 computer access at church-related or other neighborhood
29 facilities than at other institutions. The Legislature
30 therefore finds that a public purpose is served in enhancing
31 the ability of youths from these communities to have access to

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1 computers and the Internet within the neighborhoods in which
2 they reside.

3 (2) Subject to legislative appropriation, there is
4 created the Community High-Technology Investment Partnership
5 (CHIP) program to assist distressed urban communities in
6 securing computers for access by youths between the ages of 5
7 years and 18 years who reside in these communities. The
8 program shall be administered by the Institute on Urban Policy
9 and Commerce at Florida Agricultural and Mechanical University
10 pursuant to a performance-based contract with the Division of
11 Library and Information Services of the Department of State.
12 The division shall develop performance measures, standards,
13 and sanctions for the program. Performance measures must
14 include, but are not limited to: the number of youths
15 obtaining access to computers purchased under this program;
16 the number of hours computers are made available to youths;
17 and the number of hours spent by youths on computers purchased
18 under this program for educational purposes. The
19 administrative costs for administration of this program cannot
20 exceed 10 percent of the amount appropriated to the division
21 for the program.

22 (3)(a) Under this program, neighborhood facilities,
23 through their governing bodies, may apply to the institute for
24 grants to purchase computers that will be available for use by
25 eligible youths who reside in the immediate vicinity of the
26 neighborhood facility. For purposes of this program, eligible
27 neighborhood facilities include, but are not limited to,
28 facilities operated by:

29 1. Units of local government, including school
30 districts.

31 2. Nonprofit, faith-based organizations, including

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1 neighborhood churches.

2 3. Nonprofit civic associations or homeowners'
3 associations.

4 4. Nonprofit organizations, the missions of which
5 include improving conditions for residents of distressed urban
6 communities.

7
8 To be eligible for funding under this program, a nonprofit
9 organization or association must hold a current exemption from
10 federal taxation under s. 501(c)(3) or (4) of the Internal
11 Revenue Code.

12 (b) Notwithstanding the eligibility of the
13 organizations identified in paragraph (a), the institute shall
14 give priority consideration for funding under this program to
15 applications submitted by neighborhood churches or by
16 neighborhood-based, nonprofit organizations that have as a
17 principal part of their missions the improvement of conditions
18 for residents of the same neighborhoods in which the
19 organizations are located. The institute also shall give
20 priority consideration to organizations that demonstrate that
21 they have not been awarded community enhancement or similar
22 community support grants from state or local government on a
23 regular basis in the past. The institute shall develop
24 weighted criteria to be used in evaluating applications from
25 such churches or organizations. Funding under this section
26 shall not be used for religious or sectarian purposes.

27 (4) The institute shall develop guidelines governing
28 the administration of this program and shall establish
29 criteria to be used in evaluating an application for funding.
30 At a minimum, the institute must find that:

31 (a) The neighborhood that is to be served by the grant

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1 suffers from general economic distress.

2 (b) Eligible youths who reside in the vicinity of the
3 neighborhood facility have difficulty obtaining access to a
4 library or schools that have sufficient computers.

5 (c) The neighborhood facility has developed a detailed
6 plan, as required under subsection (5), for:

7 1. Providing youths who reside in the vicinity of the
8 facility with access to any computer purchased with grant
9 funds, including evening and weekend access when libraries and
10 schools are closed.

11 2. Promoting the maximum participation of neighborhood
12 youths in use of any computers purchased with grant funds.

13 (5) As part of an application for funding, the
14 neighborhood facility must submit a plan that demonstrates:

15 (a) The manner in which eligible youths who reside in
16 the immediate vicinity of the facility will be provided with
17 access to any computer purchased with grant funds, including
18 access during hours when libraries and schools are closed.

19 (b) The existence of safeguards to ensure that any
20 computer purchased with grant funds is reserved for the
21 educational use of eligible youths who reside in the immediate
22 vicinity of the facility and is not used to support the
23 business operations of the neighborhood facility or its
24 governing body.

25 (c) The existence, in the neighborhood facility, of
26 telecommunications infrastructure necessary to guarantee
27 access to the Internet through any computer purchased with
28 grant funds.

29 (6) To the maximum extent possible, funding shall be
30 awarded under this program in a manner designed to ensure the
31 participation of distressed urban communities from regions

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1 throughout the state.

2 (7) The maximum amount of a grant which may be awarded
3 to any single neighborhood facility under this program is
4 \$25,000.

5 (8) Before the institute may allocate funds for a
6 grant under this program, the institute and the eligible
7 neighborhood facility must execute a grant agreement that
8 governs the terms and conditions of the grant.

9 (9) The institute, based upon guidance from the State
10 Technology Office and the state's Chief Information Officer,
11 shall establish minimum requirements governing the
12 specifications and capabilities of any computers purchased
13 with funds awarded under this grant program.

14 Section 202. Section 1004.53, Florida Statutes, is
15 created to read:

16 1004.53 Interdisciplinary Center for Brownfield
17 Rehabilitation Assistance.--The Center for Brownfield
18 Rehabilitation Assistance in the Environmental Sciences and
19 Policy Program is established in the College of Arts and
20 Sciences at the University of South Florida with the
21 collaboration of other related disciplines such as business
22 administration, environmental science, and medicine. The
23 center shall work in conjunction with other state
24 universities. The Center for Brownfield Rehabilitation
25 Assistance shall:

26 (1) Conduct research relating to problems and
27 solutions associated with rehabilitation and restoration of
28 brownfield areas as defined in s. 376.79. The research must
29 include identifying innovative solutions to removing
30 contamination from brownfield sites to reduce the threats to
31 drinking water supplies and other potential public health

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1 threats from contaminated sites.

2 (2) Provide public service to local, regional, and
3 state agencies, units of government, and authorities by
4 helping them to create workable mechanisms, partnerships with
5 public and private sectors, and other techniques for
6 rehabilitating brownfield areas.

7 (3) Conduct special research relating to risk-based
8 corrective actions for rehabilitation of brownfield areas.

9 (4) Develop a base of informational and financial
10 support from the private sector for the activities of the
11 center.

12 Section 203. Section 1004.54, Florida Statutes, is
13 created to read:

14 1004.54 Learning Development and Evaluation Center.--

15 (1) For the purpose of providing academic support for
16 learning disabled students, the verbal communications
17 laboratory at Florida Agricultural and Mechanical University
18 is established as the Learning Development and Evaluation
19 Center. The university shall provide housing, equipment, and
20 utilities for the center.

21 (2) The primary objective of the center shall be to
22 provide learning disabled students with accessibility to
23 learning by providing a program for building student
24 self-acceptance, self-esteem, and faculty acceptance. The
25 program shall also provide for diagnosing and clarifying the
26 nature of the disability and for identifying strategies that
27 can be used to enhance learning. Services shall include:

28 (a) Problem identification.

29 (b) Diagnostic evaluation, including neurological,
30 psychological, speech, and hearing diagnoses.

31 (c) Training, including tutoring and study.

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1 (d) Academic, psychological, social, and career
2 counseling.

3 (e) Followup.

4 (f) Maintenance of academic course requirements with
5 provision for support services to identified students.

6 (g) Modifications of methods of reaching course
7 requirements which do not detract from the course purpose.

8 (3) Participants in the program shall be students with
9 specific learning disabilities who meet eligibility criteria
10 as defined by Rule 6A-6.03018.

11 (4) An outreach component shall be established which
12 shall include:

13 (a) Notifying secondary schools, community colleges,
14 career education centers, and community agencies of the
15 program.

16 (b) Working with community colleges, technical
17 centers, and community agencies to identify students who may
18 benefit from the program.

19 (c) Providing secondary schools, community colleges,
20 technical centers, and community agencies with a description
21 of methods used by the program for identification of students
22 who have learning disabilities.

23 (d) Providing secondary schools, community colleges,
24 technical centers, and community agencies with a description
25 of program services and the support services available.

26 (e) Providing on-campus and off-campus activities for
27 students, administrators, faculty, and staff to enhance
28 learning of the disabled secondary students.

29 (f) Providing training for school district personnel
30 to enable them to develop a better understanding of the needs
31 of learning disabled students.

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1 (g) Designing, developing, and implementing, in
2 cooperation with Florida Agricultural and Mechanical
3 University, public school districts, community colleges, and
4 technical centers within the Department of Education, model
5 programs for the learning disabled student.

6 (h) Providing assistance to community colleges and
7 state universities in designing, developing, and evaluating
8 model programs for learning disabled students.

9 (i) Establishing a procedure for the annual review and
10 update of model programs developed for the learning disabled.

11 (j) Providing precollegiate residential experiences.

12 (5) On or before November 1, the president of the
13 university shall submit to the State Board of Education and
14 the Legislature a report on program effectiveness, which
15 report shall include:

16 (a) The number of students participating in the
17 program.

18 (b) An ongoing analysis of overall student performance
19 as a result of participation in the program.

20 (c) A description of the methods used in identifying
21 students with learning disabilities.

22 (d) A description of methods and materials prescribed
23 to meet the specific learning needs of each participant.

24 (e) The number and types of disabilities of students
25 in the program.

26 (f) How the program accomplished its objectives.

27 (g) Procedures used to counsel and advise students
28 that would build self-acceptance and enhance learning.

29 (h) Procedures for promoting faculty acceptance of the
30 program and its participants.

31 (i) A detailed description of each program objective

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1 and the results.

2 (j) Projections of future participation by learning
3 disabled students based on enrollment, queries, and program
4 results.

5 (k) The number of postsecondary and secondary students
6 participating in the program and the type of service provided.

7 (6) Funding of this program shall be provided for in
8 the General Appropriations Act.

9 Section 204. Section 1004.55, Florida Statutes, is
10 created to read:

11 1004.55 Regional autism centers.--

12 (1) Six regional autism centers are established to
13 provide nonresidential resource and training services for
14 persons of all ages and of all levels of intellectual
15 functioning who have autism, as defined in s. 393.063; who
16 have a pervasive developmental disorder that is not otherwise
17 specified; who have an autistic-like disability; who have a
18 dual sensory impairment; or who have a sensory impairment with
19 other handicapping conditions. Each center shall be
20 operationally and fiscally independent and shall provide
21 services within its geographical region of the state. Each
22 center shall coordinate services within and between state and
23 local agencies and school districts but may not duplicate
24 services provided by those agencies or school districts. The
25 respective locations and service areas of the centers are:

26 (a) The Department of Communication Disorders at
27 Florida State University, which serves Bay, Calhoun, Escambia,
28 Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon,
29 Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
30 Walton, and Washington Counties.

31 (b) The College of Medicine at the University of

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1 Florida, which serves Alachua, Bradford, Citrus, Columbia,
2 Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion,
3 Putnam, Suwannee, and Union Counties.

4 (c) The University of Florida Health Science Center at
5 Jacksonville, which serves Baker, Clay, Duval, Flagler,
6 Nassau, and St. Johns Counties.

7 (d) The Louis de la Parte Florida Mental Health
8 Institute at the University of South Florida, which serves
9 Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands,
10 Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee,
11 Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

12 (e) The Mailman Center for Child Development at the
13 University of Miami, which serves Broward, Dade, Monroe, and
14 Palm Beach Counties.

15 (f) The College of Health and Public Affairs at the
16 University of Central Florida, which serves Brevard, Lake,
17 Orange, Osceola, Seminole, Sumter, and Volusia Counties.

18 (2) There is established for each center a
19 constituency board, which shall work collaboratively with the
20 center. Each board shall consist of no fewer than six
21 members, each of whom is either an individual who has a
22 disability that is described in subsection (1) or is a member
23 of a family that includes a person who has such a disability,
24 who are selected by each university president from a list that
25 has been developed by the Autism Society of Florida and other
26 relevant constituency groups that represent persons who have
27 sensory impairments as described in subsection (1). As
28 representatives of the center's constituencies, these boards
29 shall meet quarterly with the staff of each of the centers to
30 provide advice on policies, priorities, and activities. Each
31 board shall submit to the university president and to the

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1 Department of Education an annual report that evaluates the
2 activities and accomplishments of its center during the year.

3 (3) To promote statewide planning and coordination, a
4 conference must be held annually for staff from each of the
5 five centers and representatives from each center's
6 constituency board. The purpose of the conference is to
7 facilitate coordination, networking, cross-training, and
8 feedback among the staffs and constituency boards of the
9 centers.

10 (4) Each center shall provide:

11 (a) A staff that has expertise in autism and
12 autistic-like behaviors and in sensory impairments.

13 (b) Individual and direct family assistance in the
14 home, community, and school. A center's assistance should not
15 supplant other responsibilities of state and local agencies,
16 and each school district is responsible for providing an
17 appropriate education program for clients of a center who are
18 school age.

19 (c) Technical assistance and consultation services,
20 including specific intervention and assistance for a client of
21 the center, the client's family, and the school district, and
22 any other services that are appropriate.

23 (d) Professional training programs that include
24 developing, providing, and evaluating preservice and inservice
25 training in state-of-the-art practices for personnel who work
26 with the populations served by the centers and their families.

27 (e) Public education programs to increase awareness of
28 the public about autism, autistic-related disabilities of
29 communication and behavior, dual sensory impairments, and
30 sensory impairments with other handicapping conditions.

31 (5) The State Board of Education, in cooperation with

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1 the regional autism centers, shall adopt the necessary rules
2 to carry out the purposes of this section.

3 Section 205. Section 1004.56, Florida Statutes, is
4 created to read:

5 1004.56 Florida Museum of Natural History;
6 functions.--

7 (1) The functions of the Florida Museum of Natural
8 History, located at the University of Florida, are to make
9 scientific investigations toward the sustained development of
10 natural resources and a greater appreciation of human cultural
11 heritage, including, but not limited to, biological surveys,
12 ecological studies, environmental impact assessments, in-depth
13 archaeological research, and ethnological analyses, and to
14 collect and maintain a depository of biological,
15 archaeological, and ethnographic specimens and materials in
16 sufficient numbers and quantities to provide within the state
17 and region a base for research on the variety, evolution, and
18 conservation of wild species; the composition, distribution,
19 importance, and functioning of natural ecosystems; and the
20 distribution of prehistoric and historic archaeological sites
21 and an understanding of the aboriginal and early European
22 cultures that occupied them. State institutions, departments,
23 and agencies may deposit type collections from archaeological
24 sites in the museum, and it shall be the duty of each state
25 institution, department, and agency to cooperate by depositing
26 in the museum voucher and type biological specimens collected
27 as part of the normal research and monitoring duties of its
28 staff and to transfer to the museum those biological specimens
29 and collections in its possession but not actively being
30 curated or used in the research or teaching of that
31 institution, department, or agency. The Florida Museum of

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1 Natural History is empowered to accept, preserve, maintain, or
2 dispose of these specimens and materials in a manner which
3 makes each collection and its accompanying data available for
4 research and use by the staff of the museum and by cooperating
5 institutions, departments, agencies, and qualified independent
6 researchers. The biological, archaeological, and ethnographic
7 collections shall belong to the state with the title vested in
8 the Florida Museum of Natural History, except as provided in
9 s. 267.12(3). In collecting or otherwise acquiring these
10 collections, the museum shall comply with pertinent state
11 wildlife, archaeological, and agricultural laws and rules.
12 However, all collecting, quarantine, and accreditation permits
13 issued by other institutions, departments, and agencies shall
14 be granted routinely for said museum research study or
15 collecting effort on state lands or within state jurisdiction
16 which does not pose a significant threat to the survival of
17 endangered wild species, habitats, or ecosystems. In
18 addition, the museum shall develop exhibitions and conduct
19 programs which illustrate, interpret, and explain the natural
20 history of the state and region and shall maintain a library
21 of publications pertaining to the work as herein provided.
22 The exhibitions, collections, and library of the museum shall
23 be open, free to the public, under suitable rules to be
24 promulgated by the director of the museum and approved by the
25 University of Florida.

26 (2) Any gifts, transfers, bequests, or other
27 conveyances made to the Florida State Museum are deemed to
28 have been made to the Florida Museum of Natural History.

29 Section 206. Section 1004.57, Florida Statutes, is
30 created to read:

31 1004.57 Vertebrate paleontological sites and remains;

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1 legislative intent and state policy.--

2 (1) It is the declared intention of the Legislature
3 that vertebrate paleontological sites be protected and
4 preserved and that, pursuant thereto, vertebrate
5 paleontological field investigation activities, including, but
6 not limited to, collection, excavation, salvage, restoration,
7 and cataloging of fossils, be discouraged except when such
8 activities are carried on in accordance with both the
9 provisions and the spirit of this act. However, it is not the
10 intention of the Legislature that the provisions of this act
11 impede mining or quarrying for rock, gravel, fill, phosphate,
12 and other minerals, or the construction of canals or similar
13 excavations, when such activities are permitted by law.

14 Rather, it is the intent of the Legislature that mine and
15 heavy equipment operators be encouraged to cooperate with the
16 state in preserving its vertebrate paleontological heritage
17 and vertebrate fossils by notifying the Florida Museum of
18 Natural History whenever vertebrate fossils are discovered
19 during mining or digging operations and by allowing such
20 fossils to be properly salvaged and that persons having
21 knowledge of vertebrate paleontological sites be encouraged to
22 communicate such information to the museum.

23 (2) It is hereby declared to be the public policy of
24 this state to protect and preserve vertebrate paleontological
25 sites containing vertebrate fossils, including bones, teeth,
26 natural casts, molds, impressions, and other remains of
27 prehistoric fauna, and to provide for the collection,
28 acquisition, and study of the vertebrate fossils of the state
29 which offer documentation of the diversity of life on this
30 planet.

31 (3) It is further declared to be the public policy of

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1 the state that all vertebrate fossils found on state-owned
2 lands, including submerged lands and uplands, belong to the
3 state with title to the fossils vested in the Florida Museum
4 of Natural History for the purpose of administration of this
5 section and ss. 1004.575-1004.577.

6 Section 207. Section 1004.575, Florida Statutes, is
7 created to read:

8 1004.575 Program of vertebrate paleontology within
9 Florida Museum of Natural History.--There is established
10 within the Florida Museum of Natural History a program of
11 vertebrate paleontology, which program has the following
12 responsibilities:

13 (1) Encouraging the study of the vertebrate fossils
14 and vertebrate paleontological heritage of the state and
15 providing exhibits and other educational materials on the
16 vertebrate fauna to the universities and schools of the state.

17 (2) Developing a statewide plan, to be submitted to
18 the director of the Florida Museum of Natural History, for
19 preserving the vertebrate paleontological resources of the
20 state in a manner which is consistent with the state policies
21 in s. 1004.57 and which will not unduly hamper development in
22 this state, including mining and excavating operations.

23 (3) Locating, surveying, acquiring, collecting,
24 salvaging, conserving, and restoring vertebrate fossils;
25 conducting research on the history and systematics of the
26 fossil fauna of the state; and maintaining the official state
27 depository of vertebrate fossils.

28 (4) Locating, surveying, acquiring, excavating, and
29 operating vertebrate paleontological sites and properties
30 containing vertebrate fossils, which sites and properties have
31 great significance to the scientific study of such vertebrate

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1 fossils or to public representation of the faunal heritage of
2 the state.

3 (5) Enlisting the aid of professional vertebrate
4 paleontologists, mine and quarry operators, heavy digging
5 equipment operators, and qualified amateurs in carrying out
6 the provisions of subsections (1)-(4), and authorizing their
7 active support and cooperation by issuing permits to them as
8 provided in s. 1004.576.

9 (6) Cooperating and coordinating activities with the
10 Department of Environmental Protection under the provisions of
11 ss. 375.021 and 375.031 and the Department of State under
12 chapter 267 in the acquisition, preservation, and operation of
13 significant vertebrate paleontological sites and properties of
14 great and continuing scientific value, so that such sites and
15 properties may be utilized to conserve the faunal heritage of
16 this state and to promote an appreciation of that heritage.

17 (7) Designating areas as "state vertebrate
18 paleontological sites" pursuant to the provisions of this
19 section, which areas are of great and continuing significance
20 to the scientific study and public understanding of the faunal
21 history of the state. However, no privately owned site or
22 grouping of sites shall be so designated without the express
23 written consent of the private owner of the site or group of
24 sites. Upon designation of a state vertebrate paleontological
25 site, the owners and occupants of such site shall be given
26 written notification of such designation by the program. Once
27 such site has been so designated, no person may conduct
28 paleontological field investigation activities on the site
29 without first securing a permit for such activities as
30 provided in s. 1004.576.

31 (8) Arranging for the disposition of the vertebrate

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1 fossils by accredited institutions and for the temporary or
2 permanent loan of such fossils for the purpose of further
3 scientific study, interpretative display, and curatorial
4 responsibilities by such institutions.

5 Section 208. Section 1004.576, Florida Statutes, is
6 created to read:

7 1004.576 Destruction, purchase, and sale of vertebrate
8 fossils prohibited, exceptions; field investigation permits
9 required; penalty for violation.--

10 (1) The destruction, defacement, purchase, and sale of
11 vertebrate fossils found on or under land owned or leased by
12 the state and on land in state-designated vertebrate
13 paleontological sites are prohibited, except that the Florida
14 Museum of Natural History may sell vertebrate fossils and may
15 adopt rules defining "nonessential vertebrate fossils" and
16 prescribing the conditions under which such fossils may be
17 sold or otherwise disposed of by a person holding a permit
18 issued by the Florida Museum of Natural History. Field
19 investigations of vertebrate fossils, including, but not
20 limited to, the systematic collection, acquisition,
21 excavation, salvage, exhumation, or restoration of such
22 fossils, are prohibited on all lands owned or leased by the
23 state and on lands in state-designated vertebrate
24 paleontological sites, unless such activities are conducted
25 under the authority of permits issued by the Florida Museum of
26 Natural History. A permit may be granted by the Florida
27 Museum of Natural History upon application for the permit
28 accompanied by an application fee not to exceed \$5. The
29 privileges authorized pursuant to the grant of a permit as
30 provided in this subsection may not be assigned or sublet to
31 any other party.

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1 (2) Any person who, in violation of this section,
2 engages in any of the activities described in subsection (1)
3 without first having obtained a permit to engage in such
4 activity commits a misdemeanor, punishable by a fine not to
5 exceed \$500 or by imprisonment in the county jail for a period
6 not to exceed 6 months, or both; and, in addition, he or she
7 shall forfeit to the state all specimens, objects, and
8 materials collected and excavated in violation of this
9 section, together with all photographs and records relating to
10 such materials.

11 (3) The Florida Museum of Natural History may
12 institute a civil action in the appropriate circuit court for
13 recovery of any unlawfully taken vertebrate fossil. The
14 fossil shall be forfeited to the state if the Florida Museum
15 of Natural History shows by the greater weight of the evidence
16 that the fossil has been taken from a particular site within
17 this state and that the person found in possession of the
18 fossil is not authorized by law to possess such fossil.

19 Section 209. Section 1004.577, Florida Statutes, is
20 created to read:

21 1004.577 Certain rights of mine or quarry operators
22 and dragline or heavy equipment operators preserved.--Nothing
23 in ss. 1004.57-1004.576 shall infringe upon the right of a
24 legitimate mine or quarry operator to extract rock, gravel,
25 fill, phosphate, or other minerals or infringe upon the right
26 of a legitimate operator of draglines or similar heavy
27 dredging, trenching, or digging equipment to construct
28 drainage canals or other excavations because of the actual or
29 potential destruction of vertebrate fossils.

30 Section 210. Section 1004.58, Florida Statutes, is
31 created to read:

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1 1004.58 Leadership Board for Applied Research and
2 Public Service.--

3 (1) There is created the Leadership Board for Applied
4 Research and Public Service to be staffed by the Institute of
5 Science and Public Affairs at Florida State University. The
6 purpose of the board is to focus, coordinate, and maximize
7 university resources on current issues and events affecting
8 Florida's residents and elected officials. Emphasis shall be
9 placed on being responsive to and providing accurate, timely,
10 useful, and relevant information to decisionmakers in state
11 and local governments. The board shall set forth a process to
12 provide comprehensive guidance and advice for improving the
13 types and quality of services to be delivered by the state
14 universities. Specifically, the board shall better identify
15 and define the missions and roles of existing institutes and
16 centers at each state university, work to eliminate
17 duplication and confusion over conflicting roles and missions,
18 involve more students in learning with applied research and
19 public service activities, and be organizationally separate
20 from academic departments. The board shall meet at least
21 quarterly. The board may create internal management councils
22 that may include working institute and center directors. The
23 board is responsible for, but is not limited to:

24 (a) Providing strategic direction, planning, and
25 accompanying decisions that support a coordinated applied
26 public service and research approach in the state.

27 (b) Addressing state university policy matters and
28 making recommendations to the State Board of Education as they
29 relate to applied public service and research.

30 (c) Serving as a clearinghouse for services requested
31 by public officials.

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1 (d) Providing support for funding and fiscal
2 initiatives involving applied public service and research.

3 (2) Membership of the board shall be:

4 (a) The Commissioner of Education, or the
5 commissioner's designee, who shall serve as chair.

6 (b) The director of the Office of Planning and
7 Budgeting of the Executive Office of the Governor.

8 (c) The secretary of the Department of Management
9 Services.

10 (d) The director of Economic and Demographic Research.

11 (e) The director of the Office of Program Policy
12 Analysis and Government Accountability.

13 (f) The President of the Florida League of Cities.

14 (g) The President for the Florida Association of
15 Counties.

16 (h) The President of the Florida School Board
17 Association.

18 (i) Five additional university president members,
19 designated by the commissioner, to rotate annually.

20 (3) The board shall prepare a report for the State
21 Board of Education to be submitted to the Governor and the
22 Legislature by January 1 of each year which summarizes the
23 work and recommendations of the board in meeting its purpose
24 and mission.

25 Section 211. Section 1004.59, Florida Statutes, is
26 created to read:

27 1004.59 Florida Conflict Resolution Consortium.--It is
28 the intent of the Legislature to reduce the public and private
29 costs of litigation; resolve public disputes, including those
30 related to growth management issues, more quickly and
31 effectively; and improve intergovernmental communications,

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1 cooperation, and consensus building. The Legislature hereby
2 formally establishes the Florida Conflict Resolution
3 Consortium as a statewide center based at Florida State
4 University, or at another campus as may be designated by the
5 Commissioner of Education. The purpose of the consortium is
6 to serve as a neutral resource to assist citizens and public
7 and private interests in Florida to seek cost-effective
8 solutions to public disputes and problems through the use of
9 alternative dispute resolution and consensus building.

10 Section 212. Section 1004.60, Florida Statutes, is
11 created to read:

12 1004.60 Research of Rosewood incident.--State
13 universities shall continue the research of the Rosewood
14 incident and the history of race relations in Florida and
15 develop materials for the educational instruction of these
16 events.

17 Section 213. Section 1004.61, Florida Statutes, is
18 created to read:

19 1004.61 Partnerships to develop child protection
20 workers.--The Department of Children and Family Services is
21 directed to form partnerships with the schools of social work
22 of the state universities in order to encourage the
23 development of graduates trained to work in child protection.
24 The department shall give hiring preferences for child
25 protection jobs to graduates who have earned bachelor's and
26 master's degrees from these programs with a concentration in
27 child protection. The partnership between the Department of
28 Children and Family Services and the schools of social work
29 shall include, but not be limited to, modifying existing
30 graduate and undergraduate social work curricula, providing
31 field placements for students into child protection

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1 internships in the department, and collaborating in the design
2 and delivery of advanced levels of social work practice.

3 Section 214. Section 1004.62, Florida Statutes, is
4 created to read:

5 1004.62 Incentives for urban or socially and
6 economically disadvantaged area internships.--The Legislature
7 establishes incentives for urban or socially and economically
8 disadvantaged area internships to give university students the
9 opportunity to study the social, economic, educational, and
10 political life of inner cities in metropolitan or socially and
11 economically disadvantaged areas of the state. The incentives
12 are for internships that are open to students in all
13 disciplines, including business, education, physical science,
14 social science, the liberal arts, and the fine arts.
15 Incentives may be given to any state university. Incentives
16 must be for one semester's duration, or more, in which an
17 intern may earn up to 12 hours of credit for the internship.
18 Student interns must work in teams to address a specific urban
19 or socially and economically disadvantaged area social problem
20 or carry out an urban or socially and economically
21 disadvantaged area social program. The results of each team's
22 work must be published in a report and distributed to the
23 colleges of education at each state university.

24 Section 215. Part III of chapter 1004, Florida
25 Statutes, shall be entitled "Community Colleges" and shall
26 consist of ss. 1004.65-1004.81.

27 Section 216. Part III.a. of chapter 1004, Florida
28 Statutes, shall be entitled "General Provisions" and shall
29 consist of ss. 1004.65-1004.726.

30 Section 217. Section 1004.65, Florida Statutes, is
31 created to read:

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1 1004.65 Community colleges; definition, mission, and
2 responsibilities.--

3 (1) Community colleges shall consist of all public
4 educational institutions operated by community college
5 district boards of trustees under statutory authority and
6 rules of the State Board of Education.

7 (2) Each community college district authorized by law
8 and the Department of Education is an independent, separate,
9 legal entity created for the operation of a community college.

10 (3) A community college may provide adult education
11 services, including adult basic education, adult general
12 education, adult secondary education, and general educational
13 development test instruction.

14 (4) The community colleges are locally based and
15 governed entities with statutory and funding ties to state
16 government. As such, the community colleges' mission reflects
17 a commitment to be responsive to local educational needs and
18 challenges. In achieving this mission, the community colleges
19 strive to maintain sufficient local authority and flexibility
20 while preserving appropriate legal accountability to the
21 state.

22 (5) As comprehensive institutions, the community
23 colleges shall provide high-quality, affordable education and
24 training opportunities, shall foster a climate of excellence,
25 and shall provide opportunities to all while combining high
26 standards with an open-door admission policy. The community
27 colleges shall, as open-access institutions, serve all who can
28 benefit, without regard to age, race, gender, creed, or ethnic
29 or economic background, while emphasizing the achievement of
30 social and educational equity so that all can be prepared for
31 full participation in society.

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1 (6) The primary mission and responsibility of
2 community colleges is responding to community needs for
3 postsecondary academic education and technical degree
4 education. This mission and responsibility includes being
5 responsible for:

6 (a) Providing lower level undergraduate instruction
7 and awarding associate degrees.

8 (b) Preparing students directly for vocations
9 requiring less than baccalaureate degrees. This may include
10 preparing for job entry, supplementing of skills and
11 knowledge, and responding to needs in new areas of technology.

12 Career and technical education in the community college shall
13 consist of technical certificates, credit courses leading to
14 associate in science degrees and associate in applied science
15 degrees, and other programs in fields requiring substantial
16 academic work, background, or qualifications. A community
17 college may offer career and technical education programs in
18 fields having lesser academic or technical requirements.

19 (c) Providing student development services, including
20 assessment, student tracking, support for disabled students,
21 advisement, counseling, financial aid, career development, and
22 remedial and tutorial services, to ensure student success.

23 (d) Promoting economic development for the state
24 within each community college district through the provision
25 of special programs, including, but not limited to, the:

26 1. Enterprise Florida-related programs.

27 2. Technology transfer centers.

28 3. Economic development centers.

29 4. Workforce literacy programs.

30 (e) Providing dual enrollment instruction.

31 (7) A separate and secondary role for community

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1 colleges includes:

2 (a) Providing upper level instruction and awarding
3 baccalaureate degrees as specifically authorized by law.

4 (b) The offering of programs in:

5 1. Community services that are not directly related to
6 academic or occupational advancement.

7 2. Adult general education.

8 3. Recreational and leisure services.

9 (8) Funding for community colleges shall reflect their
10 mission as follows:

11 (a) Postsecondary academic and career and technical
12 education programs and adult general education programs shall
13 have first priority in community college funding.

14 (b) Community service programs shall be presented to
15 the Legislature with rationale for state funding. The
16 Legislature may identify priority areas for use of these
17 funds.

18 (9) Community colleges are authorized to offer such
19 programs and courses as are necessary to fulfill their mission
20 and are authorized to grant associate in arts degrees,
21 associate in science degrees, associate in applied science
22 degrees, certificates, awards, and diplomas. Each community
23 college is also authorized to make provisions for the general
24 educational development test. Each community college may
25 provide access to baccalaureate degrees in accordance with
26 law.

27 Section 218. Section 1004.66, Florida Statutes, is
28 created to read:

29 1004.66 "Community college" and "junior college" used
30 interchangeably.--Whenever the terms "community college" and
31 "junior college" appear in the Florida Statutes in reference

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1 to a tax-supported institution, they shall be construed
2 identically.

3 Section 219. Section 1004.67, Florida Statutes, is
4 created to read:

5 1004.67 Community colleges; legislative intent.--It is
6 the legislative intent that community colleges, constituted as
7 political subdivisions of the state, continue to be operated
8 by community college boards of trustees as provided in s.
9 1001.63 and that no department, bureau, division, agency, or
10 subdivision of the state exercise any responsibility and
11 authority to operate any community college of the state except
12 as specifically provided by law or rules of the State Board of
13 Education.

14 Section 220. Section 1004.68, Florida Statutes, is
15 created to read:

16 1004.68 Community college; degrees and certificates;
17 tests for certain skills.--

18 (1) Each community college board of trustees shall
19 adopt rules establishing student performance standards for the
20 award of degrees and certificates.

21 (2) Each community college board of trustees shall
22 require the use of scores on tests for college-level
23 communication and computation skills provided in s.
24 1008.345(8) as a condition for graduation with an associate in
25 arts degree.

26 Section 221. Section 1004.70, Florida Statutes, is
27 created to read:

28 1004.70 Community college direct-support
29 organizations.--

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

31 (a) "Community college direct-support organization"

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1 means an organization that is:

2 1. A Florida corporation not for profit, incorporated
3 under the provisions of chapter 617 and approved by the
4 Department of State.

5 2. Organized and operated exclusively to receive,
6 hold, invest, and administer property and to make expenditures
7 to, or for the benefit of, a community college in this state.

8 3. An organization that the community college board of
9 trustees, after review, has certified to be operating in a
10 manner consistent with the goals of the community college and
11 in the best interest of the state. Any organization that is
12 denied certification by the board of trustees may not use the
13 name of the community college that it serves.

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

16 (2) BOARD OF DIRECTORS.--The chair of the board of
17 trustees shall appoint a representative to the board of
18 directors and the executive committee of each direct-support
19 organization established under this section, including those
20 established before July 1, 1998. The president of the
21 community college for which the direct-support organization is
22 established, or the president's designee, shall also serve on
23 the board of directors and the executive committee of the
24 direct-support organization, including any direct-support
25 organization established before July 1, 1998.

26 (3) USE OF PROPERTY.--

27 (a) The board of trustees is authorized to permit the
28 use of property, facilities, and personal services at any
29 community college by any community college direct-support
30 organization, subject to the provisions of this section.

31 (b) The board of trustees is authorized to prescribe

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1 by rule any condition with which a community college
2 direct-support organization must comply in order to use
3 property, facilities, or personal services at any community
4 college.

5 (c) The board of trustees may not permit the use of
6 property, facilities, or personal services at any community
7 college by any community college direct-support organization
8 that does not provide equal employment opportunities to all
9 persons regardless of race, color, national origin, gender,
10 age, or religion.

11 (4) ACTIVITIES; RESTRICTIONS.--

12 (a) A direct-support organization may, at the request
13 of the board of trustees, provide residency opportunities on
14 or near campus for students.

15 (b) A direct-support organization that constructs
16 facilities for use by a community college or its students must
17 comply with all requirements of law relating to the
18 construction of facilities by a community college, including
19 requirements for competitive bidding.

20 (c) Any transaction or agreement between one
21 direct-support organization and another direct-support
22 organization or between a direct-support organization and a
23 center of technology innovation designated under s. 1004.77
24 must be approved by the board of trustees.

25 (d) A community college direct-support organization is
26 prohibited from giving, either directly or indirectly, any
27 gift to a political committee or committee of continuous
28 existence as defined in s. 106.011 for any purpose other than
29 those certified by a majority roll call vote of the governing
30 board of the direct-support organization at a regularly
31 scheduled meeting as being directly related to the educational

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1 mission of the community college.

2 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
3 organization shall submit to the board of trustees its federal
4 Internal Revenue Service Application for Recognition of
5 Exemption form (Form 1023) and its federal Internal Revenue
6 Service Return of Organization Exempt from Income Tax form
7 (Form 990).

8 (6) ANNUAL AUDIT.--Each direct-support organization
9 shall provide for an annual financial audit in accordance with
10 rules adopted by the Auditor General pursuant to s. 11.45(8).
11 The annual audit report must be submitted, within 9 months
12 after the end of the fiscal year, to the Auditor General, the
13 State Board of Education, and the board of trustees for
14 review. The board of trustees, the Auditor General, and the
15 Office of Program Policy Analysis and Government
16 Accountability may require and receive from the organization
17 or from its independent auditor any detail or supplemental
18 data relative to the operation of the organization. The
19 identity of donors who desire to remain anonymous shall be
20 protected, and that anonymity shall be maintained in the
21 auditor's report. All records of the organization, other than
22 the auditor's report, any information necessary for the
23 auditor's report, any information related to the expenditure
24 of funds, and any supplemental data requested by the board of
25 trustees, the Auditor General, and the Office of Program
26 Policy Analysis and Government Accountability, shall be
27 confidential and exempt from the provisions of s. 119.07(1).

28 Section 222. Section 1004.71, Florida Statutes, is
29 created to read:

30 1004.71 Statewide community college direct-support
31 organizations.--

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

2 (a) "Statewide community college direct-support
3 organization" means an organization that is:

4 1. A Florida corporation not for profit, incorporated
5 under the provisions of chapter 617 and approved by the
6 Department of State.

7 2. Organized and operated exclusively to receive,
8 hold, invest, and administer property and to make expenditures
9 to, or for the benefit of, the community colleges in this
10 state.

11 3. An organization that the State Board of Education,
12 after review, has certified to be operating in a manner
13 consistent with the goals of the community colleges and in the
14 best interest of the state.

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

17 (2) BOARD OF DIRECTORS.--The chair of the State Board
18 of Education may appoint a representative to the board of
19 directors and the executive committee of any statewide,
20 direct-support organization established under this section or
21 s. 1004.70. The chair of the State Board of Education, or the
22 chair's designee, shall also serve on the board of directors
23 and the executive committee of any direct-support organization
24 established to benefit the community colleges of Florida.

25 (3) USE OF PROPERTY.--

26 (a) The State Board of Education may permit the use of
27 property, facilities, and personal services of the Department
28 of Education by any statewide community college direct-support
29 organization, subject to the provisions of this section.

30 (b) The State Board of Education may prescribe by rule
31 any condition with which a statewide community college

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1 direct-support organization must comply in order to use
2 property, facilities, or personal services of the Department
3 of Education.

4 (c) The State Board of Education may not permit the
5 use of property, facilities, or personal services of the
6 Department of Education by any statewide community college
7 direct-support organization that does not provide equal
8 employment opportunities to all persons regardless of race,
9 color, national origin, gender, age, or religion.

10 (4) RESTRICTIONS.--

11 (a) A statewide, direct-support organization may not
12 use public funds to acquire, construct, maintain, or operate
13 any facilities.

14 (b) Any transaction or agreement between a statewide,
15 direct-support organization and any other direct-support
16 organization or between a statewide, direct-support
17 organization and a center of technology innovation designated
18 under s. 1004.77 must be approved by the State Board of
19 Education.

20 (c) A statewide community college direct-support
21 organization is prohibited from giving, either directly or
22 indirectly, any gift to a political committee or committee of
23 continuous existence as defined in s. 106.011 for any purpose
24 other than those certified by a majority roll call vote of the
25 governing board of the direct-support organization at a
26 regularly scheduled meeting as being directly related to the
27 educational mission of the State Board of Education.

28 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
29 organization shall submit to the State Board of Education its
30 federal Internal Revenue Service Application for Recognition
31 of Exemption form (Form 1023) and its federal Internal Revenue

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1 Service Return of Organization Exempt from Income Tax form
2 (Form 990).

3 (6) ANNUAL AUDIT.--A statewide community college
4 direct-support organization shall provide for an annual
5 financial audit in accordance with s. 1004.70. The identity of
6 a donor or prospective donor who desires to remain anonymous
7 and all information identifying such donor or prospective
8 donor are confidential and exempt from the provisions of s.
9 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
10 anonymity shall be maintained in the auditor's report.

11 Section 223. Section 1004.725, Florida Statutes, is
12 created to read:

13 1004.725 Expenditures for self-insurance services;
14 special account.--

15 (1) The community college boards of trustees, singly
16 or collectively, are authorized to contract with an
17 administrator or service company approved by the Department of
18 Insurance pursuant to chapter 626 to provide self-insurance
19 services, including, but not limited to, the evaluation,
20 settlement, and payment of self-insurance claims on behalf of
21 the board of trustees or a consortium of boards of trustees.

22 (2) Pursuant to such a contract, a board of trustees
23 may advance moneys to the administrator or service company to
24 be deposited in a special account for paying claims against
25 the board of trustees under its self-insurance program. The
26 special account shall be maintained in a designated depository
27 as provided by s. 136.01. The board of trustees may replenish
28 such account as often as necessary upon the presentation by
29 the administrator or service company of documentation for
30 claims paid in an amount equal to the amount of the requested
31 reimbursement. Any contract for disbursement of funds from the

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1 special account shall ensure that the payments are subject to
2 proper disbursement controls and accounting procedures.

3 Section 224. Section 1004.726, Florida Statutes, is
4 created to read:

5 1004.726 Trademarks, copyrights, or patents.--Each
6 community college board of trustees may develop and produce
7 work products relating to educational endeavors that are
8 subject to trademark, copyright, or patent statutes. To this
9 end, the board of trustees shall consider the relative
10 contribution by the personnel employed in the development of
11 such work products and shall enter into binding agreements
12 with such personnel, organizations, corporations, or
13 government entities, which agreements shall establish the
14 percentage of ownership of such trademarks, copyrights, or
15 patents. Any other law to the contrary notwithstanding, the
16 board of trustees may in its own name:

17 (1) Perform all things necessary to secure letters of
18 patent, copyrights, and trademarks on any such work products
19 and enforce its rights therein.

20 (2) License, lease, assign, or otherwise give written
21 consent to any person, firm, or corporation for the
22 manufacture or use of its work products on a royalty basis or
23 for such other consideration as the board of trustees deems
24 proper.

25 (3) Take any action necessary, including legal action,
26 to protect its work products against improper or unlawful use
27 of infringement.

28 (4) Enforce the collection of any sums due the board
29 of trustees for the manufacture or use of its work products by
30 any other party.

31 (5) Sell any of its work products and execute all

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1 instruments necessary to consummate any such sale.

2 (6) Do all other acts necessary and proper for the
3 execution of powers and duties provided by this section.

4 Section 225. Part III.b. of chapter 1004, Florida
5 Statutes, shall be entitled "Special Programs; Centers" and
6 shall consist of ss. 1004.73-1004.81.

7 Section 226. Section 1004.73, Florida Statutes, is
8 created to read:

9 1004.73 St. Petersburg College.--

10 (1) LEGISLATIVE INTENT.--The Legislature intends to
11 create an innovative means to increase access to baccalaureate
12 degree level education in populous counties that are
13 underserved by public baccalaureate degree granting
14 institutions. This education is intended to address the
15 state's workforce needs, especially the need for teachers,
16 nurses, and business managers in agencies and firms that
17 require expertise in technology.

18 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.
19 Petersburg College shall immediately seek accreditation from
20 the Southern Association of Colleges and Schools as a
21 baccalaureate degree granting college.

22 (a) The primary mission of St. Petersburg College is
23 to provide high-quality undergraduate education at an
24 affordable price for students and the state. The purpose is to
25 promote economic development by preparing people for
26 occupations that require a bachelor's degree and are in demand
27 by existing or emerging public and private employers in this
28 state.

29 (b) St. Petersburg College shall maintain the mission
30 and policies of a Florida community college, including the
31 open-door admissions policy and the authority to offer all

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1 programs consistent with a community college's authority.

2 (c) St. Petersburg College shall maintain the
3 distinction between the college and its university center. St.
4 Petersburg College is limited to community college programs
5 and to selected baccalaureate degree level programs that meet
6 community needs and are authorized as provided by this
7 section. The University Center may make available more diverse
8 program offerings, but those programs are offered by a
9 participating college or university and are not to be
10 classified or funded as programs of St. Petersburg College.

11 (d) The academic policies of the upper-division
12 program at St. Petersburg College must be in accordance with
13 policies of the State Board of Education.

14 (e) Sections 1013.39 and 1013.82 apply to St.
15 Petersburg College.

16 (3) STUDENTS; FEES.--

17 (a) St. Petersburg College shall maintain separate
18 records for students who are enrolled in courses classified in
19 the upper division and lower division of a baccalaureate
20 program, according to the statewide course numbering system. A
21 student shall be reported as a community college student for
22 enrollment in a lower-division course and as a baccalaureate
23 degree program student for enrollment in an upper-division
24 course.

25 (b) The Board of Trustees of St. Petersburg College
26 shall establish the level of tuition and other authorized
27 student fees consistent with law and proviso in the General
28 Appropriations Act.

29 1. For each credit hour of enrollment in a certificate
30 level course or lower-division level college credit course,
31 tuition and fees must be within the range authorized in law

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1 and rule for a community college student at that level.

2 2. For each credit hour of enrollment in an
3 upper-division level course, matriculation and tuition fees
4 must be in an amount established by the Board of Trustees of
5 St. Petersburg College. However, fees for upper-division
6 students must reflect the fact that the college does not incur
7 the costs of major research programs. Therefore, the board of
8 trustees shall establish fees for upper-division students
9 within a range that is lower than the fees established for
10 students at a state university but higher than the fees for
11 community college students.

12 3. Other mandatory fees and local fees must be at the
13 same level for all lower-division students. For upper-division
14 students, other mandatory fees and local fees must be at a
15 level less than fees established for University of South
16 Florida students, regardless of program enrollment or level.
17 However, students in workforce development education courses
18 maintain the authorized fee exemptions described in s. 1009.25
19 and may be exempt from local fees imposed by the board of
20 trustees, at the board's discretion.

21 (4) DEGREES.--

22 (a) In addition to the certificates, diplomas, and
23 degrees authorized in s. 1004.65, St. Petersburg College may
24 offer selected baccalaureate degrees. Initially, the college
25 may offer programs that lead to a baccalaureate degree in the
26 following fields:

27 1. Bachelor of Science in Nursing. This program must
28 be designed to articulate with the associate in science degree
29 in nursing. St. Petersburg College shall continue to offer the
30 associate in science degree in nursing.

31 2. Bachelor of Arts and Bachelor of Science in

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1 Elementary Education.

2 3. Bachelor of Arts and Bachelor of Science in Special
3 Education.

4 4. Bachelor of Arts and Bachelor of Science in
5 Secondary Education.

6 5. Bachelor of Applied Science in fields selected by
7 the Board of Trustees of St. Petersburg College. The board of
8 trustees shall base the selection on an analysis of workforce
9 needs and opportunities in the following counties: Pinellas,
10 Pasco, Hernando, and other counties approved by the Department
11 of Education. For each program selected, St. Petersburg
12 College must offer a related associate in science or associate
13 in applied science degree program, and the baccalaureate
14 degree level program must be designed to articulate fully with
15 at least one associate in science degree program. The college
16 is encouraged to develop articulation agreements for
17 enrollment of graduates of related associate in applied
18 science degree programs.

19 (b) St. Petersburg College may offer courses that
20 enable teachers to qualify for certification and
21 recertification as required by law or rule.

22 (c) St. Petersburg College may offer programs to
23 provide opportunities for a person who holds a baccalaureate
24 degree, but is not certified to teach, to obtain any
25 additional courses required for teacher certification.

26 (d) Master's degree level programs and doctoral
27 programs may be provided by agreement with a college or
28 university participating in the University Center of St.
29 Petersburg College.

30 (e) For those students living outside Pinellas County,
31 St. Petersburg College shall recruit for the upper division

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1 only those students who have earned an associate degree. In
2 recruiting upper-division students in Pasco and Hernando
3 Counties, St. Petersburg College shall work cooperatively with
4 Pasco-Hernando Community College and shall seek to offer
5 courses and programs at Pasco-Hernando Community College when
6 feasible. The nursing programs, in particular, must be
7 conducted cooperatively, and programs at St. Petersburg
8 College shall not conflict with Pasco-Hernando Community
9 College's and the University of South Florida's cooperative
10 nursing program.

11 (5) BOARDS.--

12 (a) The Board of Trustees of St. Petersburg College
13 serves as the college's governing board. The Governor shall
14 appoint members as provided in s. 1001.61, and the board has
15 the duties and authorities granted in ss. 1001.63 and 1001.64
16 and by rules of the State Board of Education.

17 (b) The Board of Trustees of St. Petersburg College
18 may authorize direct-support organizations as authorized in
19 ss. 1004.28 and 1004.70.

20 (c) The Board of Trustees of St. Petersburg College
21 may continue to award degrees, diplomas, and certificates as
22 authorized for St. Petersburg Junior College, and in the name
23 of St. Petersburg Junior College, until St. Petersburg College
24 receives its accreditation.

25 (d) A coordinating board shall assist the board of
26 trustees in its deliberations concerning issues that affect
27 the upper division of St. Petersburg College. The coordinating
28 board consists of the President of the University of South
29 Florida, the President of St. Petersburg College, the
30 President of Pasco-Hernando Community College, and the chairs
31 of the boards of trustees of those institutions.

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1 (e) Beginning 4 years after the college receives
2 accreditation to offer baccalaureate degrees, the Board of
3 Trustees of St. Petersburg College may determine additional
4 programs to be offered, with the approval of the coordinating
5 board. The determination must consider community needs and
6 economic opportunities.

7 (f) The coordinating board shall meet at the request
8 of the President of the University of South Florida or the
9 President of St. Petersburg College.

10 (g) If the coordinating board cannot decide an issue
11 of importance to the programs designed for upper-division
12 students, the State Board of Education shall resolve the
13 issue.

14 (6) EMPLOYEES.--

15 (a) Employment at St. Petersburg College is governed
16 by the same laws that govern community colleges, except that
17 upper-division faculty are eligible for continuing contracts
18 upon the completion of the fifth year of teaching.

19 (b) Employee records for all personnel shall be
20 maintained as required by s. 1012.81.

21 (7) FACILITIES.--St. Petersburg College may request
22 funding from the Public Education Capital Outlay and Debt
23 Service Trust Fund as a community college and as a university.
24 The municipalities in Pinellas County, the Board of County
25 Commissioners of Pinellas County, and all other governmental
26 entities are authorized to cooperate with the Board of
27 Trustees of St. Petersburg College in establishing this
28 institution. The acquisition and donation of lands, buildings,
29 and equipment for the use of St. Petersburg College are
30 authorized as a public purpose. The Board of County
31 Commissioners of Pinellas County and all municipalities in

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1 Pinellas County may exercise the power of eminent domain to
2 acquire lands, buildings, and equipment for the use of St.
3 Petersburg College, regardless of whether such lands,
4 buildings, and equipment are located in a community
5 redevelopment area.

6 (8) STATE FUNDING.--

7 (a) The Legislature intends to fund St. Petersburg
8 College as a community college for its workforce development
9 education programs and for its lower-division level college
10 credit courses and programs.

11 (b) The Legislature intends to fund St. Petersburg
12 College as a baccalaureate degree level institution for its
13 upper-division level courses and programs.

14 Section 227. Section 1004.74, Florida Statutes, is
15 created to read:

16 1004.74 Florida School of the Arts.--

17 (1) As the state strives to achieve excellence in all
18 aspects of public education, it is the intent of the
19 Legislature that specific attention be given to the needs of
20 artistically talented high school and college students. It is
21 further intended that such students who are occupationally
22 oriented to the arts be provided with the means for achieving
23 both an academic education and artistic training appropriate
24 to their gifts.

25 (2) There is created the Florida School of the Arts.
26 The school shall offer a program of academic and artistic
27 studies in the visual and performing arts, which program shall
28 be available to talented high school and college students in
29 the state.

30 (3) The Florida School of the Arts is assigned to the
31 District Board of Trustees of the St. Johns River Community

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1 College for purposes of administration and governance; but the
2 Florida School of the Arts, within appropriations and
3 limitations established annually by the Legislature, shall
4 serve as a professional school on a statewide basis for all
5 qualified students.

6 (4) The Council for the Florida School of the Arts
7 shall be established to advise the community college district
8 board of trustees on matters pertaining to the operation of
9 the school. The council shall consist of nine members,
10 appointed by the Commissioner of Education for 4-year terms. A
11 member may serve three terms and may serve until replaced.

12 Section 228. Section 1004.75, Florida Statutes, is
13 created to read:

14 1004.75 Training school consolidation pilot
15 projects.--

16 (1) ESTABLISHMENT.--To consolidate and more
17 efficiently use state and taxpayer resources by combining
18 training programs, pilot training centers are established to
19 provide public criminal justice training in Leon and St. Johns
20 Counties. The following pilot training centers are
21 established:

22 (a) The Pat Thomas Center at Tallahassee Community
23 College.

24 (b) The Criminal Justice Academy at St. Johns River
25 Community College.

26 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING
27 PROGRAMS.--Notwithstanding ss. 1001.31, 1001.33, and 1007.25,
28 or any other provision of law to the contrary, criminal
29 justice training programs in the pilot counties will transfer
30 to community colleges, effective July 1, 1999, at which time
31 responsibility for the provision of basic recruit, advanced,

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1 career development, and continuing training courses and
2 programs offered in public criminal justice training programs
3 and for the operation of existing public criminal justice
4 training programs will be shifted from the school district to
5 the community college in whose service area the public
6 criminal justice training program is located. Certification of
7 the program granted by the Criminal Justice Standards and
8 Training Commission will be transferred to the respective
9 community college and the college must continue to meet the
10 requirements of the commission.

11 (3) FACILITIES.--

12 (a) Criminal justice training program educational
13 facilities, educational plants, and related equipment as
14 defined in s. 1013.01(6) and (7) which are owned by the state
15 and paid for with only state funds shall be transferred to the
16 community college, except that, if such an educational
17 facility or educational plant or part of such facility or
18 plant is used for other purposes in addition to public
19 criminal justice training, the Criminal Justice Standards and
20 Training Commission shall mediate the transfer or a suitable
21 multiuse arrangement.

22 (b) Criminal justice training program educational
23 facilities, educational plants, and related equipment as
24 defined in s. 1013.01(6) and (7) which are owned by the school
25 district and paid for in whole or in part with local tax funds
26 shall be leased to the community college. However, if such an
27 educational facility or educational plant, or part of such
28 facility or plant, is used for other purposes in addition to
29 public criminal justice training, the Criminal Justice
30 Standards and Training Commission shall mediate a suitable
31 lease agreement. If a school district and a community college

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1 cannot agree on the terms and conditions of the lease
2 agreement, the Criminal Justice Standards and Training
3 Commission shall finalize the agreement and report its
4 decision to the Legislature. The Department of Education,
5 Office of Educational Facilities, shall conduct an analysis,
6 by December 31, 1999, to determine the amount of local tax
7 contribution used in the construction of a
8 school-district-owned criminal justice training program,
9 educational facility, or educational plant affected by the
10 transfer. This analysis shall be used to establish a purchase
11 price for the facility or plant. The community college board
12 of trustees may make a legislative budget request through the
13 State Board of Education to purchase the facility or plant, or
14 it may continue to lease the facility or plant.

15 (4) PROGRAM REQUIREMENTS.--Each pilot training center
16 will be regional in nature, as defined by the Criminal Justice
17 Standards and Training Commission. Each community college with
18 responsibility for a public criminal justice training program
19 must:

20 (a) Establish a pilot training center advisory
21 committee made up of professionals from the field of each
22 training program included in the pilot project.

23 (b) Provide certificate and noncredit options for
24 students and training components of the pilot training center
25 that so require.

26 (c) Develop an articulation agreement with state
27 universities to facilitate the transfer of graduates of a
28 community college degree training program to the upper
29 division of a state university with a corresponding program.

30 (5) STAFFING.--The community college board of trustees
31 may provide for school district public criminal justice

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1 training staff employed in full-time budgeted positions to be
2 transferred into the community college personnel system at the
3 same rate of salary. Retirement and leave provisions will be
4 transferred according to law.

5 (6) FUNDING.--The Department of Education shall shift
6 funds generated by students in the pilot training centers
7 established by this section, including workforce development
8 recurring and nonrecurring funds, from the appropriate school
9 district to the respective community college. The community
10 college shall qualify for future facilities funding upon
11 transfer of the facility.

12 (a) Consistent with s. 1011.62(7), school districts
13 that transfer programs will receive an amount equal to 15
14 percent of the funding generated for the program under the
15 FEFP in 1996-1997.

16 (b) Reflecting the lower program costs in community
17 colleges, notwithstanding the funding generated in paragraph
18 (a), community colleges will receive 90 percent of the funding
19 generated for the program under the FEFP in 1996-1997. The
20 school district will retain the remaining 10 percent.

21 (c) Notwithstanding ss. 1011.80(5)(a) and
22 1009.22(3)(a), or any other provision of law to the contrary,
23 fees for continuing workforce education for public law
24 enforcement officers at these pilot centers shall not exceed
25 25 percent of the cost of the course, and state funding shall
26 not under any circumstances exceed 50 percent of the cost of
27 the course.

28 Section 229. Section 1004.76, Florida Statutes, is
29 created to read:

30 1004.76 Florida Martin Luther King, Jr., Institute for
31 Nonviolence.--

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- 1 (1) As used in this section:
- 2 (a) "Board" means the advisory board of the institute.
- 3 (b) "Institute" means the Florida Martin Luther King,
- 4 Jr., Institute for Nonviolence.
- 5 (2) There is hereby created the Florida Martin Luther
- 6 King, Jr., Institute for Nonviolence to be established at
- 7 Miami-Dade Community College. The institute shall have an
- 8 advisory board consisting of 13 members as follows: the
- 9 Attorney General, the Commissioner of Education, and 11
- 10 members to be appointed by the Governor, such members to
- 11 represent the population of the state based on its ethnic,
- 12 gender, and socioeconomic diversity. Of the members appointed
- 13 by the Governor, one shall be a member of the Senate appointed
- 14 by the Governor on the recommendation of the President of the
- 15 Senate; one shall be a member of the Senate appointed by the
- 16 Governor on the recommendation of the minority leader; one
- 17 shall be a member of the House of Representatives appointed by
- 18 the Governor on the recommendation of the Speaker of the House
- 19 of Representatives; one shall be a member of the House of
- 20 Representatives appointed by the Governor on the
- 21 recommendation of the minority leader; and seven shall be
- 22 members appointed by the Governor, no more than three of whom
- 23 shall be members of the same political party. The following
- 24 groups shall be represented by the seven members: the Florida
- 25 Sheriffs Association; the Florida Association of Counties; the
- 26 Florida League of Cities; state universities human services
- 27 agencies; community relations or human relations councils; and
- 28 youth. A chairperson shall be elected by the members and
- 29 shall serve for a term of 3 years. Members of the board shall
- 30 serve the following terms of office which shall be staggered:
- 31 (a) A member of the Legislature appointed to the board

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1 shall serve for a single term not to exceed 5 years and shall
2 serve as a member only while he or she is a member of the
3 Legislature.

4 (b) Of the seven members who are not members of the
5 Legislature, three shall serve for terms of 4 years, two shall
6 serve for terms of 3 years, and one shall serve for a term of
7 1 year. Thereafter, each member, except for a member
8 appointed to fill an unexpired term, shall serve for a 5-year
9 term. No member shall serve on the board for more than 10
10 years.

11
12 In the event of a vacancy occurring in the office of a member
13 of the board by death, resignation, or otherwise, the Governor
14 shall appoint a successor to serve for the balance of the
15 unexpired term.

16 (3)(a) The board shall provide for the holding of
17 regular and special meetings. A majority of the members shall
18 constitute a quorum for the transaction of any business, and
19 the acts of a majority of the members present at a meeting at
20 which a quorum is present shall be deemed to be the acts of
21 the board.

22 (b) An executive director shall be appointed by the
23 board and shall be the chief administrative and operational
24 officer of the board. The executive director shall direct and
25 supervise administrative affairs and the general management of
26 the board. The executive director may contract with or employ
27 legal and technical experts and such other employees,
28 permanent and temporary, as shall be authorized by the board.

29 (c) Members of the board shall serve without
30 compensation, but shall be reimbursed for per diem and travel
31 expenses in accordance with s. 112.061.

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1 (4) The institute shall have the following powers and
2 duties:

3 (a) To conduct training, provide symposia, and develop
4 continuing education and programs to promote skills in
5 nonviolent conflict resolution for persons in government,
6 private enterprise, community groups, and voluntary
7 associations.

8 (b) To enter into formal and informal relationships
9 with other public or private institutions for purposes of
10 fulfilling the goals of the institute and to ensure geographic
11 dispersion of services to all regions of the state.

12 (c) To establish a clearinghouse to provide materials,
13 including publications, handbooks, training manuals, and
14 audiovisual materials, on the programs, studies, research,
15 training, and educational opportunities of the institute.

16 (d) To adopt, amend, and alter bylaws not inconsistent
17 with the laws of the state.

18 (e) To charge and collect subscription and other
19 participation costs and fees for its services, including
20 publications and courses of study.

21 (f) To receive and accept from any federal, state, or
22 local agency grants, or advances for, or in aid of, the
23 purposes of this act and to receive and accept contributions
24 from any source of either money, property, labor, or other
25 things of value, to be held, used, and applied for said
26 purposes.

27 (g) To do any and all lawful acts and things necessary
28 or desirable to carry out the objectives and purposes of this
29 act.

30 (5) The institute may establish fellowships through
31 the awarding of financial assistance to individuals and

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1 organizations to enable them to pursue scholarly inquiry and
2 study other appropriate forms of strategies for peace and
3 nonviolent conflict resolution.

4 Section 230. Section 1004.77, Florida Statutes, is
5 created to read:

6 1004.77 Centers of technology innovation.--

7 (1) The State Board of Education may designate centers
8 of technology innovation at single community colleges,
9 consortia of community colleges, or consortia of community
10 colleges with other educational institutions. The state board
11 shall adopt rules necessary to implement the provisions of
12 this section. The state board shall cooperate with the
13 Workforce Florida, Inc., in the designation of the centers as
14 it relates to the centers of applied technology.

15 (2) Centers shall be designated when a community
16 college or consortia provides evidence that it has developed
17 expertise in one or more specialized technologies. To be
18 designated, the community college or consortia must provide
19 benefits to the state, which may include, but are not limited
20 to:

21 (a) Curriculum development.

22 (b) Faculty development.

23 (c) Research, testing, and technology transfer.

24 (d) Instructional equipment and materials
25 identification and development.

26 (e) Partnerships with industries dependent upon
27 staying current in the related technologies and in the
28 development of workforce capabilities.

29 (f) Partnerships with industries needing to convert
30 their existing technology base to other technologies in order
31 to continue conducting business in Florida, including

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1 converting defense-related technologies to other technologies.

2 (3) Centers may provide services to their service area
3 and receive funding through:

4 (a) Serving as a technology transfer center, as
5 created in s. 1004.78.

6 (b) Serving as an incubator facility for small
7 business concerns, as created in s. 1004.79.

8 (c) Serving as an economic development center, as
9 created in s. 1004.80.

10 (4) Centers may provide instruction, as follows:

11 (a) To students enrolled in the community college,
12 especially for purposes of providing training for technicians
13 in areas that support the employers involved in the technology
14 specialization.

15 (b) To students enrolled at the undergraduate and
16 graduate level in a university, college, or community college
17 which is a member of the designated consortia. Such enrollment
18 shall be funded by the enrolling institution.

19 (c) To employees in the service area needing training
20 and retraining in the technology of specialization, which may
21 include, but is not limited to, the retraining necessary to
22 convert defense-related technologies to other technologies.

23 (d) To secondary school students and teachers where
24 such instruction will stimulate interest in further education.

25 (5) The State Board of Education shall give priority
26 in the designation of centers to those community colleges that
27 specialize in technology in environmental areas and in areas
28 related to target industries of Enterprise Florida. Priority
29 in designation shall also be given to community colleges that
30 develop new and improved manufacturing techniques and related
31 business practices.

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1 (6) Centers, including the facilities of the center,
2 may be made available to the public agencies of the state, the
3 counties and cities of the service area, and the employers of
4 the state and service area. Centers may also be used for
5 applied research in the area of specialization.

6 (7) Each center shall have a board of directors with
7 at least five members who shall be appointed by the district
8 board of trustees. The board of directors is responsible for
9 overseeing the operation of the center, approval of the annual
10 budget, and setting policy to guide the director in the
11 operation of the center. The board of directors shall consist
12 of at least the following:

13 (a) The director of the center.

14 (b) The vice president of academic affairs, or the
15 equivalent, of the community college.

16 (c) The vice president of business affairs, or the
17 equivalent, of the community college.

18 (d) Two members designated by the president of the
19 community college.

20 (8) Each center shall establish a schedule of fees or
21 rates to be charged to all who use the facilities of the
22 center. In addition, each center may negotiate user contracts
23 with governmental users, industrial users, researchers, public
24 or private educational institutions, or individuals for use of
25 the facilities. It is the intent of the Legislature that the
26 centers of technology innovation established pursuant to this
27 act shall not seek any additional state funding. Centers may
28 solicit and accept grants and donations, including, but not
29 limited to, federal and state grants to assist companies in
30 converting defense-related technologies to other technologies.

31 (9) The State Board of Education may award grants to

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1 designated centers for the purposes of this section. Grants
2 awarded shall be in accordance with rules established by the
3 State Board of Education, which rules shall require an annual
4 report.

5 Section 231. Section 1004.78, Florida Statutes, is
6 created to read:

7 1004.78 Technology transfer centers at community
8 colleges.--

9 (1) Each community college may establish a technology
10 transfer center for the purpose of providing institutional
11 support to local business and industry and governmental
12 agencies in the application of new research in technology.
13 The primary responsibilities of such centers may include:
14 identifying technology research developed by universities,
15 research institutions, businesses, industries, the United
16 States Armed Forces, and other state or federal governmental
17 agencies; determining and demonstrating the application of
18 technologies; training workers to integrate advanced equipment
19 and production processes; and determining for business and
20 industry the feasibility and efficiency of accommodating
21 advanced technologies.

22 (2) The community college board of trustees shall set
23 such policies to regulate the activities of the technology
24 transfer center as it may consider necessary to effectuate the
25 purposes of this section and to administer the programs of the
26 center in a manner which assures efficiency and effectiveness,
27 producing the maximum benefit for the educational programs and
28 maximum service to the state. To this end, materials that
29 relate to methods of manufacture or production, potential
30 trade secrets, potentially patentable material, actual trade
31 secrets, business transactions, or proprietary information

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1 received, generated, ascertained, or discovered during the
2 course of activities conducted within the community colleges
3 shall be confidential and exempt from the provisions of s.
4 119.07(1), except that a community college shall make
5 available upon request the title and description of a project,
6 the name of the investigator, and the amount and source of
7 funding provided for such project.

8 (3) A technology transfer center created under the
9 provisions of this section shall be under the supervision of
10 the board of trustees of that community college, which is
11 authorized to appoint a director; to employ full-time and
12 part-time staff, research personnel, and professional
13 services; to employ on a part-time basis personnel of the
14 community college; and to employ temporary employees whose
15 salaries are paid entirely from the permanent technology
16 transfer fund or from that fund in combination with other
17 nonstate sources, with such positions being exempt from the
18 requirements of the Florida Statutes relating to salaries,
19 except that no such appointment shall be made for a total
20 period of longer than 1 year.

21 (4) The board of trustees of the community college in
22 which a technology transfer center is created, or its
23 designee, may negotiate, enter into, and execute contracts;
24 solicit and accept grants and donations; and fix and collect
25 fees, other payments, and donations that may accrue by reason
26 thereof for technology transfer activities. The board of
27 trustees or its designee may negotiate, enter into, and
28 execute contracts on a cost-reimbursement basis and may
29 provide temporary financing of such costs prior to
30 reimbursement from moneys on deposit in the technology
31 transfer fund, except as may be prohibited elsewhere by law.

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1 (5) A technology transfer center shall be financed
2 from the Academic Improvement Program or from moneys of a
3 community college which are on deposit or received for use in
4 the activities conducted in the center. Such moneys shall be
5 deposited by the community college in a permanent technology
6 transfer fund in a depository or depositories approved for the
7 deposit of state funds and shall be accounted for and
8 disbursed subject to audit by the Auditor General.

9 (6) The fund balance in any existing research trust
10 fund of a community college at the time a technology transfer
11 center is created shall be transferred to a permanent
12 technology transfer fund established for the community
13 college, and thereafter the fund balance of the technology
14 transfer fund at the end of any fiscal period may be used
15 during any succeeding period pursuant to this section.

16 (7) Moneys deposited in the permanent technology
17 transfer fund of a community college shall be disbursed in
18 accordance with the terms of the contract, grant, or donation
19 under which they are received. Moneys received for overhead
20 or indirect costs and other moneys not required for the
21 payment of direct costs shall be applied to the cost of
22 operating the technology transfer center.

23 (8) All purchases of a technology transfer center
24 shall be made in accordance with the policies and procedures
25 of the community college.

26 (9) The community college board of trustees may
27 authorize the construction, alteration, or remodeling of
28 buildings when the funds used are derived entirely from the
29 technology transfer fund of a community college or from that
30 fund in combination with other nonstate sources, provided that
31 such construction, alteration, or remodeling is for use

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1 exclusively by the center. It also may authorize the
2 acquisition of real property when the cost is entirely from
3 said funds. Title to all real property shall vest in the
4 board of trustees.

5 (10) The State Board of Education may award grants to
6 community colleges, or consortia of public and private
7 colleges and universities and other public and private
8 entities, for the purpose of supporting the objectives of this
9 section. Grants awarded pursuant to this subsection shall be
10 in accordance with rules of the State Board of Education.

11 Such rules shall include the following provisions:

12 (a) The number of centers established with state funds
13 provided expressly for the purpose of technology transfer
14 shall be limited, but shall be geographically located to
15 maximize public access to center resources and services.

16 (b) Grants to centers funded with state revenues
17 appropriated specifically for technology transfer activities
18 shall be reviewed and approved by the State Board of Education
19 using proposal solicitation, evaluation, and selection
20 procedures established by the state board in consultation with
21 Enterprise Florida, Inc. Such procedures may include
22 designation of specific areas or applications of technology as
23 priorities for the receipt of funding.

24 (c) Priority for the receipt of state funds
25 appropriated specifically for the purpose of technology
26 transfer shall be given to grant proposals developed jointly
27 by community colleges and public and private colleges and
28 universities.

29 (11) Each technology transfer center established under
30 the provisions of this section shall establish a technology
31 transfer center advisory committee. Each committee shall

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1 include representatives of a university or universities
2 conducting research in the area of specialty of the center.
3 Other members shall be determined by the community college
4 board of trustees.

5 Section 232. Section 1004.79, Florida Statutes, is
6 created to read:

7 1004.79 Incubator facilities for small business
8 concerns.--

9 (1) Each community college established pursuant to s.
10 1004.02(2) may provide incubator facilities to eligible small
11 business concerns. As used in this section, "small business
12 concern" shall be defined as an independently owned and
13 operated business concern incorporated in Florida which is not
14 an affiliate or a subsidiary of a business dominant in its
15 field of operation, and which employs 25 or fewer full-time
16 employees. "Incubator facility" shall be defined as a facility
17 in which small business concerns share common space,
18 equipment, and support personnel and through which such
19 concerns have access to professional consultants for advice
20 related to the technical and business aspects of conducting a
21 commercial enterprise. The community college board of trustees
22 shall authorize concerns for inclusion in the incubator
23 facility.

24 (2) Each community college that provides an incubator
25 facility shall provide the following:

26 (a) Management and maintenance of the incubator
27 facility.

28 (b) Secretarial and other support personnel,
29 equipment, and utilities.

30 (c) Mechanisms to assist with the acquisition of
31 technical, management, and entrepreneurial expertise to

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1 resident and other local small business concerns.

2 (3) The incubator facility and any improvements to the
3 facility shall be owned or leased by the community college.
4 The community college may charge residents of the facility all
5 or part of the cost for facilities, utilities, and support
6 personnel and equipment. No small business concern shall
7 reside in the incubator facility for more than 5 calendar
8 years. The state shall not be liable for any act or failure
9 to act of any small business concern residing in an incubator
10 facility pursuant to this section or of any such concern
11 benefiting from the incubator facilities program.

12 (4) Community colleges are encouraged to establish
13 incubator facilities through which emerging small businesses
14 supportive of spaceport endeavors and other high-technology
15 enterprises may be served.

16 (5) Community colleges are encouraged to establish
17 incubator facilities through which emerging small businesses
18 supportive of development of content and technology for
19 digital broadband media and digital broadcasting may be
20 served.

21 Section 233. Section 1004.80, Florida Statutes, is
22 created to read:

23 1004.80 Economic development centers.--

24 (1) Community colleges may establish economic
25 development centers for the purpose of serving as liaisons
26 between community colleges and the business sector. The
27 responsibilities of each center shall include:

28 (a) Promoting the economic well-being of businesses
29 and industries.

30 (b) Coordinating, with chambers of commerce,
31 government agencies, district school boards, and other

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1 organizations, efforts to provide educational programs which
2 promote economic development, including, but not limited to,
3 business incubators, industrial development and research
4 parks, industry recruitment efforts, publication of business
5 research and resource guides, and sponsorship of workshops,
6 conferences, seminars, and consultation services.

7 (2) The board of trustees of a community college in
8 which an economic development center is created, or its
9 designee, may negotiate, enter into, and execute contracts;
10 solicit and accept grants and donations; and fix and collect
11 fees, other payments, and donations that may accrue by reason
12 of activities of the center and its staff.

13 (3) Economic development centers shall operate under
14 policies and procedures established by the community college
15 board of trustees.

16 (4) The State Board of Education may award grants to
17 economic development centers for the purposes of this section.
18 Grants awarded pursuant to this subsection shall be in
19 accordance with rules established by the State Board of
20 Education.

21 Section 234. Section 1004.81, Florida Statutes, is
22 created to read:

23 1004.81 Establishment of child development training
24 centers at community colleges.--

25 (1) The Legislature recognizes the importance of
26 preschool developmental education and the need for adult
27 students with limited economic resources to have access to
28 high-quality, affordable child care at variable hours for
29 their children. It is therefore the intent of the Legislature
30 that community colleges provide high-quality, affordable child
31 care to the children of adult students enrolled in community

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1 colleges. The primary purpose of these child development
2 training centers is to provide affordable child care for
3 children of adult students, particularly those who demonstrate
4 financial need, as well as for employees and staff of the
5 institution. Further, the child development training centers
6 are intended to provide both preschool instruction to the
7 children and clinical experiences for prospective child care
8 and early childhood instructional and administrative
9 personnel. A secondary mission of the centers shall be to
10 provide instruction in parenting skills for the clients of the
11 center as well as for the community.

12 (2) In consultation with the student government
13 association or a recognized student group representing the
14 student body, a community college board of trustees may
15 establish a child development training center in accordance
16 with this section. Each child development training center
17 shall be a child care center established to provide child care
18 during the day and at variable hours, including evenings and
19 weekends, for the children of students. Emphasis should be
20 placed on serving students who demonstrate financial need as
21 defined by the board of trustees. At least 50 percent of the
22 child care slots must be made available to students, and
23 financially needy students, as defined by the board of
24 trustees, shall receive child care slots first. The center may
25 serve the children of staff, employees, and faculty; however,
26 a designated number of child care slots shall not be allocated
27 for employees. Whenever possible, the center shall be located
28 on the campus of the community college. However, the board may
29 elect to provide child care services for students through
30 alternative mechanisms, which may include contracting with
31 private providers.

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1 (3) There shall be a board of directors of each child
2 development training center, consisting of the president or
3 his or her designee, the student government president or his
4 or her designee, the chair of the department participating in
5 the center or his or her designee, and one parent for each 25
6 children enrolled in the center, elected by the parents of the
7 children enrolled in the center. There shall be a director of
8 each center, selected by the board of directors of the center.
9 The director shall be an ex officio, nonvoting member of the
10 board. The board of trustees shall establish local policies
11 and perform local oversight and operational guidance for the
12 center.

13 (4) Each center may charge fees for the care and
14 services it provides. Each board of trustees shall establish
15 mechanisms to facilitate access to center services for
16 students with financial need, which shall include a sliding
17 fee scale and other methods adopted by the board of trustees
18 to reduce or defray payment of fees for students. The board of
19 trustees is authorized to seek and receive grants and other
20 resources to support the operation of the child development
21 center.

22 (5) In addition to revenues derived from child care
23 fees charged to parents and other external resources, each
24 child development training center may be funded by a portion
25 of funds from the student activity and service fee authorized
26 by s. 1009.23(7) and the capital improvement fee authorized by
27 s. 1009.23(11). Community colleges are authorized to transfer
28 funds as necessary from the community college's general fund
29 to support the operation of the child development training
30 center.

31 (6) This section does not preclude the continuation of

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1 or in any way affect child care centers operated by community
2 colleges that were established by the district board of
3 trustees prior to July 1, 1994.

4 Section 235. Part IV of chapter 1004, Florida
5 Statutes, shall be entitled "Workforce Development Education"
6 and shall consist of ss. 1004.91-1004.98.

7 Section 236. Section 1004.91, Florida Statutes, is
8 created to read:

9 1004.91 Vocational-preparatory instruction.--

10 (1) The State Board of Education shall adopt, by rule,
11 standards of basic skill mastery for certificate technical
12 education programs. Each school district and community college
13 that conducts programs that confer technical credit shall
14 provide vocational-preparatory instruction through which
15 students receive the basic skills instruction required
16 pursuant to this section.

17 (2) Students who enroll in a program offered for
18 technical credit of 450 hours or more shall complete an
19 entry-level examination within the first 6 weeks of admission
20 into the program. The State Board of Education shall
21 designate examinations that are currently in existence, the
22 results of which are comparable across institutions, to assess
23 student mastery of basic skills. Any student found to lack the
24 required level of basic skills for such program shall be
25 referred to vocational-preparatory instruction or adult basic
26 education for a structured program of basic skills
27 instruction. Such instruction may include English for speakers
28 of other languages. A student may not receive a technical
29 certificate of completion without first demonstrating the
30 basic skills required in the state curriculum frameworks for
31 the program.

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1 (3) An adult student with a disability may be exempted
2 from the provisions of this section. A student who possesses a
3 college degree at the associate in applied science level or
4 higher is exempt from this section. A student who has
5 completed or who is exempt from the college-level
6 communication and computation skills examination pursuant to
7 s. 1008.29, or who is exempt from the college entry-level
8 examination pursuant to s. 1008.29 is exempt from the
9 provisions of this section. Students who have passed a state,
10 national or industry licensure exam are exempt from this
11 section.

12 Section 237. Section 1004.92, Florida Statutes, is
13 created to read:

14 1004.92 Purpose and responsibilities for career and
15 technical education.--

16 (1) The purpose of career and technical education is
17 to enable students who complete career and technical programs
18 to attain and sustain employment and realize economic
19 self-sufficiency. The purpose of this section is to identify
20 issues related to career and technical education for which
21 school boards and community college boards of trustees are
22 accountable. It is the intent of the Legislature that the
23 standards articulated in subsection (2) be considered in the
24 development of accountability standards for public schools
25 pursuant to ss. 1000.03, 1008.345, and 1001.42(16) and for
26 community colleges pursuant to s. 1008.45.

27 (2) School board, superintendent, and technical
28 center, and community college board of trustees and president,
29 accountability for career and technical education programs
30 includes, but is not limited to:

31 1. Student demonstration of the academic skills

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1 necessary to enter an occupation.

2 2. Student preparation to enter an occupation in an
3 entry-level position or continue postsecondary study.

4 3. Career and technical program articulation with
5 other corresponding postsecondary programs and job training
6 experiences.

7 4. Employer satisfaction with the performance of
8 students who complete career and technical education or reach
9 occupational completion points.

10 5. Student completion, placement, and retention rates
11 pursuant to s. 1008.43.

12 (c) Department of Education accountability for career
13 and technical education includes, but is not limited to:

14 1. The provision of timely, accurate technical
15 assistance to school districts and community colleges.

16 2. The provision of timely, accurate information to
17 the State Board of Education, the Legislature, and the public.

18 3. The development of policies, rules, and procedures
19 that facilitate institutional attainment of the accountability
20 standards and coordinate the efforts of all divisions within
21 the department.

22 4. The development of program standards and
23 industry-driven benchmarks for career and technical, adult,
24 and community education programs, which must be updated every
25 3 years. The standards must include technical, academic, and
26 workplace skills; viability of distance learning for
27 instruction; and work/learn cycles that are responsive to
28 business and industry.

29 5. Overseeing school district and community college
30 compliance with the provisions of this chapter.

31 6. Ensuring that the educational outcomes for the

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1 technical component of career and technical programs and are
2 uniform and designed to provide a graduate who is capable of
3 entering the workforce on an equally competitive basis
4 regardless of the institution of choice.

5 (3) Each technical center operated by a district
6 school board shall establish a center advisory council
7 pursuant to s. 1001.452. The center advisory council shall
8 assist in the preparation and evaluation of center improvement
9 plans required pursuant to s. 1001.42(16) and may provide
10 assistance, upon the request of the center director, in the
11 preparation of the center's annual budget and plan as required
12 by s. 1008.385(1).

13 Section 238. Section 1004.93, Florida Statutes, is
14 created to read:

15 1004.93 Adult general education.--

16 (1)(a) The intent of this section is to encourage the
17 provision of educational services that will enable adults to
18 acquire:

19 1. The basic skills necessary to attain basic and
20 functional literacy.

21 2. A high school diploma or successfully complete the
22 general educational development test.

23 3. An educational foundation that will enable them to
24 become more employable, productive, and self-sufficient
25 citizens.

26 (b) It is further intended that educational
27 opportunities be available for adults who have earned a
28 diploma or high school equivalency diploma but who lack the
29 basic skills necessary to function effectively in everyday
30 situations, to enter the job market, or to enter technical
31 certificate instruction.

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1 (2) The adult education program must provide academic
2 services to students in the following priority:

3 (a) Students who demonstrate skills at less than a
4 fifth grade level, as measured by tests approved for this
5 purpose by the State Board of Education, and who are studying
6 to achieve basic literacy.

7 (b) Students who demonstrate skills at the fifth grade
8 level or higher, but below the ninth grade level, as measured
9 by tests approved for this purpose by the State Board of
10 Education, and who are studying to achieve functional
11 literacy.

12 (c) Students who are earning credit required for a
13 high school diploma or who are preparing for the general
14 educational development test.

15 (d) Students who have earned high school diplomas and
16 require specific improvement in order to:

17 1. Obtain or maintain employment or benefit from
18 certificate technical education programs;

19 2. Pursue a postsecondary degree; or

20 3. Develop competence in the English language to
21 qualify for employment.

22 (e) Students who enroll in lifelong learning courses
23 or activities that seek to address community social and
24 economic issues that consist of health and human relations,
25 government, parenting, consumer economics, and senior
26 citizens.

27 (f) Students who enroll in courses that relate to the
28 recreational or leisure pursuits of the students. The cost of
29 courses conducted pursuant to this paragraph shall be borne by
30 the enrollees.

31 (3)(a) Each district school board or community college

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1 board of trustees shall negotiate with the regional workforce
2 board for basic and functional literacy skills assessments for
3 participants in the welfare transition employment and training
4 programs. Such assessments shall be conducted at a site
5 mutually acceptable to the district school board or community
6 college board of trustees and the regional workforce board.

7 (b) State employees who are employed in local or
8 regional offices of state agencies shall inform clients of the
9 availability of adult basic and secondary programs in the
10 region. The identities of clients who do not possess high
11 school diplomas or who demonstrate skills below the level of
12 functional literacy shall be conveyed, with their consent, to
13 the local school district or community college, or both.

14 (c) To the extent funds are available, the Department
15 of Children and Family Services shall provide for day care and
16 transportation services to clients who enroll in adult basic
17 education programs.

18 (4)(a) Adult general education shall be evaluated and
19 funded as provided in s. 1011.80.

20 (b) Fees adult basic instruction are to be charged in
21 accordance with chapter 1009.

22 (c) The State Board of Education shall define, by
23 rule, the levels and courses of instruction to be funded
24 through the college-preparatory program. The state board shall
25 coordinate the establishment of costs for college-preparatory
26 courses, the establishment of statewide standards that define
27 required levels of competence, acceptable rates of student
28 progress, and the maximum amount of time to be allowed for
29 completion of college-preparatory instruction.

30 College-preparatory instruction is part of an associate in
31 arts degree program and may not be funded as an adult and

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1 technical education program.

2 (d) Expenditures for college-preparatory and lifelong
3 learning students shall be reported separately. Allocations
4 for college-preparatory courses shall be based on proportional
5 full-time equivalent enrollment. Program review results shall
6 be included in the determination of subsequent allocations. A
7 student shall be funded to enroll in the same
8 college-preparatory class within a skill area only twice,
9 after which time the student shall pay 100 percent of the full
10 cost of instruction to support the continuous enrollment of
11 that student in the same class; however, students who withdraw
12 or fail a class due to extenuating circumstances may be
13 granted an exception only once for each class, provided
14 approval is granted according to policy established by the
15 board of trustees. Each community college shall have the
16 authority to review and reduce payment for increased fees due
17 to continued enrollment in a college-preparatory class on an
18 individual basis contingent upon the student's financial
19 hardship, pursuant to definitions and fee levels established
20 by the State Board of Education. College-preparatory and
21 lifelong learning courses do not generate credit toward an
22 associate or baccalaureate degree.

23 (e) A district school board or a community college
24 board of trustees may negotiate a contract with the regional
25 workforce board for specialized services for participants in
26 the welfare transition program, beyond what is routinely
27 provided for the general public, to be funded by the regional
28 workforce board.

29 (5) If students who have been determined to be adults
30 with disabilities are enrolled in workforce development
31 programs, the funding formula must provide additional

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1 incentives for their achievement of performance outputs and
2 outcomes.

3 (6) The commissioner shall recommend the level of
4 funding for public school and community college adult
5 education within the legislative budget request and make other
6 recommendations and reports considered necessary or required
7 by rules of the State Board of Education.

8 (7) Buildings, land, equipment, and other property
9 owned by a district school board or community college board of
10 trustees may be used for the conduct of the adult education
11 program. Buildings, land, equipment, and other property owned
12 or leased by cooperating public or private agencies,
13 organizations, or institutions may also be used for the
14 purposes of this section.

15 (8) The State Board of Education may adopt rules
16 necessary for the implementation of this section.

17 Section 239. Section 1004.94, Florida Statutes, is
18 created to read:

19 1004.94 Adult literacy.--

20 (1)(a) An adult, individualized literacy instruction
21 program is created for adults who possess literacy skills
22 below the ninth grade level. The purpose of the program is to
23 provide self-paced, competency-based, individualized tutorial
24 instruction. The commissioner shall administer this section in
25 coordination with community college boards of trustees, local
26 school boards, and the Division of Library and Information
27 Services of the Department of State.

28 (b) Local adult, individualized literacy instruction
29 programs may be coordinated with local public library systems
30 and with public or private nonprofit agencies, organizations,
31 or institutions. A local public library system and a public

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1 or private nonprofit agency, organization, or institution may
2 use funds appropriated for the purposes of this section to
3 hire program coordinators. Such coordinators shall offer
4 training activities to volunteer tutors and oversee the
5 operation of local literacy programs. A local public library
6 system and a public or private nonprofit agency, organization,
7 or institution may also purchase student instructional
8 materials and modules that instruct tutors in the teaching of
9 basic and functional literacy and English for speakers of
10 other languages. To the extent funds are appropriated,
11 cooperating local library systems shall purchase, and make
12 available for loan, reading materials of high interest and
13 with a vocabulary appropriate for use by students who possess
14 literacy skills below the ninth grade level and students of
15 English for speakers of other languages.

16 (2)(a) The adult literacy program is intended to
17 increase adult literacy as prescribed in the agency functional
18 plan of the Department of Education. The commissioner shall
19 establish guidelines for the purpose of determining
20 achievement of this goal.

21 (b) Each participating local sponsor shall submit an
22 annual report to the commissioner which must contain
23 information to demonstrate the extent to which there has been
24 progress toward increasing the percentage of adults within the
25 service area who possess literacy skills.

26 (c) Based on the information provided from the local
27 reports, the commissioner shall develop an annual status
28 report on literacy and adult education.

29 (3) Funds appropriated for the purposes of this
30 section shall be allocated as grants for implementing adult
31 literacy programs. Such funds may not be used to supplant

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1 funds used for activities that would otherwise be conducted in
2 the absence of literacy funding. A grant awarded pursuant to
3 this section may not exceed \$50,000. Priority for the use of
4 such funds shall be given to paying expenses related to the
5 instruction of volunteer tutors, including materials and the
6 salary of the program coordinator. Local sponsors may also
7 accept funds from private sources for the purposes of this
8 section.

9 (4)(a) The commissioner shall submit a state adult
10 literacy plan to the State Board of Education to serve as a
11 reference for district school boards and community colleges
12 boards of trustees to increase adult literacy in their service
13 areas as prescribed in the agency functional plan of the
14 Department of Education. The plan must include, at a minimum:

15 1. Policies and objectives for adult literacy
16 programs, including evaluative criteria.

17 2. Strategies for coordinating adult literacy
18 activities with programs and services provided by other state
19 and local nonprofit agencies, as well as strategies for
20 maximizing other funding, resources, and expertise.

21 3. Procedures for identifying, recruiting, and
22 retaining adults who possess literacy skills below the ninth
23 grade level.

24 4. Sources of relevant demographic information and
25 methods of projecting the number of adults who possess
26 literacy skills below the ninth grade level.

27 5. Acceptable methods of demonstrating compliance with
28 the provisions of this section.

29 6. Guidelines for the development and implementation
30 of local adult literacy plans. At a minimum, such guidelines
31 must address:

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1 a. The recruitment and preparation of volunteer
2 tutors.

3 b. Interagency and intraagency cooperation and
4 coordination, especially with public libraries and other
5 sponsors of literacy programs.

6 c. Desirable learning environments, including class
7 size.

8 d. Program evaluation standards.

9 e. Methods for identifying, recruiting, and retaining
10 adults in literacy programs.

11 f. Adult literacy through family literacy and
12 workforce literacy programs.

13 (b) Every 3 years, the district school board or
14 community college board of trustees shall develop and maintain
15 a local adult literacy plan.

16 Section 240. Section 1004.95, Florida Statutes, is
17 created to read:

18 1004.95 Adult literacy centers.--

19 (1) The Commissioner of Education shall select
20 community colleges and public school districts to establish
21 and operate adult literacy centers to complement existing
22 public and private instructional adult literacy programs. The
23 centers shall identify, contact, counsel, and refer persons
24 considered to be lacking basic or functional literacy skills
25 or competencies related to prose, document, and quantitative
26 literacy skills to the appropriate private and public
27 agencies, including human service agencies. The centers may
28 not duplicate or supplant the existing services provided by
29 public and private agencies operating within the district.

30 (2) In selecting program participants, the
31 Commissioner of Education shall, at a minimum, consider the

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1 extent to which:

2 (a) Cooperative arrangements with other state and
3 local agreements and innovative approaches will be used for
4 carrying out the role of the center;

5 (b) Similar services are provided within the service
6 delivery area;

7 (c) The program objectives may be accomplished within
8 the budget request;

9 (d) Provisions are made for monitoring program
10 performance; and

11 (e) Fiscal controls and fund accounting procedures
12 exist to ensure proper use of, and accounting for, the program
13 funds.

14 (3) The activities and funding of center operations
15 shall be reported in a separate and distinct manner.

16 (4) The State Board of Education shall develop rules
17 for implementing this section, including criteria for
18 evaluating the performance of the centers, and shall submit an
19 evaluation report of the centers to the Legislature on or
20 before February 1 of each year.

21 Section 241. Section 1004.96, Florida Statutes, is
22 created to read:

23 1004.96 Community education.--

24 (1) Pursuant to this section and State Board of
25 Education rule, each school board and the Board of Trustees
26 for the Florida School for the Deaf and Blind may apply to the
27 Department of Education for a community education grant. An
28 applicant shall include in the grant application a description
29 of the community education program and process through which
30 the program is developed.

31 (2) The department shall give priority to applications

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1 that include:

2 (a) Centers that serve the most students within
3 available resources.

4 (b) Programs for which funds are matched by the
5 Federal Government or other nonstate sources and which are
6 appropriate within the context of community education.

7 (c) Programs that provide before-school and
8 after-school activities for children.

9 Section 242. Section 1004.97, Florida Statutes, is
10 created to read:

11 1004.97 Florida Literacy Corps.--

12 (1) It is the intent of the Legislature that eligible
13 postsecondary students be offered an opportunity to perform
14 public service by serving as volunteer tutors for adults who
15 do not possess basic or functional literacy skills.

16 (2) There is created a Florida Literacy Corps to be
17 administered by the Department of Education pursuant to this
18 section and rules of the State Board of Education.
19 Participating students earn college credit for tutoring adults
20 who do not possess basic or functional literacy skills
21 pursuant to an agreement between the institution in which the
22 student is enrolled and the district school board, community
23 college board of trustees, public library, or nonprofit
24 organization offering literacy instruction to adults pursuant
25 to s. 1004.94. The district school board, community college
26 board of trustees, public library, or nonprofit organization
27 is solely responsible for providing literacy programs and
28 instructing participating postsecondary students.

29 (3) In order to be eligible to participate in the
30 Florida Literacy Corps, a student must:

31 (a) Be enrolled in an eligible state university or

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1 community college at least half time and be in good standing,
2 as defined by the institution.

3 (b) Have completed at least 12 semester hours of
4 college-level coursework that applies toward an associate in
5 arts or baccalaureate degree.

6 (c) Have attained a passing score on one of the
7 postsecondary entry-level examinations approved pursuant to
8 State Board of Education rule, be exempt from the
9 administration of such examination, or have successfully
10 completed any required college-preparatory instruction.

11 (4) In order to be eligible to participate in the
12 Florida Literacy Corps, a state university or community
13 college must:

14 (a) Establish one or more undergraduate or graduate
15 courses, or both, in which participating students may earn a
16 maximum of 3 credit hours per semester, and a maximum of 6
17 credit hours over two or more semesters, by tutoring adults
18 who do not possess basic or functional literacy skills. The
19 institution shall establish such courses in the common course
20 designation and numbering system. The courses must require
21 students to complete instruction for prospective tutors, tutor
22 adults for at least 25 hours per semester for each hour of
23 credit awarded, and satisfy any other requirements imposed by
24 the institution.

25 (b) Submit a proposal to the Department of Education
26 for review and approval. The proposal must include, but is not
27 limited to:

28 1. Identification of the school district, community
29 college, public library, or nonprofit organization with which
30 participating students will be working.

31 2. Demonstration of the need for literacy tutors by

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1 the school district, community college, public library, or
2 nonprofit organization.

3 3. Demonstration of commitment by the public school,
4 community college, public library, or nonprofit organization
5 to provide instruction for tutors.

6 4. Description of the literacy program.

7 5. Demonstration of student interest in program
8 participation.

9 6. Designation of one or more faculty to conduct the
10 Florida Literacy Corps course and identification of the
11 qualifications of such faculty.

12 (5) From funds appropriated for the purposes of this
13 section, the department shall allocate an amount for each
14 approved proposal based on the number of students approved for
15 enrollment and subsequently enrolled in Florida Literacy Corps
16 courses.

17 (6) Each participating state university and community
18 college shall submit an annual report to the Commissioner of
19 Education which includes, but is not limited to:

20 (a) The number of hours of tutoring conducted by
21 participating students.

22 (b) The number of students enrolled in the courses.

23 (c) The number of students who successfully complete
24 the courses.

25 (d) An evaluation of the tutors' effectiveness as
26 judged by the participating school district, community
27 college, public library, or nonprofit organization. The
28 department shall develop a common evaluation form for this
29 purpose.

30 (e) The number of full-time equivalent enrollments
31 generated by the participating students.

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1 (7) The department shall compile the annual reports
2 into a single, annual programmatic report to be submitted to
3 the State Board of Education by December 1 of each year.

4 Section 243. Section 1004.98, Florida Statutes, is
5 created to read:

6 1004.98 Workforce literacy programs.--

7 (1) The workforce literacy program is established
8 within the community colleges and school districts to ensure
9 the existence of sufficient numbers of employees who possess
10 the skills necessary to perform in entry-level occupations and
11 to adapt to technological advances in the workplace.

12 Workforce literacy programs are intended to support economic
13 development by increasing adult literacy and producing an
14 educated workforce.

15 (2) Each community college and school district may
16 conduct courses and programs through which adults gain the
17 communication and computation skills necessary to complete a
18 career and technical program, to gain or maintain entry-level
19 employment, or to upgrade employment. Courses may not be
20 conducted until the community college or school district
21 identifies current and prospective employees who do not
22 possess the skills necessary to enter career and technical
23 programs or to obtain or maintain employment.

24 (3) A community college or school district may be
25 eligible to fund a workforce literacy program pursuant to the
26 provisions of s. 1004.94.

27 Section 244. Chapter 1005, Florida Statutes, shall be
28 entitled "Nonpublic Postsecondary Education" and shall consist
29 of ss. 1005.01-1005.39.

30 Section 245. Part I of chapter 1005, Florida Statutes,
31 shall be entitled "General Provisions" and shall consist of

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1 ss. 1005.01-1005.06.

2 Section 246. Section 1005.01, Florida Statutes, is
3 created to read:

4 1005.01 Purpose.--

5 (1) The Legislature encourages privately supported
6 higher education and intends to aid in protecting the health,
7 education, and welfare of persons who receive educational
8 services from independent postsecondary educational
9 institutions in this state; to aid in protecting employers and
10 others who depend upon people whose educational credentials
11 are from independent postsecondary educational institutions in
12 this state; and to aid in protecting independent postsecondary
13 educational institutions that currently operate or intend to
14 begin operating in this state. The Legislature finds that both
15 individuals and independent postsecondary educational
16 institutions benefit from a state system that assures that all
17 institutions satisfactorily meet minimum educational
18 standards. The Legislature further recognizes the role of
19 federally recognized accrediting associations in setting
20 standards for independent postsecondary educational
21 institutions and encourages the use of recognized
22 accreditation standards as general guidelines for the
23 licensure of independent postsecondary educational
24 institutions.

25 (2) The Legislature recognizes that a degree, diploma,
26 or other educational credential serves several purposes.
27 Employers rely upon a person's educational credentials in
28 judging that person's qualifications for employment. Educators
29 rely upon a person's educational credentials to assess the
30 adequacy of that person's preparation for the pursuit of
31 further education. Therefore, the Legislature intends that the

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1 provisions of this chapter aid in protecting the integrity of
2 degrees, diplomas, and other educational credentials offered
3 by independent postsecondary educational institutions by
4 providing for the evaluation of minimum educational
5 requirements.

6 (3) The Legislature intends to prohibit the granting
7 of false or misleading educational credentials and to prohibit
8 misleading literature, advertising, solicitation, or
9 representations by independent postsecondary educational
10 institutions or their agents.

11 Section 247. Section 1005.02, Florida Statutes, is
12 created to read:

13 1005.02 Definitions.--As used in this chapter, the
14 term:

15 (1) "Accreditation" means accredited status awarded to
16 an institution by an accrediting agency or association that is
17 recognized by the United States Department of Education and
18 that has standards comparable to the minimum standards
19 required to operate an educational institution at that level
20 in this state.

21 (2) "Agent" means a person who is employed by an
22 independent postsecondary educational institution under the
23 jurisdiction of the Commission for Independent Education, or
24 by an out-of-state independent postsecondary educational
25 institution, and who secures an application or accepts payment
26 of fees from prospective students for the institution at any
27 place other than the legal place of business of the
28 institution.

29 (3) "Avocational" means a course or program the
30 objective of which is not occupational but is only for
31 personal enrichment or enjoyment. To be classified as

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1 avocational, a program must:

2 (a) Prior to enrollment, provide to each enrollee, and
3 maintain a record copy of, a written statement that includes
4 the following or substantially similar language: "This program
5 is not designed or intended to qualify its participants and
6 graduates for employment. It is intended solely for the
7 avocation, personal enrichment, and enjoyment of its
8 participants."

9 (b) Not make any other verbal or written statement
10 that negates the required written statement by stating or
11 implying that people who enroll in or complete the program
12 have a more substantial likelihood of obtaining employment in
13 the field to which the training pertains than people who do
14 not.

15 (4) "College" or "university" means any incorporated
16 postsecondary educational entity, and its additional
17 locations, offering a substantially complete program that
18 confers or offers to confer at least an associate degree
19 requiring at least 15 semester hours or the equivalent of
20 general education, or that furnishes or offers to furnish
21 instruction leading toward, or prerequisite to, college
22 credit. The terms include any college-credit-granting
23 independent educational institution that is chartered in this
24 state and any center or branch campus within this state of an
25 out-of-state institution at the college-credit level.

26 (5) "Commission" means the Commission for Independent
27 Education.

28 (6) "Contract training" means instruction or training
29 provided through a written contract with an independent
30 contractor whose fees and any other charges are entirely paid
31 by a company, trade or professional association, or group of

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1 employers to provide the instruction exclusively to bona fide
2 employees of the entity that engaged the contractor. The term
3 applies only when those receiving training are selected by
4 their employer and are not recruited by the contractor.

5 (7) "Degree" means any educational credential that is
6 generally taken to signify satisfactory completion of the
7 requirements of an undergraduate, graduate, academic,
8 educational, or professional program of study or any honorary
9 credential conferred for meritorious recognition. At the
10 undergraduate level, an institution may not award a degree for
11 a program unless it includes a general education component as
12 established by rule and at least 60 semester hours or 90
13 quarter hours of study or the equivalent.

14 (8) "Diploma" means a credential that is not a degree
15 but is any of the following: a certificate, transcript,
16 report, document, or title; a designation, mark, or
17 appellation; or a series of letters, numbers, or words that
18 generally are taken to signify satisfactory completion of the
19 requirements of an educational, technical, or career program
20 of study or training or course of study.

21 (9) "Examination preparation course" means a course or
22 program that does not offer to confer a diploma, that is
23 offered by a person or entity that discloses in all
24 advertising that the course or program is for test
25 preparation, and that does not include any expression or
26 implication in writing or orally regarding salaries, job
27 placement, or career advancement.

28 (10) "Governmental" means an institution provided,
29 operated, and supported by a federal, state, or county
30 government or any of its political subdivisions.

31 (11) "Independent postsecondary educational

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1 institution" means any postsecondary educational institution
2 that operates in this state or makes application to operate in
3 this state, and is not provided, operated, and supported by
4 the State of Florida, its political subdivisions, or the
5 Federal Government.

6 (12) "In-service, continuing education, or
7 professional development" means training provided by:

8 (a) A trade or professional association or a group of
9 employers in the same or related business who offer training
10 and provide only professional-development programs to bona
11 fide employees or contractors of an employer who is a member
12 of the association or employers who qualify for membership;

13 (b) A labor union or group of labor unions that offer
14 training to and trains only those persons who are dues-paying
15 members of the participating labor union;

16 (c) An independent contractor engaged by the labor
17 union or group of labor unions, by written contract, to
18 provide the training on its behalf exclusively to those who
19 are selected by the labor union or group of labor unions that
20 engaged the contractor and who are dues-paying members of that
21 union; or

22 (d) A person or entity offering only
23 continuing-education programs to persons who engage in an
24 occupation or profession whose practitioners are subject to
25 licensure, certification, or registration by a state agency
26 that recognizes the programs for continuing-education purposes
27 and provides a written statement of the recognition.

28 (13) "License" means a certificate signifying that an
29 independent postsecondary educational institution meets
30 standards prescribed in statute or rule and is permitted to
31 operate in this state.

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1 (14) "Operating in this state" means any of the
2 following:

3 (a) Maintaining for any purpose related to offering a
4 degree, diploma, or credit a physical location in this state,
5 a mailing address in this state, a telephone or facsimile
6 number in this state, or a mail forwarding service or
7 telephone answering or relay service in this state or
8 advertising any such presence; or

9 (b) By any means or device, facilitating in this state
10 any part of a scheme to offer a degree, diploma, or credit, or
11 any activity connected with the administration, promotion,
12 recruitment, placement, instruction, fee collection or
13 receipt, or any other function of a purported independent
14 postsecondary educational institution, other than periodic and
15 customary contact with the institution's own alumni.

16 (15) "Out-of-state college" or "out-of-state school"
17 means any independent postsecondary educational institution
18 where the place of instruction, the legal place of residence,
19 or the place of evaluation of instruction or work by
20 correspondence or distance education is not within the legal
21 boundaries of this state.

22 (16) "School" means any nonpublic postsecondary
23 noncollegiate educational institution, association,
24 corporation, person, partnership, or organization of any type
25 which:

26 (a) Offers to provide or provides any complete, or
27 substantially complete, postsecondary program of instruction
28 through the student's personal attendance; in the presence of
29 an instructor; in a classroom, clinical, or other practicum
30 setting; or through correspondence or other distance
31 education;

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1 (b) Represents, directly or by implication, that the
2 instruction will qualify the student for employment in an
3 occupation for which a degree is not required in order to
4 practice in this state;

5 (c) Receives remuneration from the student or any
6 other source based on the enrollment of a student or the
7 number of students enrolled; or

8 (d) Offers to award or awards a diploma, regardless of
9 whether it conducts instruction or receives remuneration.

10 Section 248. Section 1005.03, Florida Statutes, is
11 created to read:

12 1005.03 Designation "college" or "university".--

13 (1) The use of the designation "college" or
14 "university" in combination with any series of letters,
15 numbers, or words is restricted in this state to colleges or
16 universities as defined in s. 1005.02 that offer degrees as
17 defined in s. 1005.02 and fall into at least one of the
18 following categories:

19 (a) A Florida public college.

20 (b) A Florida or out-of-state college that has been in
21 active operation and using the designation "college" or
22 "university" since April 1, 1970.

23 (c) A college for which the commission has issued a
24 license pursuant to the provisions of this chapter.

25 (d) A college that is under the jurisdiction of the
26 Division of Colleges and Universities of the Department of
27 Education, whose students are eligible for the William L.
28 Boyd, IV, Florida Resident Access Grant, and that is a
29 nonprofit independent college or university located and
30 chartered in this state and accredited by the Commission on
31 Colleges of the Southern Association of Colleges and Schools

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1 to grant baccalaureate degrees.

2 (e) A college that meets the description of either s.
3 1005.06(1)(e) or s. 1005.06(1)(f).

4 (2) If a college is approved under subsection (1) to
5 use the designation "college" or "university," a branch or
6 extension of that college may use the name of the parent
7 college, but shall include an indication of the location of
8 the branch or extension.

9 (3) Any entity offering postsecondary educational
10 courses or programs of study in Florida, whether or not
11 college credit is awarded, shall be subject to the provisions
12 of this section.

13 (4) An entity shall not use the destination "college"
14 or "university" in its name in Florida without approval by the
15 commission, unless the commission determines that its name is
16 clearly and accurately descriptive of the services provided by
17 the entity and is not one that may mislead the public.

18 Section 249. Section 1005.04, Florida Statutes, is
19 created to read:

20 1005.04 Fair consumer practices.--

21 (1) Every institution that is under the jurisdiction
22 of the commission or is exempt from the jurisdiction or
23 purview of the commission pursuant to s. 1005.06(1)(c) or
24 (1)(f) and that either directly or indirectly solicits for
25 enrollment any student shall:

26 (a) Disclose to each prospective student a statement
27 of the purpose of such institution, its educational programs
28 and curricula, a description of its physical facilities, its
29 status regarding licensure, its fee schedule and policies
30 regarding retaining student fees if a student withdraws, and a
31 statement regarding the transferability of credits to and from

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1 other institutions. The institution shall make the required
2 disclosures in writing at least 1 week prior to enrollment or
3 collection of any tuition from the prospective student. The
4 required disclosures may be made in the institution's current
5 catalog.

6 (b) Use a reliable method to assess, before accepting
7 a student into a program, the student's ability to complete
8 successfully the course of study for which he or she has
9 applied;

10 (c) Inform each student accurately about financial
11 assistance and obligations for repayment of loans; describe
12 any employment placement services provided and the limitations
13 thereof; and refrain from promising or implying guaranteed
14 placement, market availability, or salary amounts;

15 (d) Provide to prospective and enrolled students
16 accurate information regarding the relationship of its
17 programs to state licensure requirements for practicing
18 related occupations and professions in Florida;

19 (e) Ensure that all advertisements are accurate and
20 not misleading;

21 (f) Publish and follow an equitable prorated refund
22 policy for all students, and follow both the federal refund
23 guidelines for students receiving federal financial assistance
24 and the minimum refund guidelines set by commission rule;

25 (g) Follow the requirements of state and federal laws
26 that require annual reporting with respect to crime statistics
27 and physical plant safety and make those reports available to
28 the public; and

29 (h) Publish and follow procedures for handling student
30 complaints, disciplinary actions, and appeals.

31 (2) In addition, institutions that are required to be

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1 licensed by the commission shall disclose to prospective
2 students that additional information regarding the institution
3 may be obtained by contacting the Commission for Independent
4 Education, Department of Education, Tallahassee.

5 Section 250. Section 1005.05, Florida Statutes, is
6 created to read:

7 1005.05 Certificate and diploma programs.--No
8 nonpublic college shall continue to conduct or begin to
9 conduct any diploma program as defined in s. 1005.02, unless
10 the college applies for and obtains approval for such program.
11 Colleges under the jurisdiction of the Commission for
12 Independent Education shall apply to the commission. Colleges
13 that are not under the jurisdiction of the commission shall
14 apply to the Department of Education.

15 Section 251. Section 1005.06, Florida Statutes, is
16 created to read:

17 1005.06 Institutions not under the jurisdiction or
18 purview of the commission.--

19 (1) Except as otherwise provided in law, the following
20 institutions are not under the jurisdiction or purview of the
21 commission and are not required to obtain licensure:

22 (a) Any postsecondary educational institution
23 provided, operated, or supported by this state, its political
24 subdivisions, or the Federal Government.

25 (b) Any college, school, or course licensed or
26 approved for establishment and operation under part I of
27 chapter 464, chapter 466, or chapter 475, or any other chapter
28 of the Florida Statutes requiring licensing or approval as
29 defined in this chapter.

30 (c) Any institution that is under the jurisdiction of
31 the Division of Colleges and Universities of the Department of

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1 Education, whose students are eligible for the William L.
2 Boyd, IV, Florida Resident Access Grant, and that is a
3 nonprofit independent college or university located and
4 chartered in this state and accredited by the Commission on
5 Colleges of the Southern Association of Colleges and Schools
6 to grant baccalaureate degrees.

7 (d) Any institution that offers only avocational
8 programs or courses, examination preparation programs or
9 courses, contract training programs or courses, continuing
10 education, or professional development programs or courses.

11 (e) Any institution that was exempt from licensure in
12 2001 under s. 246.085(1)(b), Florida Statutes 2001, as long as
13 it maintains these qualifying criteria: the institution is
14 incorporated in this state, the institution's credits or
15 degrees are accepted for credit by at least three colleges
16 that are fully accredited by an agency recognized by the
17 United States Department of Education, the institution was
18 exempt under that category prior to July 1, 1982, and the
19 institution does not enroll any students who receive state or
20 federal financial aid for education. Such an institution shall
21 notify the commission and apply for licensure if it no longer
22 meets these criteria.

23 (f) A religious college may operate without
24 governmental oversight if the college annually verifies by
25 sworn affidavit to the commission that:

26 1. The name of the institution includes a religious
27 modifier or the name of a religious patriarch, saint, person,
28 or symbol of the church.

29 2. The institution offers only educational programs
30 that prepare students for religious vocations as ministers,
31 professionals, or laypersons in the categories of ministry,

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1 counseling, theology, education, administration, music, fine
2 arts, media communications, or social work.

3 3. The titles of degrees issued by the institution
4 cannot be confused with secular degree titles. For this
5 purpose, each degree title must include a religious modifier
6 that immediately precedes, or is included within, any of the
7 following degrees: Associate of Arts, Associate of Science,
8 Bachelor of Arts, Bachelor of Science, Master of Arts, Master
9 of Science, Doctor of Philosophy, and Doctor of Education. The
10 religious modifier must be placed on the title line of the
11 degree, on the transcript, and whenever the title of the
12 degree appears in official school documents or publications.

13 4. The duration of all degree programs offered by the
14 institution is consistent with the standards of the
15 commission.

16 5. The institution's consumer practices are consistent
17 with those required by s. 1005.04.

18
19 The commission may provide such a religious institution a
20 letter stating that the institution has met the requirements
21 of state law and is not subject to governmental oversight.

22 (g) Any institution that is regulated by the Federal
23 Aviation Administration, another agency of the Federal
24 Government, or an agency of the state whose regulatory laws
25 are similar in nature and purpose to those of the commission
26 and require minimum educational standards, for at least
27 curriculum, instructors, and academic progress and provide
28 protection against fraudulent, deceptive, and substandard
29 education practices.

30 (2) The Department of Education may contract with the
31 Commission on Independent Education to provide services for

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1 independent postsecondary educational institutions not under
2 the jurisdiction of the commission relating to licensure of
3 postsecondary technical certificate and diploma programs that
4 such institutions may wish to offer and preliminary review of
5 programs such institutions may wish to offer which are beyond
6 the scope of the institutions's current accreditation status.
7 Upon completion of its review, the commission shall forward
8 its recommendation to the department for final action. The
9 department shall assess the institution seeking such services
10 the cost to the commission of providing such services.
11 Revenues collected pursuant to this provision shall be
12 deposited in the Institutional Assessment Trust Fund.

13 Section 252. Part II of chapter 1005, Florida
14 Statutes, shall be entitled "Commission for Independent
15 Education" and shall consist of ss. 1005.21-1005.22.

16 Section 253. Section 1005.21, Florida Statutes, is
17 created to read:

18 1005.21 Commission for Independent Education.--

19 (1) There is established in the Department of
20 Education the Commission for Independent Education. The
21 department shall serve as the administrative agent of the
22 commission by providing services, including payroll,
23 procurement, and legal counsel. The commission shall exercise
24 independently all powers, duties, and functions prescribed by
25 law. The commission shall authorize the granting of diplomas
26 and degrees by any independent postsecondary educational
27 institution under its jurisdiction.

28 (2) The Commission for Independent Education shall
29 consist of seven members who are residents of this state. The
30 commission shall function in matters concerning independent
31 postsecondary educational institutions in consumer protection,

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1 program improvement, and licensure for institutions under its
2 purview. The Governor shall appoint the members of the
3 commission who are subject to confirmation by the Senate. The
4 membership of the commission shall consist of:

5 (a) Two representatives of independent colleges or
6 universities licensed by the commission.

7 (b) Two representatives of independent,
8 nondegree-granting schools licensed by the commission.

9 (c) One member from a public school district or
10 community college who is an administrator of career and
11 technical education.

12 (d) One representative of a college that meets the
13 criteria of s. 1005.06(1)(f).

14 (e) One lay member who is not affiliated with an
15 independent postsecondary educational institution.

16 (3) The members of the commission shall be appointed
17 to 3-year terms and until their successors are appointed and
18 qualified. If a vacancy on the commission occurs before the
19 expiration of a term, the Governor shall appoint a successor
20 to serve the unexpired portion of the term.

21 (4) The commission shall meet at least four times each
22 fiscal year.

23 (5) Members of the commission are entitled to
24 reimbursement for travel and per diem expenses, as provided in
25 s. 112.061, while performing their duties.

26 (6) Each member is accountable to the Governor for the
27 proper performance of the duties of his or her office. The
28 Governor may remove from office any member for cause.

29 Section 254. Section 1005.22, Florida Statutes, is
30 created to read:

31 1005.22 Powers and duties of commission.--

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1 (1) The commission shall:

2 (a) Hold meetings as necessary to administer its
3 duties.

4 (b) Annually select a chairperson and a vice
5 chairperson, appoint and review an executive director, and
6 authorize the executive director to appoint employees of the
7 commission.

8 (c) Adopt and use an official seal in the
9 authentication of its acts.

10 (d) Make rules for its own governance.

11 (e) Administer the provisions of this chapter. To this
12 end, the commission has the following administrative powers
13 and responsibilities:

14 1. The commission shall adopt rules pursuant to ss.
15 120.536(1) and 120.54 for the operation and establishment of
16 independent postsecondary educational institutions. The
17 commission shall submit the rules to the State Board of
18 Education for approval or disapproval. If the state board does
19 not act on a rule within 60 days after receiving it, the rule
20 shall be filed immediately with the Department of State.

21 2. The commission shall submit an annual budget to the
22 State Board of Education.

23 3. The commission shall transmit all fees, donations,
24 and other receipts of money to the Institutional Assessment
25 Trust Fund.

26 4. The commission shall expend funds as necessary to
27 assist in the application and enforcement of its powers and
28 duties. The Chief Financial Officer shall pay out all moneys
29 and funds as directed under this chapter upon vouchers
30 approved by the Department of Education for all lawful
31 purposes necessary to administering this chapter. The

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1 commission shall make annual reports to the State Board of
2 Education showing in detail amounts received and all
3 expenditures. The commission shall include in its annual
4 report to the State Board of Education a statement of its
5 major activities during the period covered by the report.

6 (f) Maintain a record of its proceedings.

7 (g) Cooperate with other state and federal agencies
8 and other nongovernmental agencies in administering its
9 duties.

10 (h) Cause to be investigated criminal justice
11 information, as defined in s. 943.045, for each owner,
12 administrator, and agent employed by an institution applying
13 for licensure from the commission.

14 (i) Serve as a central agency for collecting and
15 distributing current information regarding institutions
16 licensed by the commission.

17 (j) Inform independent postsecondary educational
18 institutions of laws adopted by the Legislature and rules
19 adopted by the State Board of Education and the commission and
20 of their responsibility to follow those laws and rules.

21 (k) Establish and publicize the procedures for
22 receiving and responding to complaints from students, faculty,
23 and others concerning institutions or programs under the
24 purview of the commission, and keep records of such complaints
25 in order to determine the frequency and nature of complaints
26 with respect to specific institutions of higher education.

27 (l) Provide annually to the Office of Student
28 Financial Assistance of the Department of Education
29 information and documentation that can be used to determine an
30 institution's eligibility to participate in state student
31 financial assistance programs.

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1 (m) Coordinate and convey annual reports to the
2 Commissioner of Education relating to campus crime statistics,
3 the assessment of physical plant safety, and the antihazing
4 policies of nonpublic postsecondary educational institutions
5 eligible to receive state-funded student assistance, as
6 required by law.

7 (n) Identify and report to the Office of Student
8 Financial Assistance the accrediting associations recognized
9 by the United States Department of Education which have
10 standards that are comparable to the minimum standards
11 required to operate an institution at that level in this
12 state.

13 (o) Assure that an institution is not required to
14 operate without a current license because of the schedule of
15 commission meetings or application procedures, if the
16 institution has met the commission's requirements for
17 licensure or license renewal.

18 (2) The commission may:

19 (a) Sue or be sued.

20 (b) Enter into contracts with the Federal Government,
21 with other departments of the state, or with individuals.

22 (c) Receive bequests and gifts, subject to any
23 restrictions upon which the commission and the donor agree.

24 (d) Appoint standing or special committees to assist
25 it in carrying out its responsibilities. Committees may
26 include members who are not commission members or
27 representatives of licensed postsecondary institutions.

28 (e) Advise the Governor, the Legislature, the State
29 Board of Education, the Council for Education Policy Research
30 and Improvement, and the Commissioner of Education on issues
31 relating to private postsecondary education.

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1 (f) Delegate to the chairperson of the commission the
2 responsibility for signing final orders.

3 (g) Assist independent postsecondary educational
4 institutions in formulating articulation agreements with
5 public and other independent institutions.

6 (h) Establish and operate additional offices in the
7 central and southern part of the state if the concentration of
8 licensed institutions renders such an office economically
9 feasible.

10 (i) Establish and administer the Student Protection
11 Fund pursuant to s. 1005.37.

12 Section 255. Part III of chapter 1005, Florida
13 Statutes, shall be entitled "Licensure of Nonpublic
14 Postsecondary Educational Institutions" and shall consist of
15 ss. 1005.31-1005.39.

16 Section 256. Section 1005.31, Florida Statutes, is
17 created to read:

18 1005.31 Licensure of institutions.--

19 (1) Each college or school operating within this state
20 must obtain licensure from the commission unless the
21 institution is not under the commission's purview or
22 jurisdiction as provided in s. 1005.06.

23 (2) The commission shall develop minimum standards by
24 which to evaluate institutions for licensure. These standards
25 must include at least the institution's name, financial
26 stability, purpose, administrative organization, admissions
27 and recruitment, educational programs and curricula,
28 retention, completion, career placement, faculty, learning
29 resources, student personnel services, physical plant and
30 facilities, publications, and disclosure statements about the
31 status of the institution with respect to professional

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1 certification and licensure. The commission may adopt rules to
2 ensure that institutions licensed under this section meet
3 these standards in ways that are appropriate to achieve the
4 stated intent of this chapter, including provisions for
5 nontraditional or distance education programs and delivery.

6 (3) The commission shall recognize an institution
7 based on the institution's highest educational offering and
8 shall adopt rules for licensure that include reporting
9 requirements for each level of licensure.

10 (4) Approved-applicant status shall be extended to all
11 institutions that have submitted a complete application, as
12 defined in rule, for provisional licensure and paid all
13 attendant fees. In granting approved-applicant status, the
14 commission shall provide to commission staff and the
15 institution a list of specific omissions or deficiencies.
16 Institutions granted approved-applicant status may not
17 advertise, offer programs of study, collect tuition or fees,
18 or engage in any other activities not specifically approved by
19 the commission. If the commission, or the commission staff if
20 specifically directed by the commission, determines that the
21 omissions or deficiencies have been provided for or corrected,
22 the institution may be awarded a provisional license.

23 (5) Provisional licensure shall be granted to an
24 applicant for initial licensure for a period not to exceed 1
25 year when the commission determines that the applicant is in
26 substantial compliance with the standards for licensure. A
27 provisional license granted for initial licensure may be
28 extended for up to 1 additional year. A licensed institution
29 that has undergone a substantive change, as defined by rule,
30 must be granted a provisional license for a period of time
31 determined by the commission, after which period the

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1 institution may apply for a different status. A provisional
2 license may include conditions required by the commission, and
3 all conditions must be met before the institution may receive
4 a different licensure status.

5 (6) An annual license shall be granted to an
6 institution holding a provisional license, or seeking a
7 renewal of an annual license, upon demonstrating full
8 compliance with licensure standards. An annual license may be
9 extended for up to 1 year if the institution meets the
10 requirements set by rule for such an extension.

11 (7) An institution may not conduct a program unless
12 specific authority is granted in its license.

13 (8) A license granted by the commission is not
14 transferable to another institution or to another agent, and
15 an institution's license does not transfer when the
16 institution's ownership changes.

17 (a) A licensed institution must notify the commission
18 prior to a change of ownership or control. The commission
19 shall adopt procedures for interim executive approval of a
20 change of ownership or control if the next scheduled meeting
21 of the commission occurs after the scheduled date of the
22 change of ownership or control.

23 (b) The commission may adopt rules governing changes
24 of ownership or control.

25 (9) An independent postsecondary educational
26 institution or any person acting on behalf of such an
27 institution may not publish any advertisement soliciting
28 students or offering a credential before the institution is
29 duly licensed by the commission or while the institution is
30 under an injunction against operating, soliciting students, or
31 offering an educational credential.

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1 (10) The commission shall establish minimum standards
2 for the approval of agents. The commission may adopt rules to
3 ensure that licensed agents meet these standards and uphold
4 the intent of this chapter. An agent may not solicit
5 prospective students in this state for enrollment in any
6 independent postsecondary educational institution under the
7 commission's purview or in any out-of-state independent
8 postsecondary educational institution unless the agent has
9 received a license as prescribed by the commission.

10 (11) A student of a foreign medical school may not
11 engage in a clinical clerkship in this state unless the
12 foreign medical school has received a license, in the case of
13 a core clerkship or an ongoing regular program of clerkships,
14 or has received individual approval, in the case of an
15 occasional elective clerkship. The commission may adopt rules
16 to administer this subsection.

17 (12) The granting of a license is not an
18 accreditation.

19 (13) As a condition of licensure, an independent
20 college or university must provide the commission with a copy
21 of its antihazing policy.

22 Section 257. Section 1005.32, Florida Statutes, is
23 created to read:

24 1005.32 Licensure by means of accreditation.--

25 (1) An independent postsecondary educational
26 institution that meets the following criteria may apply for a
27 license by means of accreditation from the commission:

28 (a) The institution has operated legally in this state
29 for at least 5 consecutive years.

30 (b) The institution holds institutional accreditation
31 by an accrediting agency evaluated and approved by the

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1 commission as having standards substantially equivalent to the
2 commission's licensure standards.

3 (c) The institution has no unresolved complaints or
4 actions in the past 12 months.

5 (d) The institution meets minimum requirements for
6 financial responsibility as determined by the commission.

7 (e) The institution is a Florida corporation.

8 (2) An institution that was exempt from licensure in
9 2001 under s. 246.085(1)(a), Florida Statutes 2001, may retain
10 an exemption until the commission issues it a license by means
11 of accreditation as provided in this section.

12 (3) The commission may not require an institution
13 granted a license by means of accreditation to submit reports
14 that differ from the reports required by its accrediting
15 association, except that each institution must file with the
16 commission an annual audit report and follow the commission's
17 requirements for orderly closing, including provisions for
18 trainout or refunds and arranging for the proper disposition
19 of student and institutional records.

20 (4) An institution granted a license by means of
21 accreditation must apply for and receive another level of
22 licensure before the institution may offer courses or programs
23 that exceed the scope or level of its accreditation.

24 (5) Institutions granted a license by means of
25 accreditation must comply with the standards of fair consumer
26 practices as established in rule by the commission.

27 (6) A license by means of accreditation is valid for
28 the same period as the qualifying grant of accreditation.

29 (7) A license by means of accreditation may be denied,
30 placed on probation, or revoked for repeated failure to comply
31 with the requirements of this section. The commission shall

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1 adopt rules for these actions. Revocation or denial of a
2 license by means of accreditation requires that the
3 institution immediately obtain an annual license.

4 Section 258. Section 1005.33, Florida Statutes, is
5 created to read:

6 1005.33 License period and renewal.--

7 (1) As required by rule, the commission shall
8 periodically review each license to determine if the
9 institution is in compliance with this chapter and should have
10 its license renewed. The commission may extend an annual or
11 provisional license if a good-faith effort has been made by
12 the institution and agent. The commission shall determine what
13 constitutes compliance or a good-faith effort and may adopt
14 rules to administer this section.

15 (2) A licensed independent postsecondary educational
16 institution that seeks to expand or modify its programs or
17 degrees to be conferred or to add new locations must seek
18 prior approval from the commission. The commission shall adopt
19 rules for the approval of modified or additional programs,
20 degrees, and locations.

21 (3) On the effective date of this act, an institution
22 that, in 2002, held the status of "Permission to Operate"
23 under s. 246.093, Florida Statutes 2001, has 90 days to seek
24 and obtain licensure from the commission. Ninety days after
25 this act takes effect, that status no longer authorizes an
26 institution to operate in Florida.

27 Section 259. Section 1005.34, Florida Statutes, is
28 created to read:

29 1005.34 Fair consumer practices; condition of
30 operation.--The commission shall adopt rules to ensure the
31 protection of students, including rules establishing fair

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1 consumer practices pursuant to s. 1005.04.

2 (1) The commission may not grant or renew a license
3 unless the institution seeking the action provides the
4 commission with a sworn statement of compliance with rules
5 regarding fair consumer practices.

6 (2) The commission may examine any complaint against
7 an institution under its jurisdiction and, if the institution
8 is found to be routinely handling these matters correctly, the
9 complaint shall be considered closed. Complaints under this
10 subsection against accredited institutions, if not resolved,
11 shall be forwarded to the accrediting agency for any
12 appropriate action. The institution shall notify the
13 commission of any and all actions taken by the accrediting
14 agency in response to the complaint.

15 (3) Failure to comply with this section is cause for
16 denial or revocation of a license.

17 Section 260. Section 1005.35, Florida Statutes, is
18 created to read:

19 1005.35 Fees.--

20 (1) The Commission for Independent Education shall
21 annually establish a fee schedule to generate, from fees, the
22 amount of revenue appropriated for its operation.

23 (2) The commission shall include, as a part of its
24 legislative budget request, a proposed fee schedule to
25 generate the appropriated fee revenue required in the General
26 Appropriations Act. The commission may adjust the fee amounts
27 to generate the fee revenue required in the General
28 Appropriations Act but may not add fee categories without the
29 Legislature's approval. The fee schedule proposed in the
30 legislative budget request takes effect unless the Legislature
31 requires changes.

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1 (3) The commission shall charge each licensed
2 institution a base fee to cover the cost of routine services,
3 such as data collection and dissemination. The base fee may be
4 higher for institutions with a large enrollment but may not
5 exceed one-half of 1 percent of the amount appropriated for
6 the commission.

7 (4) The commission shall assess workload fees to
8 institutions for specific services that relate to:

9 (a) Licensure.

10 (b) Annual reviews.

11 (c) Special reviews.

12 (d) Site visits.

13 (e) Resolution of complaints.

14 (f) Approval to use the term "college" or

15 "university."

16 (g) Participation in the Student Protection Fund
17 established pursuant to s. 1005.37.

18 (h) Other workload activities as allowed by law.

19 (5) The commission may assess late fees for an
20 institution's failure to timely submit required materials.

21 (6) All fees shall be submitted through the Department
22 of Education to the Chief Financial Officer, to be deposited
23 in the Institutional Assessment Trust Fund.

24 (7) All fees authorized in this section are
25 administrative fees and are not refundable unless paid in
26 error. The commission may deduct from an institution's future
27 fee collection any unintentional overpayment.

28 Section 261. Section 1005.36, Florida Statutes, is
29 created to read:

30 1005.36 Institutional closings.--

31 (1) The Legislature intends to protect students and

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1 the independent sector of postsecondary education from the
2 detriment caused by licensed institutions that cease operation
3 without providing for the proper completion of student
4 training or for the appropriate refund of student fees. To
5 serve this intention, the Commission for Independent Education
6 may prevent the operation in this state of a licensed
7 independent postsecondary educational institution by an owner
8 who has unlawfully closed another institution and the
9 commission may exercise control over student records upon
10 closure of a licensed institution if the institution does not
11 provide an orderly closure.

12 (2) At least 30 days prior to closing an institution,
13 its owners, directors, or administrators shall notify the
14 commission in writing of the closure of the institution. The
15 owners, directors, and administrators must organize an orderly
16 closure of the institution, which means at least providing for
17 the completion of training of its students. The commission
18 must approve any such plan. An owner, director, or
19 administrator who fails to notify the commission at least 30
20 days prior to the institution's closure, or who fails to
21 organize the orderly closure of the institution and the
22 trainout of the students, commits a misdemeanor of the second
23 degree, punishable as provided in s. 775.082 or s. 775.083.

24 (3) If the commission finds that an institution has
25 ceased operating without providing for the proper access to
26 student records, the commission may require the institution to
27 convey all student records to the commission office or to
28 another location designated by the commission or its staff.
29 The commission shall make copies of records available to
30 bankruptcy trustees upon request and to the student or those
31 designated by the student. Confidentiality of the records

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1 shall be maintained to the extent required by law. The
2 commission may seek civil penalties not to exceed \$10,000 from
3 any owner, director, or administrator of an institution who
4 knowingly destroys, abandons, or fails to convey or provide
5 for the safekeeping of institutional and student records. The
6 commission may use moneys in the Student Protection Fund to
7 facilitate the retrieval or safekeeping of records from an
8 institution that has closed.

9 (4) The commission may refer matters it deems
10 appropriate to the Department of Legal Affairs or the state
11 attorney for investigation and prosecution.

12 Section 262. Section 1005.37, Florida Statutes, is
13 created to read:

14 1005.37 Student Protection Fund.--

15 (1) The commission shall establish and administer a
16 statewide, fee-supported financial program through which funds
17 will be available to complete the training of a student who
18 enrolls in a nonpublic school that terminates a program or
19 ceases operation before the student has completed his or her
20 program of study. The financial program is named the Student
21 Protection Fund.

22 (2) The commission is authorized to assess a fee from
23 the schools within its jurisdiction for such purpose. The
24 commission shall assess a licensed school an additional fee
25 for its eligibility for the Student Protection Fund.

26 (3) If a licensed school terminates a program before
27 all students complete it, the commission shall also assess
28 that school a fee adequate to pay the full cost to the Student
29 Protection Fund of completing the training of students.

30 (4) The fund shall consist entirely of fees assessed
31 to licensed schools and shall not be funded under any

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1 circumstances by public funds, nor shall the commission make
2 payments or be obligated to make payments in excess of the
3 assessments actually received from licensed schools and
4 deposited in the Institutional Assessment Trust Fund to the
5 credit of the Student Protection Fund.

6 (5) At each commission meeting, the commission shall
7 consider the need for and shall make required assessments,
8 shall review the collection status of unpaid assessments and
9 take all necessary steps to collect them, and shall review all
10 moneys in the fund and expenses incurred since the last
11 reporting period. This review must include administrative
12 expenses, moneys received, and payments made to students or to
13 lending institutions.

14 (6) Staff of the commission must immediately inform
15 the commission upon learning of the closing of a licensed
16 school or the termination of a program that could expose the
17 fund to liability.

18 (7) The Student Protection Fund must be actuarially
19 sound, periodically audited by the Auditor General in
20 connection with his or her audit of the Department of
21 Education, and reviewed to determine if additional fees must
22 be charged to schools eligible to participate in the fund.

23 Section 263. Section 1005.38, Florida Statutes, is
24 created to read:

25 1005.38 Actions against a licensee and other
26 penalties.--

27 (1) The commission may deny, place on probation, or
28 revoke any provisional license, annual license, licence by
29 means of accreditation, agent's license, or other
30 authorization required by this chapter. The commission shall
31 adopt rules for taking these actions. The commission may

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1 impose an administrative fine of not more than \$5,000 if an
2 institution is on probation for a period under conditions that
3 require oversight by the commission or its staff. The fine
4 shall be deposited into the Institutional Assessment Trust
5 Fund.

6 (2) The commission may conduct an investigation to
7 determine if an applicant for a new institutional license, or
8 the owners, directors, or administrators of the institution,
9 previously closed an institution, failed to arrange for
10 completion of student training or issue appropriate refunds,
11 or had its license to operate an institution revoked or denied
12 in this state or in another state or jurisdiction.

13 (3) Any person who has been convicted of, or entered a
14 plea of guilty or nolo contendere to, a crime that relates to
15 the unlawful operation or management of an institution is
16 ineligible to own, operate, manage, or be a registered agent
17 for a licensed institution in this state, and may not be a
18 director or an officer in a corporation that owns or operates
19 a licensed institution. Such a person may not operate or serve
20 in a management or supervisory position in a licensed
21 institution.

22 (4) The commission may deny an application for any
23 operating status if the commission determines that the
24 applicant or its owners, officers, directors, or
25 administrators were previously operating an institution in
26 this state or in another state or jurisdiction in a manner
27 contrary to the health, education, or welfare of the public.
28 The commission may consider factors such as the previous
29 denial or revocation of an institutional license; prior
30 criminal or civil administrative proceedings regarding the
31 operation and management of an institution; other types of

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1 criminal proceedings involving fraud, deceit, dishonesty, or
2 moral turpitude; failure of the institution to be properly
3 closed, including completing the training or providing for the
4 trainout of its students; and failure to issue appropriate
5 refunds. The commission may require an applicant or its
6 owners, officers, directors, or administrators to provide the
7 commission with information under oath regarding the prior
8 operation of an institution and to provide criminal justice
9 information, the cost of which must be borne by the applicant
10 in addition to license fees.

11 (5) The commission may obtain an injunction or take
12 any action it deems necessary against any institution or agent
13 in violation of this chapter, but such proceedings and orders
14 do not bar the imposition of any other penalties that may be
15 imposed for the violation.

16 (6) The commission may conduct disciplinary
17 proceedings through an investigation of any suspected
18 violation of this chapter, including a finding of probable
19 cause and making reports to any law enforcement agency or
20 regulatory agency.

21 (a) The commission shall notify an institution or
22 individual of the substance of any complaint that is under
23 investigation unless the executive director and chairperson of
24 the board concur that notification would impede the
25 investigation. The commission may also withhold notification
26 to a person under investigation for an act that constitutes a
27 criminal offense.

28 (b) The determination of probable cause shall be made
29 by a majority vote of the probable-cause panel, the membership
30 of which shall be provided by rule. After the panel declares a
31 finding of probable cause, the commission may issue an

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1 administrative complaint and prosecute such complaint under
2 chapter 120.

3 (c) A privilege against civil liability is granted to
4 any informant or any witness who provides information in good
5 faith for an investigation or proceeding conducted under this
6 section.

7 (7) The commission may issue a cease and desist order
8 in conjunction with an administrative complaint or notice of
9 denial of licensure, if necessary to protect the health,
10 safety, or welfare of students, prospective students, or the
11 public. An unlicensed institution that advertises or causes
12 advertisements to be made public through which students are
13 solicited for enrollment or are offered diplomas or degrees is
14 in violation of this chapter. The commission shall adopt rules
15 that direct the issuance of an injunction against operating,
16 advertising, or offering diplomas or degrees without a
17 license. Each day of operation after a cease and desist letter
18 is delivered constitutes a separate violation for purposes of
19 assessing fines or seeking civil penalties.

20 (a) A cease and desist order may be mandatory or
21 prohibitory in form and may order a postsecondary institution
22 to cease and desist from specified conduct or from failing to
23 engage in specified conduct necessary to achieve the
24 regulatory purposes of this chapter.

25 (b) A cease and desist order may include an order to
26 cease enrollment of students whom the institution cannot
27 adequately serve, to modify curricula or methods of
28 instruction to ensure the education or training of the type
29 and quality represented in the institutional catalog, or to
30 cease from advertising or to publish or broadcast corrective
31 or clarifying advertising to overcome the effects of previous

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1 allegedly deceptive or misleading advertising.

2 (c) A cease and desist order takes effect immediately
3 upon issuance and remains in effect until the commission takes
4 final agency action.

5 (d) The commission shall adopt rules to direct
6 procedures by which an affected party is entitled to a formal
7 or informal review of a cease and desist order and may request
8 the commission or the Division of Administrative Hearings to
9 modify or abate a cease and desist order. If a party is
10 aggrieved by a cease and desist order after seeking to have
11 the order abated or modified, the party may seek interlocutory
12 judicial review by the appropriate district court of appeal
13 pursuant to the applicable rules of appellate procedure.

14 (e) In addition to or in lieu of any remedy provided
15 in this section, the commission may seek the imposition of a
16 civil penalty through the circuit court for any violation for
17 which the commission may issue a notice to cease and desist
18 under this section.

19 (8) The commission shall adopt rules to identify
20 grounds for imposing disciplinary actions, which must include
21 at least the following grounds:

22 (a) Attempting to obtain action from the commission by
23 fraudulent misrepresentation, bribery, or through an error of
24 the commission.

25 (b) Action against a license or operation imposed
26 under the authority of another state, territory, or country.

27 (c) Delegating professional responsibilities to a
28 person who is not qualified by training, experience, or
29 licensure to perform the responsibilities.

30 (d) False, deceptive, or misleading advertising.

31 (e) Conspiring to coerce, intimidate, or preclude

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1 another licensee from lawfully advertising his or her
2 services.

3 Section 264. Section 1005.39, Florida Statutes, is
4 created to read:

5 1005.39 Continuing education and training for
6 administrators and faculty.--

7 (1) The commission is authorized to ensure that the
8 administrators of licensed institutions are qualified to
9 conduct the operations of their respective positions and to
10 require such administrators and faculty to receive continuing
11 education and training as adopted by rule of the commission.
12 The positions for which the commission may review
13 qualifications and require continuing education and training
14 may include the positions of chief administrator or officer,
15 director of education or training, placement director,
16 admissions director, and financial aid director and faculty
17 members.

18 (2) The training of each administrator and faculty
19 member shall be the type of training necessary to assure
20 compliance with statutes and rules of the commission and the
21 State Board of Education and with those of other state or
22 federal agencies in relation to the responsibilities of the
23 respective positions.

24 (3) The commission shall adopt general qualifications
25 for each of the respective positions and establish guidelines
26 for the minimum amount and type of continuing education and
27 training to be required. The continuing education and training
28 may be provided by the commission, appropriate state or
29 federal agencies, or professional organizations familiar with
30 the requirements of the particular administrative positions.
31 The actual curricula should be left to the discretion of those

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1 agencies and organizations.

2 (4) Evidence of the administrator's and faculty
3 member's compliance with the continuing education and training
4 requirements established by the commission may be included in
5 the initial and renewal application forms provided by the
6 commission. Actual records of the continuing education and
7 training received by administrators and faculty shall be
8 maintained at the institution and available for inspection at
9 all times.

10 (5) Qualifications of administrators and faculty in
11 their respective fields, as well as continuing education and
12 training, may be established by the commission as a condition
13 of an application for licensure by a new institution or for
14 renewal of a license.

15 Section 265. Chapter 1006, Florida Statutes, shall be
16 entitled "Support for Learning" and shall consist of ss.
17 1006.02-1006.71.

18 Section 266. Part I of chapter 1006, Florida Statutes,
19 shall be entitled "Public K-12 Education Support for Learning
20 and Student Services" and shall consist of ss.
21 1006.02-1006.27.

22 Section 267. Part I.a. of chapter 1006, Florida
23 Statutes, shall be entitled "Learning Services Generally" and
24 shall consist of ss. 1006.02-1006.04.

25 Section 268. Section 1006.02, Florida Statutes, is
26 created to read:

27 1006.02 Provision of information to students and
28 parents regarding school-to-work transition.--

29 (1) All public K-12 schools shall document the manner
30 in which they have prepared students to enter the workforce,
31 including information regarding the provision of accurate,

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1 timely career and curricular counseling to students. This
2 information shall include a delineation of available career
3 opportunities, educational requirements associated with each
4 career, educational institutions that prepare students to
5 enter each career, and student financial aid available to
6 enable students to pursue any postsecondary instruction
7 required to enter that career. This information shall also
8 delineate school procedures for identifying individual student
9 interests and aptitudes which enable students to make informed
10 decisions about the curriculum that best addresses their
11 individual interests and aptitudes while preparing them to
12 enroll in postsecondary education and enter the workforce.
13 This information shall include recommended high school
14 coursework that prepares students for success in college-level
15 work. The information shall be made known to parents and
16 students annually through inclusion in the school's handbook,
17 manual, or similar documents or other communications regularly
18 provided to parents and students.

19 (2) The information required by this section shall
20 delineate the availability of applied instruction that uses
21 concrete, real-world examples to elicit demonstrated student
22 competence comparable to the student performance standards
23 delineated for corresponding traditional college-preparatory
24 courses, and shall also delineate the support services
25 available for students who need assistance to successfully
26 complete instruction necessary to enroll in postsecondary
27 education or enter the workforce.

28 (3) The information required by this section shall
29 delineate the availability of instruction that enables
30 students to acquire the technical skills associated with
31 specific clusters of occupations as well as employability

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1 skills that apply to most occupations, and shall describe and
2 identify the availability of workplace-based learning
3 experiences. Any school that conducts secondary career
4 education programs shall identify any agreements through which
5 each program articulates into corresponding postsecondary
6 programs.

7 (4) Prior to each student's graduation from high
8 school, the school shall assess the student's preparation to
9 enter the workforce, in accordance with the commissioner's
10 identification of the employability skills associated with
11 successful entry into the workforce, and shall provide the
12 student and the student's parent or guardian with the results
13 of this assessment.

14 Section 269. Section 1006.03, Florida Statutes, is
15 created to read:

16 1006.03 Diagnostic and learning resource centers.--

17 (1) The department shall maintain regional diagnostic
18 and learning resource centers for exceptional students, to
19 assist in the provision of medical, physiological,
20 psychological, and educational testing and other services
21 designed to evaluate and diagnose exceptionalities, to make
22 referrals for necessary instruction and services, and to
23 facilitate the provision of instruction and services to
24 exceptional students. The department shall cooperate with the
25 Department of Children and Family Services in identifying
26 service needs and areas.

27 (2) Within its identified service area, each regional
28 center shall:

29 (a) Provide assistance to parents, teachers, and other
30 school personnel and community organizations in locating and
31 identifying exceptional children and planning educational

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1 programs for them.

2 (b) Assist in the provision of services for
3 exceptional children, using to the maximum, but not
4 supplanting, the existing facilities and services of each
5 district.

6 (c) Provide orientation meetings at least annually for
7 teachers, principals, supervisors, and community agencies to
8 familiarize them with center facilities and services for
9 exceptional children.

10 (d) Plan, coordinate, and assist in the implementation
11 of inservice training programs, consistent with each
12 district's program of staff development, for the development
13 and updating of attitudes, skills, and instructional practices
14 and procedures necessary to the education of exceptional
15 children.

16 (e) Assist districts in the identification, selection,
17 acquisition, use, and evaluation of media and materials
18 appropriate to the implementation of instructional programs
19 based on individual educational plans for exceptional
20 children.

21 (f) Provide for the dissemination and diffusion of
22 significant information and promising practices derived from
23 educational research, demonstration, and other projects.

24 (g) Assist in the delivery, modification, and
25 integration of instructional technology, including
26 microcomputer applications and adaptive and assistive devices,
27 appropriate to the unique needs of exceptional students.

28 (3) Diagnostic and resource centers may provide
29 testing and evaluation services to private school students and
30 other children who are not enrolled in public schools.

31 (4) Diagnostic and learning resource centers may

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1 assist districts in providing testing and evaluation services
2 for infants and preschool children with or at risk of
3 developing disabilities, and may assist districts in providing
4 interdisciplinary training and resources to parents of infants
5 and preschool children with or at risk of developing
6 disabilities and to school readiness programs.

7 Section 270. Section 1006.035, Florida Statutes, is
8 created to read:

9 1006.035 Dropout reentry and mentor project.--

10 (1) There is created a dropout reentry and mentor
11 project to be coordinated on a pilot basis by the Florida
12 Agricultural and Mechanical University National Alumni
13 Association and implemented in Tallahassee, Jacksonville,
14 Daytona Beach, and Miami.

15 (2) The project shall identify 15 black students in
16 each location who have dropped out of high school but were not
17 encountering academic difficulty when they left school.
18 Students chosen to participate may not have a high school
19 diploma, be enrolled in an adult general education program
20 which includes a GED program or an adult high school, or be
21 enrolled in a technical school. Students may be employed but
22 must be able to adjust their work schedules to accommodate
23 classes and project sessions. Priority must be given to
24 students who have dropped out of school within the last 3
25 years.

26 (3) In identifying participants, the following factors
27 must be considered:

28 (a) The student's performance in school before
29 dropping out.

30 (b) The student's performance on aptitude and
31 achievement tests.

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1 (c) The student's desire to reenter school.

2 (4) In each of the four locations, the project shall
3 identify 15 high-achieving minority students to serve as
4 one-on-one mentors to the students who are being reentered in
5 school. An alumnus of Bethune-Cookman College, Florida
6 Memorial College, Edward Waters College, or Florida
7 Agricultural and Mechanical University shall be assigned to
8 each pair of students. Student mentors and alumni must serve
9 as role models and resource people for the students who are
10 being reentered in school.

11 (5) Selected project participants shall be evaluated
12 and enrolled in a GED program, regular high school, technical
13 school, or alternative school. In conjunction with school
14 guidance personnel, project staff shall design a supplemental
15 program to reinforce basic skills, provide additional
16 counseling, and offer tutorial assistance. Weekly, project
17 staff shall monitor students' attendance, performance,
18 homework, and attitude toward school.

19 (6) The project shall use tests to identify students'
20 interests and academic weaknesses. Based on the test results,
21 an individualized study program shall be developed for each
22 reentry student.

23 (7) The 15 alumni at each location must meet with
24 their assigned reentry students and high achievers, together,
25 at least once per week. All reentry students must meet as a
26 group at least once per week for structured, organized
27 activities that include instruction in test-taking skills,
28 positive attitude, coping, study habits, budgeting time,
29 setting goals, career choices, homework assistance, and
30 conflict resolution.

31 (8) Followup interviews with both the reentry students

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1 and high achievers must be conducted after 1 year to determine
2 the project's impact.

3 Section 271. Section 1006.04, Florida Statutes, is
4 created to read:

5 1006.04 Educational multiagency services for students
6 with severe emotional disturbance.--

7 (1)(a) An intensive, integrated educational program; a
8 continuum of mental health treatment services; and, when
9 needed, residential services are necessary to enable students
10 with severe emotional disturbance to develop appropriate
11 behaviors and demonstrate academic and career education
12 skills. The small incidence of severe emotional disturbance in
13 the total school population requires multiagency programs to
14 provide access to appropriate services for all students with
15 severe emotional disturbance. District school boards should
16 provide educational programs, and state departments and
17 agencies administering children's mental health funds should
18 provide mental health treatment and residential services when
19 needed, forming a multiagency network to provide support for
20 students with severe emotional disturbance.

21 (b) The program goals for each component of the
22 multiagency network are to enable students with severe
23 emotional disturbance to learn appropriate behaviors, reduce
24 dependency, and fully participate in all aspects of school and
25 community living; to develop individual programs for students
26 with severe emotional disturbance, including necessary
27 educational, residential, and mental health treatment
28 services; to provide programs and services as close as
29 possible to the student's home in the least restrictive manner
30 consistent with the student's needs; and to integrate a wide
31 range of services necessary to support students with severe

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1 emotional disturbance and their families.

2 (2) The department may award grants to district school
3 boards for statewide planning and development of the
4 multiagency network for students with severe emotional
5 disturbance. The educational services shall be provided in a
6 manner consistent with the requirements of ss. 1003.57 and
7 402.22.

8 (3) State departments and agencies may use appropriate
9 funds for the multiagency network for students with severe
10 emotional disturbance.

11 Section 272. Part I.b. of chapter 1006, Florida
12 Statutes, shall be entitled "Student Food and Health Services"
13 and shall consist of ss. 1006.06-1006.063.

14 Section 273. Section 1006.06, Florida Statutes, is
15 created to read:

16 1006.06 School food service programs.--

17 (1) In recognition of the demonstrated relationship
18 between good nutrition and the capacity of students to develop
19 and learn, it is the policy of the state to provide standards
20 for school food service and to require district school boards
21 to establish and maintain an appropriate private school food
22 service program consistent with the nutritional needs of
23 students.

24 (2) The State Board of Education shall adopt rules
25 covering the administration and operation of the school food
26 service programs.

27 (3) Each district school board shall consider the
28 recommendations of the district school superintendent and
29 adopt policies to provide for an appropriate food and
30 nutrition program for students consistent with federal law and
31 State Board of Education rule.

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1 (4) The state shall provide the state National School
2 Lunch Act matching requirements. The funds provided shall be
3 distributed in such a manner as to comply with the
4 requirements of the National School Lunch Act.

5 (5)(a) Each district school board shall implement
6 school breakfast programs in all elementary schools that make
7 breakfast available to all students in kindergarten through
8 grade 6 in each district school, unless the elementary school
9 goes only through grade 5, in which case the requirement shall
10 apply only through grade 5. Each district school board shall
11 implement breakfast programs in all elementary schools in
12 which students are eligible for free and reduced price lunch
13 meals, to the extent specifically funded in the General
14 Appropriations Act. A district school board may operate a
15 breakfast program providing for food preparation at the school
16 site or in central locations with distribution to designated
17 satellite schools or any combination thereof.

18 (b) The commissioner shall make every reasonable
19 effort to ensure that any school designated a "severe need
20 school" receives the highest rate of reimbursement to which it
21 is entitled pursuant to 42 U.S.C. s. 1773 for each free and
22 reduced price breakfast served.

23 (c) The department shall calculate and distribute a
24 school district breakfast supplement for each school year by
25 multiplying the state breakfast rate as specified in the
26 General Appropriations Act by the number of free and reduced
27 price breakfast meals served.

28 (d) The Legislature shall provide sufficient funds in
29 the General Appropriations Act to reimburse participating
30 school districts for the difference between the average
31 federal reimbursement for free and reduced price breakfasts

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1 and the average statewide cost for breakfasts.

2 Section 274. Section 1006.0605, Florida Statutes, is
3 created to read:

4 1006.0605 Students' summer nutrition.--

5 (1) Each district school superintendent shall report
6 to the department any activity or initiative that provides
7 access to a food service program during school vacation
8 periods of over 2 weeks to students who are eligible for free
9 or reduced-price meals. The report shall include any
10 developed or implemented plans for how the school district
11 will sponsor, host, or vend the federal Summer Food Service
12 Program.

13 (2) The district school superintendent shall submit
14 the report to the department by February 1, 2004. Prior to
15 submitting the report to the department, the district school
16 superintendent shall report this information to the district
17 school board.

18 (3) By March 1, 2004, the department shall submit to
19 the President of the Senate, the Speaker of the House of
20 Representatives, the chairs of the education committees in the
21 Senate and the House of Representatives, and the State Board
22 of Education a report compiling the school district
23 information.

24 Section 275. Section 1006.061, Florida Statutes, is
25 created to read:

26 1006.061 Child abuse, abandonment, and neglect
27 policy.--Each district school board shall:

28 (1) Post in a prominent place in each school a notice
29 that, pursuant to chapter 39, all employees and agents of the
30 district school board have an affirmative duty to report all
31 actual or suspected cases of child abuse, abandonment, or

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1 neglect; have immunity from liability if they report such
2 cases in good faith; and have a duty to comply with child
3 protective investigations and all other provisions of law
4 relating to child abuse, abandonment, and neglect. The notice
5 shall also include the statewide toll-free telephone number of
6 the central abuse hotline.

7 (2) Require the district school superintendent, or the
8 superintendent's designee, at the request of the Department of
9 Children and Family Services, to act as a liaison to the
10 Department of Children and Family Services and the child
11 protection team, as defined in s. 39.01, when in a case of
12 suspected child abuse, abandonment, or neglect or an unlawful
13 sexual offense involving a child the case is referred to such
14 a team; except that this does not relieve or restrict the
15 Department of Children and Family Services from discharging
16 its duty and responsibility under the law to investigate and
17 report every suspected or actual case of child abuse,
18 abandonment, or neglect or unlawful sexual offense involving a
19 child.

20 Section 276. Section 1006.062, Florida Statutes, is
21 created to read:

22 1006.062 Administration of medication and provision of
23 medical services by district school board personnel.--

24 (1) Notwithstanding the provisions of the Nurse
25 Practice Act, part I of chapter 464, district school board
26 personnel may assist students in the administration of
27 prescription medication when the following conditions have
28 been met:

29 (a) Each district school board shall include in its
30 approved school health services plan a procedure to provide
31 training, by a registered nurse, a licensed practical nurse, a

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1 physician licensed pursuant to chapter 458 or chapter 459, or
2 a physician assistant licensed pursuant to chapter 458 or
3 chapter 459, to the school personnel designated by the school
4 principal to assist students in the administration of
5 prescribed medication. Such training may be provided in
6 collaboration with other school districts, through contract
7 with an education consortium, or by any other arrangement
8 consistent with the intent of this subsection.

9 (b) Each district school board shall adopt policies
10 and procedures governing the administration of prescription
11 medication by district school board personnel. The policies
12 and procedures shall include, but not be limited to, the
13 following provisions:

14 1. For each prescribed medication, the student's
15 parent shall provide to the school principal a written
16 statement which grants to the school principal or the
17 principal's designee permission to assist in the
18 administration of such medication and which explains the
19 necessity for the medication to be provided during the school
20 day, including any occasion when the student is away from
21 school property on official school business. The school
22 principal or the principal's trained designee shall assist the
23 student in the administration of the medication.

24 2. Each prescribed medication to be administered by
25 district school board personnel shall be received, counted,
26 and stored in its original container. When the medication is
27 not in use, it shall be stored in its original container in a
28 secure fashion under lock and key in a location designated by
29 the school principal.

30 (2) There shall be no liability for civil damages as a
31 result of the administration of the medication when the person

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1 administering the medication acts as an ordinarily reasonably
2 prudent person would have acted under the same or similar
3 circumstances.

4 (3) Nonmedical district school board personnel shall
5 not be allowed to perform invasive medical services that
6 require special medical knowledge, nursing judgment, and
7 nursing assessment, including, but not limited to:

8 (a) Sterile catheterization.

9 (b) Nasogastric tube feeding.

10 (c) Cleaning and maintaining a tracheostomy and deep
11 suctioning of a tracheostomy.

12 (4) Nonmedical assistive personnel shall be allowed to
13 perform health-related services upon successful completion of
14 child-specific training by a registered nurse or advanced
15 registered nurse practitioner licensed under chapter 464, a
16 physician licensed pursuant to chapter 458 or chapter 459, or
17 a physician assistant licensed pursuant to chapter 458 or
18 chapter 459. All procedures shall be monitored periodically
19 by a nurse, advanced registered nurse practitioner, physician
20 assistant, or physician, including, but not limited to:

21 (a) Intermittent clean catheterization.

22 (b) Gastrostomy tube feeding.

23 (c) Monitoring blood glucose.

24 (d) Administering emergency injectable medication.

25 (5) For all other invasive medical services not listed
26 in this subsection, a registered nurse or advanced registered
27 nurse practitioner licensed under chapter 464, a physician
28 licensed pursuant to chapter 458 or chapter 459, or a
29 physician assistant licensed pursuant to chapter 458 or
30 chapter 459 shall determine if nonmedical district school
31 board personnel shall be allowed to perform such service.

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1 (6) Each district school board shall establish
2 emergency procedures in accordance with s. 381.0056(5) for
3 life-threatening emergencies.

4 (7) District school board personnel shall not refer
5 students to or offer students at school facilities
6 contraceptive services without the consent of a parent or
7 legal guardian. To the extent that this paragraph conflicts
8 with any provision of chapter 381, the provisions of chapter
9 381 control.

10 Section 277. Section 1006.063, Florida Statutes, is
11 created to read:

12 1006.063 Eye-protective devices required in certain
13 laboratory courses.--

14 (1) Eye-protective devices shall be worn by students,
15 teachers, and visitors in courses including, but not limited
16 to, chemistry, physics, or chemical-physical laboratories, at
17 any time at which the individual is engaged in or observing an
18 activity or the use of hazardous substances likely to cause
19 injury to the eyes. Activity or the use of hazardous
20 substances likely to cause injury to the eye includes:

21 (a) Heat treatment; tempering or kiln firing of any
22 metal or other materials;

23 (b) Working with caustic or explosive materials; or

24 (c) Working with hot liquids or solids, including
25 chemicals which are flammable, caustic, toxic, or irritating.

26 (2) District school boards shall furnish plano safety
27 glasses or devices for students, may provide such glasses to
28 teachers, and shall furnish such equipment for all visitors to
29 such classrooms or laboratories, or may purchase such plano
30 safety glasses or devices in large quantities and sell them at
31 cost to students and teachers, but shall not purchase,

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1 furnish, or dispense prescription glasses or lenses.

2 Section 278. Part I.c. of chapter 1006, Florida
3 Statutes, shall be entitled "Student Discipline and School
4 Safety" and shall consist of ss. 1006.07-1006.145.

5 Section 279. Section 1006.07, Florida Statutes, is
6 created to read:

7 1006.07 District school board duties relating to
8 student discipline and school safety.--The district school
9 board shall provide for the proper accounting for all
10 students, for the attendance and control of students at
11 school, and for proper attention to health, safety, and other
12 matters relating to the welfare of students, including:

13 (1) CONTROL OF STUDENTS.--

14 (a) Adopt rules for the control, discipline, in-school
15 suspension, suspension, and expulsion of students and decide
16 all cases recommended for expulsion. Suspension hearings are
17 exempted from the provisions of chapter 120. Expulsion
18 hearings shall be governed by ss. 120.569 and 120.57(2) and
19 are exempt from s. 286.011. However, the student's parent must
20 be given notice of the provisions of s. 286.011 and may elect
21 to have the hearing held in compliance with that section. The
22 district school board may prohibit the use of corporal
23 punishment, if the district school board adopts or has adopted
24 a written program of alternative control or discipline.

25 (b) Require each student at the time of initial
26 registration for school in the school district to note
27 previous school expulsions, arrests resulting in a charge, and
28 juvenile justice actions the student has had, and have the
29 authority as the district school board of a receiving school
30 district to honor the final order of expulsion or dismissal of
31 a student by any in-state or out-of-state public district

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1 school board or private school, or lab school, for an act
2 which would have been grounds for expulsion according to the
3 receiving district school board's code of student conduct, in
4 accordance with the following procedures:

5 1. A final order of expulsion shall be recorded in the
6 records of the receiving school district.

7 2. The expelled student applying for admission to the
8 receiving school district shall be advised of the final order
9 of expulsion.

10 3. The district school superintendent of the receiving
11 school district may recommend to the district school board
12 that the final order of expulsion be waived and the student be
13 admitted to the school district, or that the final order of
14 expulsion be honored and the student not be admitted to the
15 school district. If the student is admitted by the district
16 school board, with or without the recommendation of the
17 district school superintendent, the student may be placed in
18 an appropriate educational program at the direction of the
19 district school board.

20 (2) CODE OF STUDENT CONDUCT.--Adopt a code of student
21 conduct for elementary schools and a code of student conduct
22 for middle and high schools and distribute the appropriate
23 code to all teachers, school personnel, students, and parents,
24 at the beginning of every school year. Each code shall be
25 organized and written in language that is understandable to
26 students and parents and shall be discussed at the beginning
27 of every school year in student classes, school advisory
28 council meetings, and parent and teacher association or
29 organization meetings. Each code shall be based on the rules
30 governing student conduct and discipline adopted by the
31 district school board and shall be made available in the

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1 student handbook or similar publication. Each code shall
2 include, but is not limited to:

3 (a) Consistent policies and specific grounds for
4 disciplinary action, including in-school suspension,
5 out-of-school suspension, expulsion, and any disciplinary
6 action that may be imposed for the possession or use of
7 alcohol on school property or while attending a school
8 function or for the illegal use, sale, or possession of
9 controlled substances as defined in chapter 893.

10 (b) Procedures to be followed for acts requiring
11 discipline, including corporal punishment.

12 (c) An explanation of the responsibilities and rights
13 of students with regard to attendance, respect for persons and
14 property, knowledge and observation of rules of conduct, the
15 right to learn, free speech and student publications,
16 assembly, privacy, and participation in school programs and
17 activities.

18 (d) Notice that illegal use, possession, or sale of
19 controlled substances, as defined in chapter 893, or
20 possession of electronic telephone pagers, by any student
21 while the student is upon school property or in attendance at
22 a school function is grounds for disciplinary action by the
23 school and may also result in criminal penalties being
24 imposed.

25 (e) Notice that the possession of a firearm or weapon
26 ad defined in chapter 790 by any student while the student is
27 on school property or in attendance at a school function is
28 grounds for disciplinary action and may also result in
29 criminal prosecution.

30 (f) Notice that violence against any district school
31 board personnel by a student is grounds for in-school

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1 suspension, out-of-school suspension, expulsion, or imposition
2 of other disciplinary action by the school and may also result
3 in criminal penalties being imposed.

4 (g) Notice that violation of district school board
5 transportation policies, including disruptive behavior on a
6 school bus or at a school bus stop, by a student is grounds
7 for suspension of the student's privilege of riding on a
8 school bus and may be grounds for disciplinary action by the
9 school and may also result in criminal penalties being
10 imposed.

11 (h) Notice that violation of the district school
12 board's sexual harassment policy by a student is grounds for
13 in-school suspension, out-of-school suspension, expulsion, or
14 imposition of other disciplinary action by the school and may
15 also result in criminal penalties being imposed.

16 (i) Policies to be followed for the assignment of
17 violent or disruptive students to an alternative educational
18 program.

19 (j) Notice that any student who is determined to have
20 brought a firearm or weapon, as defined in chapter 790, to
21 school, to any school function, or onto any school-sponsored
22 transportation, or to have possessed a firearm at school, will
23 be expelled, with or without continuing educational services,
24 from the student's regular school for a period of not less
25 than 1 full year and referred to the criminal justice or
26 juvenile justice system; provided, however, that nothing
27 herein shall require the district school board to apply such
28 requirements to a firearm or weapon that is lawfully stored in
29 a locked vehicle on school property, or for activities
30 approved and authorized by the district school board when the
31 board has adopted appropriate safeguards to ensure student

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1 safety. District school boards may assign the student to a
2 disciplinary program or second chance school for the purpose
3 of continuing educational services during the period of
4 expulsion. District school superintendents may consider the
5 1-year expulsion requirement on a case-by-case basis and
6 request the district school board to modify the requirement by
7 assigning the student to a disciplinary program or second
8 chance school if the request for modification is in writing
9 and it is determined to be in the best interest of the student
10 and the school system.

11 (k) Notice that any student who is determined to have
12 made a threat or false report, as defined by ss. 790.162 and
13 790.163, respectively, involving school or school personnel's
14 property, school transportation, or a school-sponsored
15 activity will be expelled, with or without continuing
16 educational services, from the student's regular school for a
17 period of not less than 1 full year and referred for criminal
18 prosecution. District school boards may assign the student to
19 a disciplinary program or second chance school for the purpose
20 of continuing educational services during the period of
21 expulsion. District school superintendents may consider the
22 1-year expulsion requirement on a case-by-case basis and
23 request the district school board to modify the requirement by
24 assigning the student to a disciplinary program or second
25 chance school if it is determined to be in the best interest
26 of the student and the school system.

27 (3) STUDENT CRIME WATCH PROGRAM.--By resolution of the
28 district school board, implement a student crime watch program
29 to promote responsibility among students and to assist in the
30 control of criminal behavior within the schools.

31 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.--

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1 (a) Formulate and prescribe policies and procedures
2 for emergency drills and for actual emergencies, including,
3 but not limited to, fires, natural disasters, and bomb
4 threats, for all the public schools of the district which
5 comprise grades K-12. District school board policies shall
6 include commonly used alarm system responses for specific
7 types of emergencies and verification by each school that
8 drills have been provided as required by law and fire
9 protection codes.

10 (b) The district school board shall establish model
11 emergency management and emergency preparedness procedures for
12 the following life-threatening emergencies:

- 13 1. Weapon-use and hostage situations.
14 2. Hazardous materials or toxic chemical spills.
15 3. Weather emergencies, including hurricanes,
16 tornadoes, and severe storms.
17 4. Exposure as a result of a manmade emergency.

18 (5) EDUCATIONAL SERVICES IN DETENTION
19 FACILITIES.--Offer educational services to minors who have not
20 graduated from high school and eligible students with
21 disabilities under the age of 22 who have not graduated with a
22 standard diploma or its equivalent who are detained in a
23 county or municipal detention facility as defined in s.
24 951.23. These educational services shall be based upon the
25 estimated length of time the student will be in the facility
26 and the student's current level of functioning. District
27 school superintendents or their designees shall be notified by
28 the county sheriff or chief correctional officer, or his or
29 her designee, upon the assignment of a student under the age
30 of 21 to the facility. A cooperative agreement with the
31 district school board and applicable law enforcement units

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1 shall be developed to address the notification requirement and
2 the provision of educational services to these students.

3 (6) SAFETY AND SECURITY BEST PRACTICES.--Use the
4 Safety and Security Best Practices developed by the Office of
5 Program Policy Analysis and Government Accountability to
6 conduct a self-assessment of the school districts' current
7 safety and security practices. Based on these self-assessment
8 findings, the district school superintendent shall provide
9 recommendations to the district school board which identify
10 strategies and activities that the district school board
11 should implement in order to improve school safety and
12 security. Annually each district school board must receive the
13 self-assessment results at a publicly noticed district school
14 board meeting to provide the public an opportunity to hear the
15 district school board members discuss and take action on the
16 report findings. Each district school superintendent shall
17 report the self-assessment results and school board action to
18 the commissioner within 30 days after the district school
19 board meeting.

20 Section 280. Section 1006.08, Florida Statutes, is
21 created to read:

22 1006.08 District school superintendent duties relating
23 to student discipline and school safety.--

24 (1) The district school superintendent shall recommend
25 plans to the district school board for the proper accounting
26 for all students of school age, for the attendance and control
27 of students at school, for the proper attention to health,
28 safety, and other matters which will best promote the welfare
29 of students. When the district school superintendent makes a
30 recommendation for expulsion to the district school board, he
31 or she shall give written notice to the student and the

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1 student's parent of the recommendation, setting forth the
2 charges against the student and advising the student and his
3 or her parent of the student's right to due process as
4 prescribed by ss. 120.569 and 120.57(2). When district school
5 board action on a recommendation for the expulsion of a
6 student is pending, the district school superintendent may
7 extend the suspension assigned by the principal beyond 10
8 school days if such suspension period expires before the next
9 regular or special meeting of the district school board.

10 (2) Notwithstanding the provisions of s. 985.04(4) or
11 any other provision of law to the contrary, the court shall,
12 within 48 hours of the finding, notify the appropriate
13 district school superintendent of the name and address of any
14 student found to have committed a delinquent act, or who has
15 had adjudication of a delinquent act withheld which, if
16 committed by an adult, would be a felony, or the name and
17 address of any student found guilty of a felony. Notification
18 shall include the specific delinquent act found to have been
19 committed or for which adjudication was withheld, or the
20 specific felony for which the student was found guilty.

21 (3) Except to the extent necessary to protect the
22 health, safety, and welfare of other students, the information
23 obtained by the district school superintendent pursuant to
24 this section may be released only to appropriate school
25 personnel or as otherwise provided by law.

26 Section 281. Section 1006.09, Florida Statutes, is
27 created to read:

28 1006.09 Duties of school principal relating to student
29 discipline and school safety.--

30 (1)(a) Subject to law and to the rules of the State
31 Board of Education and the district school board, the

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1 principal in charge of the school or the principal's designee
2 shall develop policies for delegating to any teacher or other
3 member of the instructional staff or to any bus driver
4 transporting students of the school responsibility for the
5 control and direction of students. The principal or the
6 principal's designee shall consider the recommendation for
7 discipline made by a teacher, other member of the
8 instructional staff, or a bus driver when making a decision
9 regarding student referral for discipline.

10 (b) The principal or the principal's designee may
11 suspend a student only in accordance with the rules of the
12 district school board. The principal or the principal's
13 designee shall make a good faith effort to immediately inform
14 a student's parent by telephone of a student's suspension and
15 the reasons for the suspension. Each suspension and the
16 reasons for the suspension shall be reported in writing within
17 24 hours to the student's parent by United States mail. Each
18 suspension and the reasons for the suspension shall also be
19 reported in writing within 24 hours to the district school
20 superintendent. A good faith effort shall be made by the
21 principal or the principal's designee to employ parental
22 assistance or other alternative measures prior to suspension,
23 except in the case of emergency or disruptive conditions which
24 require immediate suspension or in the case of a serious
25 breach of conduct as defined by rules of the district school
26 board. Such rules shall require oral and written notice to the
27 student of the charges and an explanation of the evidence
28 against him or her prior to the suspension. Each student shall
29 be given an opportunity to present his or her side of the
30 story. No student shall be suspended for unexcused tardiness,
31 lateness, absence, or truancy. The principal or the

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1 principal's designee may suspend any student transported to or
2 from school at public expense from the privilege of riding on
3 a school bus for violation of district school board
4 transportation policies, which shall include a policy
5 regarding behavior at school bus stops, and the principal or
6 the principal's designee shall give notice in writing to the
7 student's parent and to the district school superintendent
8 within 24 hours. School personnel shall not be held legally
9 responsible for suspensions of students made in good faith.

10 (c) The principal or the principal's designee may
11 recommend to the district school superintendent the expulsion
12 of any student who has committed a serious breach of conduct,
13 including, but not limited to, willful disobedience, open
14 defiance of authority of a member of his or her staff,
15 violence against persons or property, or any other act which
16 substantially disrupts the orderly conduct of the school. A
17 recommendation of expulsion or assignment to a second chance
18 school may also be made for any student found to have
19 intentionally made false accusations that jeopardize the
20 professional reputation, employment, or professional
21 certification of a teacher or other member of the school
22 staff, according to the district school board code of student
23 conduct. Any recommendation of expulsion shall include a
24 detailed report by the principal or the principal's designated
25 representative on the alternative measures taken prior to the
26 recommendation of expulsion.

27 (d) The principal or the principal's designee shall
28 include an analysis of suspensions and expulsions in the
29 annual report of school progress.

30 (2) Suspension proceedings, pursuant to rules of the
31 State Board of Education, may be initiated against any

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1 enrolled student who is formally charged with a felony, or
2 with a delinquent act which would be a felony if committed by
3 an adult, by a proper prosecuting attorney for an incident
4 which allegedly occurred on property other than public school
5 property, if that incident is shown, in an administrative
6 hearing with notice provided to the parents of the student by
7 the principal of the school pursuant to rules adopted by the
8 State Board of Education and to rules developed pursuant to s.
9 1001.54, to have an adverse impact on the educational program,
10 discipline, or welfare in the school in which the student is
11 enrolled. Any student who is suspended as the result of such
12 proceedings may be suspended from all classes of instruction
13 on public school grounds during regular classroom hours for a
14 period of time, which may exceed 10 days, as determined by the
15 district school superintendent. The suspension shall not
16 affect the delivery of educational services to the student,
17 and the student shall be immediately enrolled in a daytime
18 alternative education program, or an evening alternative
19 education program, where appropriate. If the court determines
20 that the student did commit the felony or delinquent act which
21 would have been a felony if committed by an adult, the
22 district school board may expel the student, provided that
23 expulsion under this subsection shall not affect the delivery
24 of educational services to the student in any residential,
25 nonresidential, alternative, daytime, or evening program
26 outside of the regular school setting. Any student who is
27 subject to discipline or expulsion for unlawful possession or
28 use of any substance controlled under chapter 893 may be
29 entitled to a waiver of the discipline or expulsion:
30 (a) If the student divulges information leading to the
31 arrest and conviction of the person who supplied the

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1 controlled substance to him or her, or if the student
2 voluntarily discloses his or her unlawful possession of the
3 controlled substance prior to his or her arrest. Any
4 information divulged which leads to arrest and conviction is
5 not admissible in evidence in a subsequent criminal trial
6 against the student divulging the information.

7 (b) If the student commits himself or herself, or is
8 referred by the court in lieu of sentence, to a state-licensed
9 drug abuse program and successfully completes the program.

10 (3) A student may be disciplined or expelled for
11 unlawful possession or use of any substance controlled under
12 chapter 893 upon the third violation of this provision.

13 (4) When a student has been the victim of a violent
14 crime perpetrated by another student who attends the same
15 school, the school principal shall make full and effective use
16 of the provisions of ss. 1006.09(2) and 1006.13(5). A school
17 principal who fails to comply with this subsection shall be
18 ineligible for any portion of the performance pay policy
19 incentive under s. 1012.22(1)(c). However, if any party
20 responsible for notification fails to properly notify the
21 school, the school principal shall be eligible for the
22 incentive.

23 (5) Any recommendation for the suspension or expulsion
24 of a student with a disability must be made in accordance with
25 rules adopted by the State Board of Education.

26 (6) Each school principal must ensure that
27 standardized forms prescribed by rule of the State Board of
28 Education are used to report data concerning school safety and
29 discipline to the department. The school principal must
30 develop a plan to verify the accuracy of reported incidents.

31 (7) The State Board of Education shall adopt by rule a

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1 standardized form to be used by each school principal to
2 report data concerning school safety and discipline.

3 (8) The school principal shall require all school
4 personnel to report to the principal or principal's designee
5 any suspected unlawful use, possession, or sale by a student
6 of any controlled substance, as defined in s. 893.02; any
7 counterfeit controlled substance, as defined in s. 831.31; any
8 alcoholic beverage, as defined in s. 561.01(4); or model glue.
9 School personnel are exempt from civil liability when
10 reporting in good faith to the proper school authority such
11 suspected unlawful use, possession, or sale by a student.
12 Only a principal or principal's designee is authorized to
13 contact a parent or legal guardian of a student regarding this
14 situation. Reports made and verified under this subsection
15 shall be forwarded to an appropriate agency. The principal or
16 principal's designee shall timely notify the student's parent
17 that a verified report made under this subsection with respect
18 to the student has been made and forwarded.

19 (9) A school principal or a school employee designated
20 by the principal, if she or he has reasonable suspicion that a
21 prohibited or illegally possessed substance or object is
22 contained within a student's locker or other storage area, may
23 search the locker or storage area. The district school board
24 shall require and each school principal shall cause to be
25 posted in each public K-12 school, in a place readily seen by
26 students, a notice stating that a student's locker or other
27 storage area is subject to search, upon reasonable suspicion,
28 for prohibited or illegally possessed substances or objects.
29 This subsection does not prohibit the use of metal detectors
30 or specially trained animals in the course of a search for
31 illegally possessed substances or objects.

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1 Section 282. Section 1006.10, Florida Statutes, is
2 created to read:

3 1006.10 Authority of school bus drivers and district
4 school boards relating to student discipline and student
5 safety on school buses.--

6 (1) The school bus driver shall require order and good
7 behavior by all students being transported on school buses.

8 (2) The district school board shall require a system
9 of progressive discipline of transported students for actions
10 which are prohibited by the code of student conduct.

11 Disciplinary actions, including suspension of students from
12 riding on district school board owned or contracted school
13 buses, shall be subject to district school board policies and
14 procedures and may be imposed by the principal or the
15 principal's designee. The principal or the principal's
16 designee may delegate any disciplinary authority to school bus
17 drivers except for suspension of students from riding the bus.

18 (3) The school bus driver shall control students
19 during the time students are on the school bus, but shall not
20 have such authority when students are waiting at the school
21 bus stop or when students are en route to or from the school
22 bus stop except when the bus is present at the bus stop.

23 (4) If an emergency should develop due to the conduct
24 of students on the bus, the school bus driver may take such
25 steps as are immediately necessary to protect the students on
26 the bus.

27 (5) School bus drivers shall not be required to
28 operate a bus under conditions in which one or more students
29 pose a clear and present danger to the safety of the driver or
30 other students, or the safety of the bus while in operation.
31 The district school board shall have measures in place

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1 designed to protect the school bus driver from threats or
2 physical injury from students.

3 (6) District school boards may use transportation,
4 school safety, or FEFP funds to provide added security for
5 buses transporting disruptive or delinquent students to and
6 from school or other educational activities.

7 (7) In the case of a student having engaged in violent
8 or blatantly unsafe actions while riding the school bus, the
9 district school board shall take corrective measures to
10 ensure, to the extent feasible, that such actions are not
11 repeated prior to reassigning the student to the bus.

12 Section 283. Section 1006.11, Florida Statutes, is
13 created to read:

14 1006.11 Standards for use of reasonable force.--

15 (1) The State Board of Education shall adopt standards
16 for the use of reasonable force by district school board
17 personnel to maintain a safe and orderly learning environment.
18 Such standards shall be distributed to each school in the
19 state and shall provide guidance to district school board
20 personnel in receiving the limitations on liability specified
21 in subsection (2).

22 (2) Except in the case of excessive force or cruel and
23 unusual punishment, a teacher or other member of the
24 instructional staff, a principal or the principal's designated
25 representative, or a school bus driver shall not be civilly or
26 criminally liable for any action carried out in conformity
27 with the State Board of Education and district school board
28 rules regarding the control, discipline, suspension, and
29 expulsion of students, including, but not limited to, any
30 exercise of authority under s. 1006.09 or s. 1003.32.

31 Section 284. Section 1006.12, Florida Statutes, is

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1 created to read:

2 1006.12 School resource officers and school safety
3 officers.--

4 (1) District school boards may establish school
5 resource officer programs, through a cooperative agreement
6 with law enforcement agencies or in accordance with subsection
7 (2).

8 (a) School resource officers shall be certified law
9 enforcement officers, as defined in s. 943.10(1), who are
10 employed by a law enforcement agency as defined in s.
11 943.10(4). The powers and duties of a law enforcement officer
12 shall continue throughout the employee's tenure as a school
13 resource officer.

14 (b) School resource officers shall abide by district
15 school board policies and shall consult with and coordinate
16 activities through the school principal, but shall be
17 responsible to the law enforcement agency in all matters
18 relating to employment, subject to agreements between a
19 district school board and a law enforcement agency. Activities
20 conducted by the school resource officer which are part of the
21 regular instructional program of the school shall be under the
22 direction of the school principal.

23 (2)(a) School safety officers shall be law enforcement
24 officers, as defined in s. 943.10(1), certified under the
25 provisions of chapter 943 and employed by either a law
26 enforcement agency or by the district school board. If the
27 officer is employed by the district school board, the district
28 school board is the employing agency for purposes of chapter
29 943, and must comply with the provisions of that chapter.

30 (b) A district school board may commission one or more
31 school safety officers for the protection and safety of school

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1 personnel, property, and students within the school district.
2 The district school superintendent may recommend and the
3 district school board may appoint one or more school safety
4 officers.

5 (c) A school safety officer has and shall exercise the
6 power to make arrests for violations of law on district school
7 board property and to arrest persons, whether on or off such
8 property, who violate any law on such property under the same
9 conditions that deputy sheriffs are authorized to make
10 arrests. A school safety officer has the authority to carry
11 weapons when performing his or her official duties.

12 (d) A district school board may enter into mutual aid
13 agreements with one or more law enforcement agencies as
14 provided in chapter 23. A school safety officer's salary may
15 be paid jointly by the district school board and the law
16 enforcement agency, as mutually agreed to.

17 Section 285. Section 1006.13, Florida Statutes, is
18 created to read:

19 1006.13 Policy of zero tolerance for crime and
20 victimization.--

21 (1) Each district school board shall adopt a policy of
22 zero tolerance for:

23 (a) Crime and substance abuse, including the reporting
24 of delinquent acts and crimes occurring whenever and wherever
25 students are under the jurisdiction of the district school
26 board.

27 (b) Victimization of students, including taking all
28 steps necessary to protect the victim of any violent crime
29 from any further victimization.

30 (2) The zero tolerance policy shall require students
31 found to have committed one of the following offenses to be

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1 expelled, with or without continuing educational services,
2 from the student's regular school for a period of not less
3 than 1 full year, and to be referred to the criminal justice
4 or juvenile justice system.

5 (a) Bringing a firearm or weapon, as defined in
6 chapter 790, to school, to any school function, or onto any
7 school-sponsored transportation or possessing a firearm at
8 school; provided, however, that nothing herein shall require
9 the district school board to apply such requirements to a
10 firearm or weapon that is lawfully stored in a locked vehicle
11 on school property, or for activities approved and authorized
12 by the district school board when the board has adopted
13 appropriate safeguards to ensure student safety.

14 (b) Making a threat or false report, as defined by ss.
15 790.162 and 790.163, respectively, involving school or school
16 personnel's property, school transportation, or a
17 school-sponsored activity.

18
19 District school boards may assign the student to a
20 disciplinary program for the purpose of continuing educational
21 services during the period of expulsion. District school
22 superintendents may consider the 1-year expulsion requirement
23 on a case-by-case basis and request the district school board
24 to modify the requirement by assigning the student to a
25 disciplinary program or second chance school if the request
26 for modification is in writing and it is determined to be in
27 the best interest of the student and the school system. If a
28 student committing any of the offenses in this subsection is a
29 student with a disability, the district school board shall
30 comply with applicable State Board of Education rules.

31 (3) Each district school board shall enter into

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1 agreements with the county sheriff's office and local police
2 department specifying guidelines for ensuring that felonies
3 and violent misdemeanors, whether committed by a student or
4 adult, and delinquent acts that would be felonies or violent
5 misdemeanors if committed by an adult, are reported to law
6 enforcement. Each district school board shall adopt a
7 cooperative agreement, pursuant to s. 1003.52(13) with the
8 Department of Juvenile Justice, that specifies guidelines for
9 ensuring that all no contact orders entered by the court are
10 reported and enforced and that all steps necessary are taken
11 to protect the victim of any such crime. Such agreements shall
12 include the role of school resource officers, if applicable,
13 in handling reported incidents, special circumstances in which
14 school officials may handle incidents without filing a report
15 to law enforcement, and a procedure for ensuring that school
16 personnel properly report appropriate delinquent acts and
17 crimes. The school principal shall be responsible for ensuring
18 that all school personnel are properly informed as to their
19 responsibilities regarding crime reporting, that appropriate
20 delinquent acts and crimes are properly reported, and that
21 actions taken in cases with special circumstances are properly
22 taken and documented.

23 (4) Notwithstanding any other provision of law, each
24 district school board shall adopt rules providing that any
25 student found to have committed a violation of s. 784.081(1),
26 (2), or (3) shall be expelled or placed in an alternative
27 school setting or other program, as appropriate. Upon being
28 charged with the offense, the student shall be removed from
29 the classroom immediately and placed in an alternative school
30 setting pending disposition.

31 (5)(a) Notwithstanding any provision of law

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1 prohibiting the disclosure of the identity of a minor,
2 whenever any student who is attending public school is
3 adjudicated guilty of or delinquent for, or is found to have
4 committed, regardless of whether adjudication is withheld, or
5 pleads guilty or nolo contendere to, a felony violation of:
6 1. Chapter 782, relating to homicide;
7 2. Chapter 784, relating to assault, battery, and
8 culpable negligence;
9 3. Chapter 787, relating to kidnapping, false
10 imprisonment, luring or enticing a child, and custody
11 offenses;
12 4. Chapter 794, relating to sexual battery;
13 5. Chapter 800, relating to lewdness and indecent
14 exposure;
15 6. Chapter 827, relating to abuse of children;
16 7. Section 812.13, relating to robbery;
17 8. Section 812.131, relating to robbery by sudden
18 snatching;
19 9. Section 812.133, relating to carjacking; or
20 10. Section 812.135, relating to home-invasion
21 robbery,
22
23 and, before or at the time of such adjudication, withholding
24 of adjudication, or plea, the offender was attending a school
25 attended by the victim or a sibling of the victim of the
26 offense, the Department of Juvenile Justice shall notify the
27 appropriate district school board of the adjudication or plea,
28 the requirements of this paragraph, and whether the offender
29 is prohibited from attending that school or riding on a school
30 bus whenever the victim or a sibling of the victim is
31 attending the same school or riding on the same school bus,

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1 except as provided pursuant to a written disposition order
2 under s. 985.23(1)(d). Upon receipt of such notice, the
3 district school board shall take appropriate action to
4 effectuate the provisions of paragraph (b).

5 (b) Any offender described in paragraph (a), who is
6 not exempted as provided in paragraph (a), shall not attend
7 any school attended by the victim or a sibling of the victim
8 of the offense or ride on a school bus on which the victim or
9 a sibling of the victim is riding. The offender shall be
10 permitted by the district school board to attend another
11 school within the district in which the offender resides,
12 provided the other school is not attended by the victim or
13 sibling of the victim of the offense; or the offender may be
14 permitted by another district school board to attend a school
15 in that district if the offender is unable to attend any
16 school in the district in which the offender resides.

17 (c) If the offender is unable to attend any other
18 school in the district in which the offender resides and is
19 prohibited from attending school in another school district,
20 the district school board in the school district in which the
21 offender resides shall take every reasonable precaution to
22 keep the offender separated from the victim while on school
23 grounds or on school transportation. The steps to be taken by
24 a district school board to keep the offender separated from
25 the victim shall include, but are not limited to, in-school
26 suspension of the offender and the scheduling of classes,
27 lunch, or other school activities of the victim and the
28 offender so as not to coincide.

29 (d) The offender, or the parents of the offender if
30 the offender is a juvenile, shall be responsible for arranging
31 and paying for transportation associated with or required by

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1 the offender's attending another school or that would be
2 required as a consequence of the prohibition against riding on
3 a school bus on which the victim or a sibling of the victim is
4 riding. However, the offender or the parents of the offender
5 shall not be charged for existing modes of transportation that
6 can be used by the offender at no additional cost to the
7 district school board.

8 Section 286. Section 1006.14, Florida Statutes, is
9 created to read:

10 1006.14 Secret societies prohibited in public K-12
11 schools.--

12 (1) It is unlawful for any person, group, or
13 organization to organize or establish a fraternity, sorority,
14 or other secret society whose membership is comprised in whole
15 or in part of students enrolled in any public K-12 school or
16 to go upon any public K-12 school premises for the purpose of
17 soliciting any students to join such an organization.

18 (2) A secret society shall be interpreted to be a
19 fraternity, sorority, or other organization whose active
20 membership is comprised wholly or partly of students enrolled
21 in public K-12 schools and which perpetuates itself wholly or
22 partly by taking in additional members from the students
23 enrolled in public K-12 schools on the basis of the decision
24 of its membership rather than on the right of any student who
25 is qualified by the rules of the school to be a member of and
26 take part in any class or group exercise designated and
27 classified according to gender, subjects included in the
28 course of study, or program of school activities fostered and
29 promoted by the district school board and district school
30 superintendent or by school principals.

31 (3) This section shall not be construed to prevent the

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1 establishment of an organization fostered and promoted by
2 school authorities, or approved and accepted by school
3 authorities, and whose membership is selected on the basis of
4 good character, good scholarship, leadership ability, and
5 achievement. Full information regarding the charter,
6 principles, purposes, and conduct of any such accepted
7 organization shall be made available to all students and
8 instructional personnel of the school.

9 (4) This section shall not be construed to relate to
10 any junior organization or society sponsored by the Police
11 Athletic League, Knights of Pythias, Oddfellows, Moose,
12 Woodmen of the World, Knights of Columbus, Elks, Masons, B'nai
13 B'rith, Young Men's and Young Women's Hebrew Associations,
14 Young Men's and Young Women's Christian Associations, Kiwanis,
15 Rotary, Optimist, Civitan, Exchange Clubs, Florida Federation
16 of Garden Clubs, and Florida Federation of Women's Clubs.

17 (5) It is unlawful for any student enrolled in any
18 public K-12 school to be a member of, to join or to become a
19 member of or to pledge himself or herself to become a member
20 of any secret fraternity, sorority, or group wholly or partly
21 formed from the membership of students attending public K-12
22 schools or to take part in the organization or formation of
23 any such fraternity, sorority, or secret society; provided
24 that this does not prevent any student from belonging to any
25 organization fostered and promoted by the school authorities;
26 or approved and accepted by the school authorities and whose
27 membership is selected on the basis of good character, good
28 scholarship, leadership ability, and achievement.

29 (6) The district school board may enforce the
30 provisions of this section and prescribe and enforce such
31 rules as are necessary. District school boards shall enforce

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1 the provisions of this section by suspending or, if necessary,
2 expelling any student in any public K-12 school who violates
3 this section.

4 Section 287. Section 1006.141, Florida Statutes, is
5 created to read:

6 1006.141 Statewide school safety hotline.--

7 (1) The department may contract with the Florida
8 Sheriffs Association to establish and operate a statewide
9 toll-free school safety hotline for the purpose of reporting
10 incidents that affect the safety and well-being of the
11 school's population.

12 (2) The toll-free school safety hotline is to be a
13 conduit for any person to anonymously report activity that
14 affects the safety and well-being of the school's population.

15 (3) There may not be an award or monetary benefit for
16 reporting an incident through the toll-free school safety
17 hotline.

18 (4) The toll-free school safety hotline shall be
19 operated in a manner that ensures that a designated school
20 official is notified of a complaint received through the
21 hotline if the complaint concerns that school. A complaint
22 that concerns an actionable offense must be reported to the
23 designated official within a reasonable time after the
24 complaint is made. An actionable offense is an incident that
25 could directly affect the safety or well-being of a person or
26 property within a school.

27 (5) If a toll-free school safety hotline is
28 established by contract with the Florida Sheriffs Association,
29 the Florida Sheriffs Association shall produce a quarterly
30 report that evaluates the incidents that have been reported to
31 the hotline. This information may be used to evaluate future

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1 school safety educational needs and the need for prevention
2 programs as the district school board considers necessary.

3 Section 288. Section 1006.145, Florida Statutes, is
4 created to read:

5 1006.145 Disturbing school functions; penalty.--Any
6 person not subject to the rules of a school who creates a
7 disturbance on the property or grounds of any school, who
8 commits any act that interrupts the orderly conduct of a
9 school or any activity thereof commits a misdemeanor of the
10 second degree, punishable as provided in s. 775.082 or s.
11 775.083.

12 Section 289. Part I.d. of chapter 1006, Florida
13 Statutes, shall be entitled "Student Extracurricular
14 Activities and Athletics" and shall consist of ss.
15 1006.15-1006.20.

16 Section 290. Section 1006.15, Florida Statutes, is
17 created to read:

18 1006.15 Student standards for participation in
19 interscholastic extracurricular student activities;
20 regulation.--

21 (1) This section may be cited as the "Craig Dickinson
22 Act."

23 (2) Interscholastic extracurricular student activities
24 are an important complement to the academic curriculum.
25 Participation in a comprehensive extracurricular and academic
26 program contributes to student development of the social and
27 intellectual skills necessary to become a well-rounded adult.
28 As used in this section, the term "extracurricular" means any
29 school-authorized or education-related activity occurring
30 during or outside the regular instructional school day.

31 (3)(a) To be eligible to participate in

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1 interscholastic extracurricular student activities, a student
2 must:

3 1. Maintain a grade point average of 2.0 or above on a
4 4.0 scale, or its equivalent, in the previous semester or a
5 cumulative grade point average of 2.0 or above on a 4.0 scale,
6 or its equivalent, in the courses required by s. 1003.43(1).

7 2. Execute and fulfill the requirements of an academic
8 performance contract between the student, the district school
9 board, the appropriate governing association, and the
10 student's parents, if the student's cumulative grade point
11 average falls below 2.0, or its equivalent, on a 4.0 scale in
12 the courses required by s. 1003.43(1) or, for students who
13 entered the 9th grade prior to the 1997-1998 school year, if
14 the student's cumulative grade point average falls below 2.0
15 on a 4.0 scale, or its equivalent, in the courses required by
16 s. 1003.43(1) that are taken after July 1, 1997. At a minimum,
17 the contract must require that the student attend summer
18 school, or its graded equivalent, between grades 9 and 10 or
19 grades 10 and 11, as necessary.

20 3. Have a cumulative grade point average of 2.0 or
21 above on a 4.0 scale, or its equivalent, in the courses
22 required by s. 1003.43(1) during his or her junior or senior
23 year.

24 4. Maintain satisfactory conduct and, if a student is
25 convicted of, or is found to have committed, a felony or a
26 delinquent act which would have been a felony if committed by
27 an adult, regardless of whether adjudication is withheld, the
28 student's participation in interscholastic extracurricular
29 activities is contingent upon established and published
30 district school board policy.

31 (b) Any student who is exempt from attending a full

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1 school day based on rules adopted by the district school board
2 for double session schools or programs, experimental schools,
3 or schools operating under emergency conditions must maintain
4 the grade point average required by this section and pass each
5 class for which he or she is enrolled.

6 (c) An individual home education student is eligible
7 to participate at the public school to which the student would
8 be assigned according to district school board attendance area
9 policies or which the student could choose to attend pursuant
10 to district or interdistrict controlled open enrollment
11 provisions, or may develop an agreement to participate at a
12 private school, in the interscholastic extracurricular
13 activities of that school, provided the following conditions
14 are met:

15 1. The home education student must meet the
16 requirements of the home education program pursuant to s.
17 1002.41.

18 2. During the period of participation at a school, the
19 home education student must demonstrate educational progress
20 as required in paragraph (3)(b) in all subjects taken in the
21 home education program by a method of evaluation agreed upon
22 by the parent and the school principal which may include:
23 review of the student's work by a certified teacher chosen by
24 the parent; grades earned through correspondence; grades
25 earned in courses taken at a community college, university, or
26 trade school; standardized test scores above the 35th
27 percentile; or any other method designated in s. 1002.41.

28 3. The home education student must meet the same
29 residency requirements as other students in the school at
30 which he or she participates.

31 4. The home education student must meet the same

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1 standards of acceptance, behavior, and performance as required
2 of other students in extracurricular activities.

3 5. The student must register with the school his or
4 her intent to participate in interscholastic extracurricular
5 activities as a representative of the school before the
6 beginning date of the season for the activity in which he or
7 she wishes to participate. A home education student must be
8 able to participate in curricular activities if that is a
9 requirement for an extracurricular activity.

10 6. A student who transfers from a home education
11 program to a public school before or during the first grading
12 period of the school year is academically eligible to
13 participate in interscholastic extracurricular activities
14 during the first grading period provided the student has a
15 successful evaluation from the previous school year, pursuant
16 to subparagraph (3)(c)2.

17 7. Any public school or private school student who has
18 been unable to maintain academic eligibility for participation
19 in interscholastic extracurricular activities is ineligible to
20 participate in such activities as a home education student
21 until the student has successfully completed one grading
22 period in home education pursuant to subparagraph (3)(c)2. to
23 become eligible to participate as a home education student.

24 (d) An individual charter school student pursuant to
25 s. 1002.33 is eligible to participate at the public school to
26 which the student would be assigned according to district
27 school board attendance area policies or which the student
28 could choose to attend, pursuant to district or interdistrict
29 controlled open-enrollment provisions, in any interscholastic
30 extracurricular activity of that school, unless such activity
31 is provided by the student's charter school, if the following

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1 conditions are met:

2 1. The charter school student must meet the
3 requirements of the charter school education program as
4 determined by the charter school governing board.

5 2. During the period of participation at a school, the
6 charter school student must demonstrate educational progress
7 as required in paragraph (b).

8 3. The charter school student must meet the same
9 residency requirements as other students in the school at
10 which he or she participates.

11 4. The charter school student must meet the same
12 standards of acceptance, behavior, and performance that are
13 required of other students in extracurricular activities.

14 5. The charter school student must register with the
15 school his or her intent to participate in interscholastic
16 extracurricular activities as a representative of the school
17 before the beginning date of the season for the activity in
18 which he or she wishes to participate. A charter school
19 student must be able to participate in curricular activities
20 if that is a requirement for an extracurricular activity.

21 6. A student who transfers from a charter school
22 program to a traditional public school before or during the
23 first grading period of the school year is academically
24 eligible to participate in interscholastic extracurricular
25 activities during the first grading period if the student has
26 a successful evaluation from the previous school year,
27 pursuant to subparagraph 2.

28 7. Any public school or private school student who has
29 been unable to maintain academic eligibility for participation
30 in interscholastic extracurricular activities is ineligible to
31 participate in such activities as a charter school student

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1 until the student has successfully completed one grading
2 period in a charter school pursuant to subparagraph 2. to
3 become eligible to participate as a charter school student.

4 (4) The student standards for participation in
5 interscholastic extracurricular activities must be applied
6 beginning with the student's first semester of the 9th grade.
7 Each student must meet such other requirements for
8 participation as may be established by the district school
9 board; however, a district school board may not establish
10 requirements for participation in interscholastic
11 extracurricular activities which make participation in such
12 activities less accessible to home education students than to
13 other students. Except as set forth in paragraph (3)(c),
14 evaluation processes or requirements that are placed on home
15 education student participants may not go beyond those that
16 apply under s. 1002.41 to home education students generally.

17 (5) Any organization or entity that regulates or
18 governs interscholastic extracurricular activities of public
19 schools:

20 (a) Shall permit home education associations to join
21 as member schools.

22 (b) Shall not discriminate against any eligible
23 student based on an educational choice of public, private, or
24 home education.

25 (6) Public schools are prohibited from membership in
26 any organization or entity which regulates or governs
27 interscholastic extracurricular activities and discriminates
28 against eligible students in public, private, or home
29 education.

30 (7) Any insurance provided by district school boards
31 for participants in extracurricular activities shall cover the

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1 participating home education student. If there is an
2 additional premium for such coverage, the participating home
3 education student shall pay the premium.

4 Section 291. Section 1006.16, Florida Statutes, is
5 created to read:

6 1006.16 Insuring school students engaged in athletic
7 activities against injury.--Any district school board, school
8 athletic association, or school may formulate, conduct, and
9 purchase a plan or method of insuring, or may self-insure,
10 school students against injury sustained by reason of such
11 students engaging and participating in the athletic activities
12 conducted or sponsored by the district school board,
13 association, or school in which such students are enrolled. A
14 district school board, school athletic association, or school
15 may add a surcharge to the fee charged for admission to
16 athletic events as a means of producing revenue to purchase
17 such insurance or to provide self-insurance. Any district
18 school board may pay for all or part of such plan or method of
19 insurance or self-insurance from available district school
20 board funds.

21 Section 292. Section 1006.17, Florida Statutes, is
22 created to read:

23 1006.17 Sponsorship of athletic activities similar to
24 those for which scholarships offered; rulemaking.--

25 (1) If a district school board sponsors an athletic
26 activity or sport that is similar to a sport for which a state
27 university or public community college offers an athletic
28 scholarship, it must sponsor the athletic activity or sport
29 for which a scholarship is offered. This section does not
30 affect academic requirements for participation or prevent the
31 school districts or community colleges from sponsoring

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1 activities in addition to those for which scholarships are
2 provided.

3 (2) If a Florida public community college sponsors an
4 athletic activity or sport that is similar to a sport for
5 which a state university offers an athletic scholarship, it
6 must sponsor the athletic activity or sport for which a
7 scholarship is offered.

8 (3) Two athletic activities or sports that are similar
9 may be offered simultaneously.

10 (4) If the level of participation is insufficient to
11 warrant continuation of an athletic activity or sport, the
12 school may offer an alternative athletic activity or sport.

13 (5) The State Board of Education shall adopt rules to
14 administer this section, including rules that determine which
15 athletic activities are similar to sports for which state
16 universities and community colleges offer scholarships.

17 Section 293. Section 1006.18, Florida Statutes, is
18 created to read:

19 1006.18 Cheerleader safety standards.--The Florida
20 High School Activities Association or successor organization
21 shall adopt statewide uniform safety standards for student
22 cheerleaders and spirit groups that participate in any school
23 activity or extracurricular student activity. The Florida High
24 School Activities Association or successor organization shall
25 adopt the "Official High School Spirit Rules," published by
26 the National Federation of State High School Associations, as
27 the statewide uniform safety standards.

28 Section 294. Section 1006.19, Florida Statutes, is
29 created to read:

30 1006.19 Audit of records of nonprofit corporations and
31 associations handling interscholastic activities.--

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1 (1) Each nonprofit association or corporation that
2 operates for the purpose of supervising and controlling
3 interscholastic activities of public high schools and whose
4 membership is composed of duly certified representatives of
5 public high schools, and whose rules and regulations are
6 established by members thereof, shall have an annual financial
7 audit of its accounts and records by an independent certified
8 public accountant retained by it and paid from its funds. The
9 accountant shall furnish a copy of the audit report to the
10 Auditor General.

11 (2) Any such nonprofit association or corporation
12 shall keep adequate and complete records of all moneys
13 received by it, including the source and amount, and all
14 moneys spent by it, including salaries, fees, expenses, travel
15 allowances, and all other items of expense. All records of
16 any such organization shall be open for inspection by the
17 Auditor General.

18 Section 295. Section 1006.20, Florida Statutes, is
19 created to read:

20 1006.20 Athletics in public K-12 schools.--

21 (1) GOVERNING NONPROFIT ORGANIZATION.--The Florida
22 High School Activities Association is designated as the
23 governing nonprofit organization of athletics in Florida
24 public schools. If the Florida High School Activities
25 Association fails to meet the provisions of this section, the
26 commissioner shall designate a nonprofit organization to
27 govern athletics with the approval of the State Board of
28 Education. The organization is not to be a state agency as
29 defined in s. 120.52. The organization shall be subject to the
30 provisions of s. 1006.19. A private school that wishes to
31 engage in high school athletic competition with a public high

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1 school may become a member of the organization. The bylaws of
2 the organization are to be the rules by which high school
3 athletic programs in its member schools, and the students who
4 participate in them, are governed, unless otherwise
5 specifically provided by statute. For the purposes of this
6 section, "high school" includes grades 6 through 12.

7 (2) ADOPTION OF BYLAWS.--

8 (a) The organization shall adopt bylaws that, unless
9 specifically provided by statute, establish eligibility
10 requirements for all students who participate in high school
11 athletic competition in its member schools. The bylaws
12 governing residence and transfer shall allow the student to be
13 eligible in the school in which he or she first enrolls each
14 school year, or makes himself or herself a candidate for an
15 athletic team by engaging in a practice prior to enrolling in
16 any member school. The student shall be eligible in that
17 school so long as he or she remains enrolled in that school.
18 Subsequent eligibility shall be determined and enforced
19 through the organization's bylaws.

20 (b) The organization shall adopt bylaws that
21 specifically prohibit the recruiting of students for athletic
22 purposes. The bylaws shall prescribe penalties and an appeals
23 process for athletic recruiting violations.

24 (c) The organization shall adopt bylaws that require
25 all students participating in interscholastic athletic
26 competition or who are candidates for an interscholastic
27 athletic team to satisfactorily pass a medical evaluation each
28 year prior to participating in interscholastic athletic
29 competition or engaging in any practice, tryout, workout, or
30 other physical activity associated with the student's
31 candidacy for an interscholastic athletic team. Such medical

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1 evaluation can only be administered by a practitioner licensed
2 under the provisions of chapter 458, chapter 459, chapter 460,
3 or s. 464.012, and in good standing with the practitioner's
4 regulatory board. The bylaws shall establish requirements for
5 eliciting a student's medical history and performing the
6 medical evaluation required under this paragraph, which shall
7 include minimum standards for the physical capabilities
8 necessary for participation in interscholastic athletic
9 competition as contained in a uniform preparticipation
10 physical evaluation form. The evaluation form shall provide a
11 place for the signature of the practitioner performing the
12 evaluation with an attestation that each examination procedure
13 listed on the form was performed by the practitioner or by
14 someone under the direct supervision of the practitioner. The
15 form shall also contain a place for the practitioner to
16 indicate if a referral to another practitioner was made in
17 lieu of completion of a certain examination procedure. The
18 form shall provide a place for the practitioner to whom the
19 student was referred to complete the remaining sections and
20 attest to that portion of the examination. Practitioners
21 administering medical evaluations pursuant to this subsection
22 must know the minimum standards established by the
23 organization and certify that the student meets the standards.
24 If the practitioner determines that there are any abnormal
25 findings in the cardiovascular system, the student may not
26 participate unless a subsequent EKG or other cardiovascular
27 assessment indicates that the abnormality will not place the
28 student at risk during such participation. Results of such
29 medical evaluation must be provided to the school. No student
30 shall be eligible to participate in any interscholastic
31 athletic competition or engage in any practice, tryout,

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1 workout, or other physical activity associated with the
2 student's candidacy for an interscholastic athletic team until
3 the results of the medical evaluation verifying that the
4 student has satisfactorily passed the evaluation have been
5 received and approved by the school.

6 (d) Notwithstanding the provisions of paragraph (c), a
7 student may participate in interscholastic athletic
8 competition or be a candidate for an interscholastic athletic
9 team if the parent of the student objects in writing to the
10 student undergoing a medical evaluation because such
11 evaluation is contrary to his or her religious tenets or
12 practices. However, no person or entity shall be held liable
13 for any injury or other damages suffered by such student as a
14 result of his or her participation in athletics unless the
15 injury or damages are caused by unlawful activity, gross
16 negligence, or willful and wanton misconduct.

17 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.--

18 (a) The organization shall operate as a representative
19 democracy in which the sovereign authority is within its
20 member schools. Except as provided in this section, the
21 organization shall govern its affairs through its bylaws.

22 (b) Each member school, on its annual application for
23 membership, shall name its official representative to the
24 organization. This representative must be either the school
25 principal or his or her designee. That designee must either be
26 an assistant principal or athletic director housed within that
27 same school.

28 (c) The organization's membership shall be divided
29 along existing county lines into four contiguous and compact
30 administrative regions, each containing an equal or nearly
31 equal number of member schools to ensure equitable

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1 representation on the organization's board of directors,
2 representative assembly, and committee on appeals.

3 (4) BOARD OF DIRECTORS.--

4 (a) The executive authority of the organization shall
5 be vested in its board of directors. The board of directors
6 shall be composed of 15 persons, as follows:

7 1. Four public member school representatives, one
8 elected from among its public school representative members
9 within each of the four administrative regions.

10 2. Four nonpublic member school representatives, one
11 elected from among its nonpublic school representative members
12 within each of the four administrative regions.

13 3. Two representatives appointed by the commissioner,
14 one appointed from the two northernmost administrative regions
15 and one appointed from the two southernmost administrative
16 regions.

17 4. Two district school superintendents, one elected
18 from the two northernmost administrative regions by the
19 members in those regions and one elected from the two
20 southernmost administrative regions by the members in those
21 regions.

22 5. Two district school board members, one elected from
23 the two northernmost administrative regions by the members in
24 those regions and one elected from the two southernmost
25 administrative regions by the members in those regions.

26 6. The commissioner or his or her designee from the
27 department executive staff.

28 (b) A quorum of the board of directors shall consist
29 of nine members.

30 (c) The board of directors shall elect a president and
31 a vice president from among its members. These officers shall

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1 also serve as officers of the organization.

2 (d) Members of the board of directors shall serve
3 terms of 3 years and are eligible to succeed themselves only
4 once. A member of the board of directors, other than the
5 commissioner or his or her designee, may serve a maximum of 6
6 consecutive years. The organization's bylaws shall establish a
7 rotation of terms to ensure that a majority of the members'
8 terms do not expire concurrently.

9 (e) The authority and duties of the board of
10 directors, acting as a body and in accordance with the
11 organization's bylaws, are as follows:

12 1. To act as the incorporated organization's board of
13 directors and to fulfill its obligations as required by the
14 organization's charter and articles of incorporation.

15 2. To establish such guidelines, regulations,
16 policies, and procedures as are authorized by the bylaws.

17 3. To provide an organization commissioner, who shall
18 have the authority to waive the bylaws of the organization in
19 order to comply with statutory changes.

20 4. To levy annual dues and other fees and to set the
21 percentage of contest receipts to be collected by the
22 organization.

23 5. To approve the budget of the organization.

24 6. To organize and conduct statewide interscholastic
25 competitions, which may or may not lead to state
26 championships, and to establish the terms and conditions for
27 these competitions.

28 7. To act as an administrative board in the
29 interpretation of, and final decision on, all questions and
30 appeals arising from the directing of interscholastic
31 athletics of member schools.

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1 (5) REPRESENTATIVE ASSEMBLY.--

2 (a) The legislative authority of the organization is
3 vested in its representative assembly.

4 (b) The representative assembly shall be composed of
5 the following:

6 1. An equal number of member school representatives
7 from each of the four administrative regions.

8 2. Four district school superintendents, one elected
9 from each of the four administrative regions by the district
10 school superintendents in their respective administrative
11 regions.

12 3. Four district school board members, one elected
13 from each of the four administrative regions by the district
14 school board members in their respective administrative
15 regions.

16 4. The commissioner or his or her designee from the
17 department executive staff.

18 (c) The organization's bylaws shall establish the
19 number of member school representatives to serve in the
20 representative assembly from each of the four administrative
21 regions and shall establish the method for their selection.

22 (d) No member of the board of directors other than the
23 commissioner or his or her designee can serve in the
24 representative assembly.

25 (e) The representative assembly shall elect a
26 chairperson and a vice chairperson from among its members.

27 (f) Elected members of the representative assembly
28 shall serve terms of 2 years and are eligible to succeed
29 themselves for two additional terms. An elected member, other
30 than the commissioner or his or her designee, may serve a
31 maximum of 6 consecutive years in the representative assembly.

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1 (g) A quorum of the representative assembly consists
2 of one more than half of its members.

3 (h) The authority of the representative assembly is
4 limited to its sole duty, which is to consider, adopt, or
5 reject any proposed amendments to the organization's bylaws.

6 (i) The representative assembly shall meet as a body
7 annually. A two-thirds majority of the votes cast by members
8 present is required for passage of any proposal.

9 (6) PUBLIC LIAISON ADVISORY COMMITTEE.--

10 (a) The organization shall establish, sustain, fund,
11 and provide staff support to a public liaison advisory
12 committee composed of the following:

13 1. The commissioner or his or her designee.

14 2. A member public school principal.

15 3. A member private school principal.

16 4. A member school principal who is a member of a
17 racial minority.

18 5. An active athletic director.

19 6. An active coach, who is employed full time by a
20 member school.

21 7. A student athlete.

22 8. A district school superintendent.

23 9. A district school board member.

24 10. A member of the Florida House of Representatives.

25 11. A member of the Florida Senate.

26 12. A parent of a high school student.

27 13. A member of a home education association.

28 14. A representative of the business community.

29 15. A representative of the news media.

30 (b) No member of the board of directors, committee on
31 appeals, or representative assembly is eligible to serve on

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1 the public liaison advisory committee.

2 (c) The public liaison advisory committee shall elect
3 a chairperson and vice chairperson from among its members.

4 (d) The authority and duties of the public liaison
5 advisory committee are as follows:

6 1. To act as a conduit through which the general
7 public may have input into the decisionmaking process of the
8 organization and to assist the organization in the development
9 of procedures regarding the receipt of public input and
10 disposition of complaints related to high school athletic and
11 competition programs.

12 2. To conduct public hearings annually in each of the
13 four administrative regions during which interested parties
14 may address issues regarding the effectiveness of the rules,
15 operation, and management of the organization.

16 3. To conduct an annual evaluation of the organization
17 as a whole and present a report of its findings, conclusion,
18 and recommendations to the board of directors, to the
19 commissioner, and to the respective education committees of
20 the Florida Senate and the Florida House of Representatives.
21 The recommendations must delineate policies and procedures
22 that will improve the implementation and oversight of high
23 school athletic programs by the organization.

24 (e) The public liaison advisory committee shall meet
25 four times annually. Additional meetings may be called by the
26 committee chairperson, the organization president, or the
27 organization commissioner.

28 (7) APPEALS.--

29 (a) The organization shall establish a procedure of
30 due process which ensures each student the opportunity to
31 appeal an unfavorable ruling with regard to his or her

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1 eligibility to compete. The initial appeal shall be made to a
2 committee on appeals within the administrative region in which
3 the student lives. The organization's bylaws shall establish
4 the number, size, and composition of the committee on appeals.

5 (b) No member of the board of directors is eligible to
6 serve on the committee on appeals.

7 (c) Members of the committee on appeals shall serve
8 terms of 3 years and are eligible to succeed themselves only
9 once. A member of the committee on appeals may serve a maximum
10 of 6 consecutive years. The organization's bylaws shall
11 establish a rotation of terms to ensure that a majority of the
12 members' terms do not expire concurrently.

13 (d) The authority and duties of the committee on
14 appeals shall be to consider requests by member schools
15 seeking exceptions to bylaws and regulations, to hear undue
16 hardship eligibility cases filed by member schools on behalf
17 of student athletes, and to hear appeals filed by member
18 schools.

19 (e) A student athlete or member school that receives
20 an unfavorable ruling from a committee on appeals shall be
21 entitled to appeal that decision to the board of directors at
22 its next regularly scheduled meeting or called meeting. The
23 board of directors shall have the authority to uphold,
24 reverse, or amend the decision of the committee on appeals. In
25 all such cases, the decision of the board of directors shall
26 be final.

27 (8) AMENDMENT OF BYLAWS.--Each member school
28 representative, the board of directors acting as a whole or as
29 members acting individually, any advisory committee acting as
30 a whole to be established by the organization, and the
31 organization's commissioner are empowered to propose

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1 amendments to the bylaws. Any other individual may propose an
2 amendment by securing the sponsorship of any of the
3 mentioned individuals or bodies. All proposed amendments
4 must be submitted directly to the representative assembly for
5 its consideration. The representative assembly, while
6 empowered to adopt, reject, or revise proposed amendments, may
7 not, in and of itself, as a body be allowed to propose any
8 amendment for its own consideration.

9 (9) RULES ADOPTION.--The bylaws of the organization
10 shall require member schools to adopt rules for sports, which
11 have been established by a nationally recognized sanctioning
12 body, unless waived by at least a two-thirds vote of the board
13 of directors.

14 (10) EXAMINATION; CRITERIA; REPORT.--The board of
15 directors of the Florida High School Activities Association
16 shall undertake an examination of the following:

17 (a) Alternative criteria for establishing
18 administrative regions to include, but not be limited to,
19 population.

20 (b) Procedures to ensure appropriate diversity in the
21 membership of the board of directors.

22 (c) Opportunities to secure corporate financial
23 support for high school athletic programs.

24
25 The board of directors shall submit to the commissioner, the
26 President of the Senate, and the Speaker of the House of
27 Representatives not later than March 1, 2003, a report on the
28 actions taken in the examination of each of the three topics
29 listed in this subsection, the findings, and the actions to be
30 taken to implement the findings and the target date for
31 implementation.

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1 Section 296. Part I.e. of chapter 1006, Florida
2 Statutes, shall be entitled "Transportation of Public K-12
3 Students" and shall consist of ss. 1006.21-1006.27.

4 Section 297. Section 1006.21, Florida Statutes, is
5 created to read:

6 1006.21 Duties of district school superintendent and
7 district school board regarding transportation.--

8 (1) The district school superintendent shall ascertain
9 which students should be transported to school or to school
10 activities, determine the most effective arrangement of
11 transportation routes to accommodate these students; recommend
12 such routing to the district school board; recommend plans and
13 procedures for providing facilities for the economical and
14 safe transportation of students; recommend such rules and
15 regulations as may be necessary and see that all rules and
16 regulations relating to the transportation of students
17 approved by the district school board, as well as regulations
18 of the state board, are properly carried into effect, as
19 prescribed in this chapter.

20 (2) After considering recommendations of the district
21 school superintendent, the district school board shall make
22 provision for the transportation of students to the public
23 schools or school activities they are required or expected to
24 attend; authorize transportation routes arranged efficiently
25 and economically; provide the necessary transportation
26 facilities, and, when authorized under rules of the State
27 Board of Education and if more economical to do so, provide
28 limited subsistence in lieu thereof; and adopt the necessary
29 rules and regulations to ensure safety, economy, and
30 efficiency in the operation of all buses, as prescribed in
31 this chapter.

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1 (3) District school boards, after considering
2 recommendations of the district school superintendent:

3 (a) Shall provide transportation for each student in
4 prekindergarten disability programs and in kindergarten
5 through grade 12 membership in a public school when, and only
6 when, transportation is necessary to provide adequate
7 educational facilities and opportunities which otherwise would
8 not be available and to transport students whose homes are
9 more than a reasonable walking distance, as defined by rules
10 of the State Board of Education, from the nearest appropriate
11 school.

12 (b) Shall provide transportation for public elementary
13 school students in membership whose grade level does not
14 exceed grade 6, and may provide transportation for public
15 school students in membership in grades 7 through 12, if such
16 students are subjected to hazardous walking conditions as
17 provided in s. 1006.23 while en route to or from school.

18 (c) May provide transportation for public school
19 migrant, exceptional, nursery, and other public school
20 students in membership below kindergarten; kindergarten
21 through grade 12 students in membership in a public school;
22 and adult students in membership in adult career and
23 technical, basic, and high school graduation programs in a
24 public school when, and only when, transportation is necessary
25 to provide adequate educational facilities and opportunities
26 which otherwise would not be available.

27 (d) May provide transportation for the transportation
28 disadvantaged as defined in s. 427.011 and for other
29 school-age children as provided for in s. 1006.261.

30 (e) Shall provide necessary transportation to pregnant
31 students or student parents, and the children of those

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1 students, when the district school board operates a teenage
2 parent program pursuant to s. 1003.54.

3 (f) May provide transportation for other persons to
4 events or activities in which the district school board or
5 school has agreed to participate or cosponsor. The district
6 school board shall adopt a policy to address liability for
7 trips pursuant to this paragraph.

8 (g) May provide transportation for welfare transition
9 program participants as defined in s. 414.0252.

10 (4) In each case in which transportation of students
11 is impracticable in the opinion of the district school board,
12 the district school board may take steps for making available
13 educational facilities as are authorized by law or rule of the
14 State Board of Education and as, in the opinion of the
15 district school board, are practical.

16 Section 298. Section 1006.22, Florida Statutes, is
17 created to read:

18 1006.22 Safety and health of students being
19 transported.--Maximum regard for safety and adequate
20 protection of health are primary requirements that must be
21 observed by district school boards in routing buses,
22 appointing drivers, and providing and operating equipment, in
23 accordance with all requirements of law and rules of the State
24 Board of Education in providing transportation pursuant to s.
25 1006.21:

26 (1) District school boards shall use school buses, as
27 defined in s. 1006.25, for all regular transportation. Regular
28 transportation or regular use means transportation of students
29 to and from school or school-related activities that are part
30 of a scheduled series or sequence of events to the same
31 location. "Students" means, for the purposes of this section,

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1 students enrolled in the public schools in prekindergarten
2 disability programs and in kindergarten through grade 12.

3 District school boards may regularly use motor vehicles other
4 than school buses only under the following conditions:

5 (a) When the transportation is for physically
6 handicapped or isolated students and the district school board
7 has elected to provide for the transportation of the student
8 through written or oral contracts or agreements.

9 (b) When the transportation is a part of a
10 comprehensive contract for a specialized educational program
11 between a district school board and a service provider who
12 provides instruction, transportation, and other services.

13 (c) When the transportation is provided through a
14 public transit system.

15 (d) When the transportation of students is necessary
16 or practical in a motor vehicle owned or operated by a
17 district school board other than a school bus, such
18 transportation must be provided in designated seating
19 positions in a passenger car not to exceed 8 students or in a
20 multipurpose passenger vehicle designed to transport 10 or
21 fewer persons which meets all applicable federal motor vehicle
22 safety standards. Multipurpose passenger vehicles classified
23 as utility vehicles with a wheelbase of 110 inches or less
24 which are required by federal motor vehicle standards to
25 display a rollover warning label may not be used.

26
27 When students are transported in motor vehicles, the occupant
28 crash protection system provided by the vehicle manufacturer
29 must be used unless the student's physical condition prohibits
30 such use.

31 (2) Except as provided in subsection (1), district

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1 school boards may authorize the transportation of students in
2 privately owned motor vehicles on a case-by-case basis only in
3 the following circumstances:

4 (a) When a student is ill or injured and must be taken
5 home or to a medical treatment facility under nonemergency
6 circumstances; and

7 1. The school has been unable to contact the student's
8 parent or the parent or responsible adult designated by the
9 parent is not available to provide the transportation;

10 2. Proper adult supervision of the student is
11 available at the location to which the student is being
12 transported;

13 3. The transportation is approved by the school
14 principal, or a school administrator designated by the
15 principal to grant or deny such approval, or in the absence of
16 the principal and designee, by the highest ranking school
17 administrator or teacher available under the circumstances;
18 and

19 4. If the school has been unable to contact the parent
20 prior to the transportation, the school shall continue to seek
21 to contact the parent until the school is able to notify the
22 parent of the transportation and the pertinent circumstances.

23 (b) When the transportation is in connection with a
24 school function or event regarding which the district school
25 board or school has undertaken to participate or to sponsor or
26 provide the participation of students; and

27 1. The function or event is a single event that is not
28 part of a scheduled series or sequence of events to the same
29 location, such as, but not limited to, a field trip, a
30 recreational outing, an interscholastic competition or
31 cooperative event, an event connected with an extracurricular

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1 activity offered by the school, or an event connected to an
2 educational program, such as, but not limited to, a job
3 interview as part of a cooperative education program;

4 2. Transportation is not available, as a practical
5 matter, using a school bus or school district passenger car;
6 and

7 3. Each student's parent is notified, in writing,
8 regarding the transportation arrangement and gives written
9 consent before a student is transported in a privately owned
10 motor vehicle.

11 (c) When a district school board requires employees
12 such as school social workers and attendance officers to use
13 their own motor vehicles to perform duties of employment, and
14 such duties include the occasional transportation of students.

15 (3) When approval is granted for the transportation of
16 students in a privately owned vehicle, the provisions of s.
17 1006.24 regarding liability for tort claims are applicable.
18 District school board employees who provide approved
19 transportation in privately owned vehicles are acting within
20 the scope of their employment. Parents or other responsible
21 adults who provide approved transportation in privately owned
22 vehicles have the same exposure to, and protections from,
23 risks of personal liability as do district school board
24 employees acting within the scope of their employment.

25 (4) Each district school board may establish policies
26 that restrict the use of privately owned motor vehicles to
27 circumstances that are more limited than are described in this
28 section or that prohibit such use. Each district school board
29 may establish written policies that provide for more extensive
30 requirements for approval, parental notification and consent
31 procedures, insurance coverage, driver qualifications, or a

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1 combination of these.

2 (5) When transportation is authorized in privately
3 owned vehicles, students may be transported only in designated
4 seating positions and must use the occupant crash protection
5 system provided by the vehicle manufacturer.

6 (6) District school boards may contract with a common
7 carrier to transport students to and from in-season and
8 postseason athletic contests and to and from a school function
9 or event in which the district school board or a school has
10 undertaken to participate or to provide for or sponsor the
11 participation of students.

12 (7) Transportation for adult students may be provided
13 by any appropriate means as authorized by the district school
14 board when the transportation is accepted as a responsibility
15 by the district school board as provided in s. 1006.21.

16 (8) Notwithstanding any other provision of this
17 section, in an emergency situation that constitutes an
18 imminent threat to student health or safety, school personnel
19 may take whatever action is necessary under the circumstances
20 to protect student health and safety.

21 (9) Except as provided in s. 1006.261, transportation
22 is not the responsibility of the district school board in
23 connection with any event or activity that is not an event or
24 activity offered by the district school board or an event or
25 an activity in which the district school board or school has
26 agreed to participate, cosponsor, or require the participation
27 of students, and the district school board has no liability
28 for transportation arranged and provided by parents or other
29 parties to such events or activities.

30 (10) Each district school board shall designate and
31 adopt a specific plan for adequate examination, maintenance,

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1 and repair of transportation equipment. Examination of the
2 mechanical and safety condition of each school bus must be
3 made as required pursuant to rule of the State Board of
4 Education. The State Board of Education shall base the rule on
5 student safety considerations.

6 (11) The district school superintendent shall notify
7 the district school board of any school bus that does not meet
8 all requirements of law and rules of the State Board of
9 Education, and the district school board shall, if the school
10 bus is in an unsafe condition, withdraw it from use as a
11 school bus until the bus meets the requirements. The
12 department may inspect or have inspected any school bus to
13 determine whether the bus meets requirements of law and rules
14 of the State Board of Education. The department may, after due
15 notice to a district school board that any school bus does not
16 meet certain requirements of law and rules of the State Board
17 of Education, rule that the bus must be withdrawn from use as
18 a school bus, this ruling to be effective immediately or upon
19 a date specified in the ruling, whereupon the district school
20 board shall withdraw the school bus from use as a school bus
21 until it meets requirements of law and rules of the State
22 Board of Education and until the department has officially
23 revoked the pertinent ruling. Notwithstanding any other
24 provisions of this chapter, general purpose urban transit
25 systems are declared qualified to transport students to and
26 from school.

27 (12)(a) The routing and scheduling of school buses
28 must be planned to eliminate the necessity for students to
29 stand while a school bus is in motion. When circumstances of
30 an emergency nature, as defined by written district school
31 board policy, temporarily require transporting students on

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1 school buses in excess of the rated seating capacity, the
2 buses must proceed at a reduced rate of speed to maximize
3 safety of the students, taking into account existing traffic
4 conditions. Each district school board is responsible for
5 prompt relief of the emergency condition by providing
6 additional equipment, bus rerouting, bus rescheduling, or
7 other appropriate remedial action, and must maintain written
8 district school board policies to address such situations.

9 (b) Each district school board, after considering
10 recommendations from the district school superintendent, shall
11 designate, by map or otherwise, or shall provide by district
12 school board rule for the designation of, nontransportation
13 zones that are composed of all areas in the school district
14 from which it is unnecessary or impracticable to furnish
15 transportation. Nontransportation zones must be designated
16 annually before the opening of school and the designation of
17 bus routes for the succeeding school year. Each district
18 school board, after considering recommendations from the
19 district school superintendent, shall specifically designate,
20 or shall provide by district school board rule for the
21 designation of, specific routes to be traveled regularly by
22 school buses, and each route must meet the requirements
23 prescribed by rules of the State Board of Education.

24 (c) Each district school board shall establish school
25 bus stops, or provide by district school board rule for the
26 establishment of school bus stops, as necessary at the most
27 reasonably safe locations available. Where unusual traffic
28 hazards exist at school bus stops on roads maintained by the
29 state outside of municipalities, the Department of
30 Transportation, in concurrence and cooperation with and upon
31 request of the district school board, shall place signs at

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1 such bus stops warning motorists of the location of the stops.

2 (13) The State Board of Education may adopt rules to
3 implement this section as are necessary or desirable in the
4 interest of student health and safety.

5 Section 299. Section 1006.23, Florida Statutes, is
6 created to read:

7 1006.23 Hazardous walking conditions.--

8 (1) DEFINITION.--As used in this section, "student"
9 means any public elementary school student whose grade level
10 does not exceed grade 6.

11 (2) TRANSPORTATION; CORRECTION OF HAZARDS.--

12 (a) It is intended that district school boards and
13 other governmental entities work cooperatively to identify
14 conditions that are hazardous along student walking routes to
15 school and that district school boards provide transportation
16 to students who would be subjected to such conditions. It is
17 further intended that state or local governmental entities
18 having jurisdiction correct such hazardous conditions within a
19 reasonable period of time.

20 (b) Upon a determination pursuant to this section that
21 a condition is hazardous to students, the district school
22 board shall request a determination from the state or local
23 governmental entity having jurisdiction regarding whether the
24 hazard will be corrected and, if so, regarding a projected
25 completion date. State funds shall be allocated for the
26 transportation of students subjected to such hazards, provided
27 that such funding shall cease upon correction of the hazard or
28 upon the projected completion date, whichever occurs first.

29 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.--When a
30 request for review is made to the district school
31 superintendent or the district school superintendent's

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1 designee concerning a condition perceived to be hazardous to
2 students in that district who live within the 2-mile limit and
3 who walk to school, such condition shall be inspected by a
4 representative of the school district and a representative of
5 the state or local governmental entity that has jurisdiction
6 over the perceived hazardous location. The district school
7 superintendent or his or her designee and the state or local
8 governmental entity or its representative shall then make a
9 final determination that is mutually agreed upon regarding
10 whether the hazardous condition meets the state criteria
11 pursuant to this section. The district school superintendent
12 or his or her designee shall report this final determination
13 to the department.

14 (4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING
15 CONDITIONS.--

16 (a) Walkways parallel to the road.--

17 1. It shall be considered a hazardous walking
18 condition with respect to any road along which students must
19 walk in order to walk to and from school if there is not an
20 area at least 4 feet wide adjacent to the road, having a
21 surface upon which students may walk without being required to
22 walk on the road surface. In addition, whenever the road along
23 which students must walk is uncurbed and has a posted speed
24 limit of 55 miles per hour, the area as described above for
25 students to walk upon shall be set off the road by no less
26 than 3 feet from the edge of the road.

27 2. The provisions of subparagraph 1. do not apply when
28 the road along which students must walk:

29 a. Is in a residential area which has little or no
30 transient traffic;

31 b. Is a road on which the volume of traffic is less

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1 than 180 vehicles per hour, per direction, during the time
2 students walk to and from school; or

3 c. Is located in a residential area and has a posted
4 speed limit of 30 miles per hour or less.

5 (b) Walkways perpendicular to the road.--It shall be
6 considered a hazardous walking condition with respect to any
7 road across which students must walk in order to walk to and
8 from school:

9 1. If the traffic volume on the road exceeds the rate
10 of 360 vehicles per hour, per direction (including all lanes),
11 during the time students walk to and from school and if the
12 crossing site is uncontrolled. For purposes of this
13 subsection, an "uncontrolled crossing site" is an intersection
14 or other designated crossing site where no crossing guard,
15 traffic enforcement officer, or stop sign or other traffic
16 control signal is present during the times students walk to
17 and from school.

18 2. If the total traffic volume on the road exceeds
19 4,000 vehicles per hour through an intersection or other
20 crossing site controlled by a stop sign or other traffic
21 control signal, unless crossing guards or other traffic
22 enforcement officers are also present during the times
23 students walk to and from school.

24
25 Traffic volume shall be determined by the most current traffic
26 engineering study conducted by a state or local governmental
27 agency.

28 Section 300. Section 1006.24, Florida Statutes, is
29 created to read:

30 1006.24 Tort liability; liability insurance.--

31 (1) Each district school board shall be liable for

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1 tort claims arising out of any incident or occurrence
2 involving a school bus or other motor vehicle owned,
3 maintained, operated, or used by the district school board to
4 transport persons, to the same extent and in the same manner
5 as the state or any of its agencies or subdivisions is liable
6 for tort claims under s. 768.28, except that the total
7 liability to persons being transported for all claims or
8 judgments of such persons arising out of the same incident or
9 occurrence shall not exceed an amount equal to \$5,000
10 multiplied by the rated seating capacity of the school bus or
11 other vehicle, as determined by rules of the State Board of
12 Education, or \$100,000, whichever is greater. The provisions
13 of s. 768.28 apply to all claims or actions brought against
14 district school boards, as authorized in this subsection.

15 (2) Each district school board may secure and keep in
16 force a medical payments plan or medical payments insurance on
17 school buses and other vehicles. If a medical payments plan or
18 insurance is provided, it shall be carried in a sum of no less
19 than \$500 per person.

20 (3) Expenses, costs, or premiums to protect against
21 liability for torts as provided in this section may be paid
22 from any available funds of the district school board.

23 (4) If vehicles used in transportation are not owned
24 by the district school board, the district school board may
25 require owners of such vehicles to show evidence of adequate
26 insurance during the time that such vehicles are in the
27 services of the district school board.

28 Section 301. Section 1006.25, Florida Statutes, is
29 created to read:

30 1006.25 School buses.--School buses shall be defined
31 and meet specifications as follows:

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1 (1) DEFINITION.--For the purpose of this part, a
2 "school bus" is a motor vehicle regularly used for the
3 transportation of prekindergarten disability program and
4 kindergarten through grade 12 students of the public schools
5 to and from school or to and from school activities, and
6 owned, operated, rented, contracted, or leased by any district
7 school board, except:

8 (a) Passenger cars, multipurpose passenger vehicles,
9 and trucks as defined in 49 C.F.R. part 571.

10 (b) Motor vehicles subject to, and meeting all
11 requirements of, the United States Department of
12 Transportation, Federal Motor Carrier Safety Regulations under
13 Title 49, Code of Federal Regulations and operated by carriers
14 operating under the jurisdiction of these regulations but not
15 used exclusively for the transportation of public school
16 students.

17 (2) SPECIFICATIONS.--Each school bus as defined in 49
18 C.F.R. part 571 and subsection (1) that is rented, leased,
19 purchased, or contracted for must meet the applicable federal
20 motor vehicle safety standards and other specifications as
21 prescribed by rules of the State Board of Education.

22 (3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle
23 owned and operated by a county or municipal transit authority
24 that is leased by the district school board for transportation
25 of public school students must meet such standards as the
26 State Board of Education establishes by rule. A school bus
27 authorized by a district school board to carry passengers
28 other than school students must have the words "School Bus"
29 and any other signs and insignia that mark or designate it as
30 a school bus covered, removed, or otherwise concealed while
31 such passengers are being transported.

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1 (4) OCCUPANT PROTECTION SYSTEMS.--Students may be
2 transported only in designated seating positions, except as
3 provided in s. 1006.22(12), and must use the occupant crash
4 protection system provided by the manufacturer, which system
5 must comply with the requirements of 49 C.F.R. part 571 or
6 with specifications of the State Board of Education.

7 Section 302. Section 1006.261, Florida Statutes, is
8 created to read:

9 1006.261 Use of school buses for public purposes.--

10 (1)(a) Each district school board may enter into
11 agreements with the governing body of a county or municipality
12 in the school district or any state agency or agencies
13 established or identified to assist the transportation
14 disadvantaged, as defined in s. 427.011, including the
15 elderly, pursuant to Pub. L. No. 89-73, as amended, for the
16 use of the school buses of the school district by departments,
17 boards, commissions, or officers of such county or
18 municipality or of the state for county, municipal, or state
19 purposes, including transportation of the transportation
20 disadvantaged. Each such agreement shall provide for
21 reimbursement of the district school board, in full or in
22 part, for the proportionate share of fixed and operating costs
23 incurred by the district school board attributable to the use
24 of the buses pursuant to the agreement.

25 (b) Each district school board may enter into
26 agreements with regional workforce boards for the provision of
27 transportation services to participants in the welfare
28 transition program. Agreements must provide for reimbursement
29 in full or in part for the proportionate share of fixed and
30 operating costs incurred by the district school board
31 attributable to the use of buses in accordance with the

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1 agreement.

2 (c) Each district school board may enter into
3 agreements with nonprofit corporations and nonprofit civic
4 associations and groups to allow the use of school buses to
5 transport school-age children for activities sponsored by such
6 associations and groups, including, but not limited to, the
7 Girl Scouts, the Boy Scouts, 4-H Clubs, the Y.M.C.A., and
8 similar groups. The use of school buses for these activities
9 shall be pursuant to rules adopted by the district school
10 board and with compensation to the district school board at
11 least equal to the costs incurred by the board for such use.

12 (2)(a) The governing body or state agency or agencies
13 established or identified pursuant to Pub. L. No. 89-73, or
14 the nonprofit corporation or nonprofit civic organization or
15 group, or an agency established or identified to assist the
16 transportation disadvantaged as defined in s. 427.011, shall
17 indemnify and hold harmless the district school board from any
18 and all liability by virtue of the use of the buses pursuant
19 to an agreement authorized by this section.

20 (b) For purposes of liability for negligence, state
21 agencies or subdivisions as defined in s. 768.28(2) shall be
22 covered by s. 768.28. Every other corporation or organization
23 shall provide liability insurance coverage in the minimum
24 amounts of \$100,000 on any claim or judgment and \$200,000 on
25 all claims and judgments arising from the same incident or
26 occurrence.

27 (3) When the buses are used for nonschool purposes
28 other than the transportation of the transportation
29 disadvantaged, the flashing red lights and white strobe lights
30 shall not be used, and the "School Bus" inscriptions on the
31 front and rear of the buses shall be covered or concealed.

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1 Section 303. Section 1006.27, Florida Statutes, is
2 created to read:

3 1006.27 Pooling of school buses and related purchases
4 by district school boards; transportation services
5 contracts.--

6 (1) The department shall assist district school boards
7 in securing school buses, contractual needs, equipment, and
8 supplies at as reasonable prices as possible by providing a
9 plan under which district school boards may voluntarily pool
10 their bids for such purchases. The department shall prepare
11 bid forms and specifications, obtain quotations of prices and
12 make such information available to district school boards in
13 order to facilitate this service. District school boards from
14 time to time, as prescribed by State Board of Education rule,
15 shall furnish the department with information concerning the
16 prices paid for such items and the department shall furnish to
17 district school boards periodic information concerning the
18 lowest prices at which school buses, equipment, and related
19 supplies are available based upon comparable specifications.

20 (2) If a contract between any district school board
21 and any person, business, or entity to provide the district
22 school board with school bus service for the transportation of
23 students in the district provides that the person, business,
24 or entity shall own, operate, and maintain school buses for
25 such service, the district school board may purchase the
26 number of buses needed for the district through the department
27 and sell them to the person, business, or entity as a part of
28 the contract for such service.

29 Section 304. Part I.f. of chapter 1006, Florida
30 Statutes, shall be entitled "Instructional Materials for K-12
31 Public Education" and shall consist of ss. 1006.28-1006.43.

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1 Section 305. Section 1006.28, Florida Statutes, is
2 created to read:

3 1006.28 Duties of district school board, district
4 school superintendent; and school principal regarding K-12
5 instructional materials.--

6 (1) DISTRICT SCHOOL BOARD.--The district school board
7 has the duty to provide adequate instructional materials for
8 all students in accordance with the requirements of this part.
9 The term "adequate instructional materials" means a sufficient
10 number of textbooks or sets of materials serving as the basis
11 for instruction for each student in the core courses of
12 mathematics, language arts, social studies, science, reading,
13 and literature, except for instruction for which the school
14 advisory council approves the use of a program that does not
15 include a textbook as a major tool of instruction. The
16 district school board has the following specific duties:

17 (a) Courses of study; adoption.--Adopt courses of
18 study for use in the schools of the district.

19 (b) Textbooks.--Provide for proper requisitioning,
20 distribution, accounting, storage, care, and use of all
21 instructional materials furnished by the state and furnish
22 such other instructional materials as may be needed. The
23 district school board shall assure that instructional
24 materials used in the district are consistent with the
25 district goals and objectives and the curriculum frameworks
26 adopted by rule of the State Board of Education, as well as
27 with the state and district performance standards provided for
28 in s. 1001.03(1).

29 (c) Other instructional materials.--Provide such other
30 teaching accessories and aids as are needed for the school
31 district's educational program.

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1 (d) School library media services; establishment and
2 maintenance.--Establish and maintain a program of school
3 library media services for all public schools in the district,
4 including school library media centers, or school library
5 media centers open to the public, and, in addition such
6 traveling or circulating libraries as may be needed for the
7 proper operation of the district school system.

8 (2) DISTRICT SCHOOL SUPERINTENDENT.--

9 (a) The district school superintendent has the duty to
10 recommend such plans for improving, providing, distributing,
11 accounting for, and caring for textbooks and other
12 instructional aids as will result in general improvement of
13 the district school system, as prescribed in this part, in
14 accordance with adopted district school board rules
15 prescribing the duties and responsibilities of the district
16 school superintendent regarding the requisition, purchase,
17 receipt, storage, distribution, use, conservation, records,
18 and reports of, and management practices and property
19 accountability concerning, instructional materials, and
20 providing for an evaluation of any instructional materials to
21 be requisitioned that have not been used previously in the
22 district's schools. The district school superintendent must
23 keep adequate records and accounts for all financial
24 transactions for funds collected pursuant to subsection (3),
25 as a component of the educational service delivery scope in a
26 school district best financial management practices review
27 under s. 1008.35.

28 (b) Each district school superintendent shall notify
29 the department by April 1 of each year the state-adopted
30 instructional materials that will be requisitioned for use in
31 his or her school district. The notification shall include a

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1 district school board plan for instructional materials use to
2 assist in determining if adequate instructional materials have
3 been requisitioned.

4 (3) SCHOOL PRINCIPAL.--The school principal has the
5 following duties for the management and care of instructional
6 materials at the school:

7 (a) Proper use of instructional materials.--The
8 principal shall assure that instructional materials are used
9 to provide instruction to students enrolled at the grade level
10 or levels for which the materials are designed, pursuant to
11 adopted district school board rule. The school principal shall
12 communicate to parents the manner in which instructional
13 materials are used to implement the curricular objectives of
14 the school.

15 (b) Money collected for lost or damaged books;
16 enforcement.--The school principal shall collect from each
17 student or the student's parent the purchase price of any
18 instructional material the student has lost, destroyed, or
19 unnecessarily damaged and to report and transmit the money
20 collected to the district school superintendent. If
21 instructional materials lost, destroyed, or damaged have been
22 in school use for more than 1 year, a sum ranging between 50
23 and 75 percent of the purchase price of the book shall be
24 collected, determined by the physical condition of the book.
25 The failure to collect such sum upon reasonable effort by the
26 school principal may result in the suspension of the student
27 from participation in extracurricular activities or
28 satisfaction of the debt by the student through community
29 service activities at the school site as determined by the
30 school principal, pursuant to policies adopted by district
31 school board rule.

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1 (c) Sale of instructional materials.--The school
2 principal, upon request of the parent of a student in the
3 school, shall sell to the parent any instructional materials
4 used in the school. All such sales shall be made pursuant to
5 rule adopted by the district school board, and the principal
6 shall annually provide information to parents that they may
7 purchase instructional materials and how to purchase the
8 materials.

9 (d) Disposition of funds.--All money collected from
10 the sale, exchange, loss, or damage of instructional materials
11 shall be transmitted to the district school superintendent to
12 be deposited in the district school board fund and added to
13 the district appropriation for instructional materials.

14 (e) Accounting for textbooks.--Principals shall see
15 that all books are fully and properly accounted for as
16 prescribed by adopted rules of the district school board.

17 Section 306. Section 1006.29, Florida Statutes, is
18 created to read:

19 1006.29 State instructional materials committees.--

20 (1) Each school year, not later than April 15, the
21 commissioner shall appoint state instructional materials
22 committees composed of persons actively engaged in teaching or
23 in the supervision of teaching in the public elementary,
24 middle, or high schools and representing the major fields and
25 levels in which instructional materials are used in the public
26 schools and, in addition, lay citizens not professionally
27 connected with education. Committee members shall receive
28 training pursuant to subsection (5) in competencies related to
29 the evaluation and selection of instructional materials.

30 (a) There shall be ten or more members on each
31 committee: At least 50 percent of the members shall be

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1 classroom teachers who are certified in an area directly
2 related to the academic area or level being considered for
3 adoption, two shall be laypersons, one shall be a district
4 school board member, and two shall be supervisors of teachers.
5 The committee must have the capacity or expertise to address
6 the broad racial, ethnic, socioeconomic, and cultural
7 diversity of the state's student population. Personnel
8 selected as teachers of the year at the school, district,
9 regional, or state level are encouraged to serve on
10 instructional materials committees.

11 (b) The membership of each committee must reflect the
12 broad racial, ethnic, socioeconomic, and cultural diversity of
13 the state, including a balanced representation from the
14 state's geographic regions.

15 (c) The commissioner shall determine annually the
16 areas in which instructional materials shall be submitted for
17 adoption, taking into consideration the desires of the
18 district school boards. The commissioner shall also determine
19 the number of titles to be adopted in each area.

20 (2)(a) All appointments shall be as prescribed in this
21 section. No member shall serve more than two consecutive
22 terms on any committee. All appointments shall be for
23 18-month terms. All vacancies shall be filled in the manner
24 of the original appointment for only the time remaining in the
25 unexpired term. At no time may a district school board have
26 more than one representative on a committee. The commissioner
27 and a member of the department whom he or she shall designate
28 shall be additional and ex officio members of each committee.

29 (b) The names and mailing addresses of the members of
30 the state instructional materials committees shall be made
31 public when appointments are made.

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1 (c) The district school board shall be reimbursed for
2 the actual cost of substitute teachers for each workday that a
3 member of its instructional staff is absent from his or her
4 assigned duties for the purpose of rendering service to the
5 state instructional materials committee. In addition,
6 committee members shall be reimbursed for travel expenses and
7 per diem in accordance with s. 112.061 for actual service in
8 meetings of committees called by the commissioner. Payment of
9 such travel expenses shall be made by the Treasurer from the
10 appropriation for the administration of the instructional
11 materials program, on warrants to be drawn by the Comptroller
12 upon requisition approved by the commissioner.

13 (d) Any member of a committee may be removed by the
14 commissioner for cause.

15 (3) All references in the law to the state
16 instructional materials committee shall apply to each
17 committee created by this section.

18 (4) For purposes of state adoption, "instructional
19 materials" means items having intellectual content that by
20 design serve as a major tool for assisting in the instruction
21 of a subject or course. These items may be available in bound,
22 unbound, kit, or package form and may consist of hardbacked or
23 softbacked textbooks, consumables, learning laboratories,
24 manipulatives, electronic media, and computer courseware or
25 software. The term does not include electronic or computer
26 hardware even if such hardware is bundled with software or
27 other electronic media, nor does it include equipment or
28 supplies.

29 (5) The department shall develop a training program
30 for persons selected to serve on state instructional materials
31 committees. The program shall be structured to assist

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1 committee members in developing the skills necessary to make
2 valid, culturally sensitive, and objective decisions regarding
3 the content and rigor of instructional materials. All persons
4 serving on instructional materials committees must complete
5 the training program prior to beginning the review and
6 selection process.

7 Section 307. Section 1006.30, Florida Statutes, is
8 created to read:

9 1006.30 Affidavit of state instructional materials
10 committee members.--Before transacting any business, each
11 member of a state committee shall make an affidavit, to be
12 filed with the commissioner, that:

13 (1) The member will faithfully discharge the duties
14 imposed upon him or her as a member of the committee.

15 (2) The member has no interest, and while a member of
16 the committee he or she will assume no interest, in any
17 publishing or manufacturing organization which produces or
18 sells instructional materials.

19 (3) The member is in no way connected, and while a
20 member of the committee he or she will assume no connection,
21 with the distribution of the instructional materials.

22 (4) The member is not pecuniarily interested, and
23 while a member of the committee he or she will assume no
24 pecuniary interest, directly or indirectly, in the business or
25 profits of any person engaged in manufacturing, publishing, or
26 selling instructional materials designed for use in the public
27 schools.

28 (5) The member will not accept any emolument or
29 promise of future reward of any kind from any publisher or
30 manufacturer of instructional materials or his or her agent or
31 anyone interested in, or intending to bias his or her judgment

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1 in any way in, the selection of any materials to be adopted.

2 (6) It is unlawful for any member of a state
3 instructional materials committee to discuss matters relating
4 to instructional materials submitted for adoption with any
5 agent of a publisher or manufacturer of instructional
6 materials, either directly or indirectly, except during the
7 period when the committee has been called into session for the
8 purpose of evaluating instructional materials submitted for
9 adoption. Such discussions shall be limited to official
10 meetings of the committee and in accordance with procedures
11 prescribed by the commissioner for that purpose.

12 Section 308. Section 1006.31, Florida Statutes, is
13 created to read:

14 1006.31 Duties of each state instructional materials
15 committee.--The duties of each state instructional materials
16 committee are:

17 (1) PLACE AND TIME OF MEETING.--To meet at the call of
18 the commissioner, at a place in the state designated by him or
19 her, for the purpose of evaluating and recommending
20 instructional materials for adoption by the state. All
21 meetings of state instructional materials committees shall be
22 announced publicly in the Florida Administrative Weekly at
23 least 2 weeks prior to the date of convening. All meetings of
24 the committees shall be open to the public.

25 (2) ORGANIZATION.--To elect a chair and vice chair for
26 each adoption. An employee of the department shall serve as
27 secretary to the committee and keep an accurate record of its
28 proceedings. All records of committee motions and votes, and
29 summaries of committee debate shall be incorporated into a
30 publishable document and shall be available for public
31 inspection and duplication.

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1 (3) PROCEDURES.--To adhere to procedures prescribed by
2 the commissioner for evaluating instructional materials
3 submitted by publishers and manufacturers in each adoption.

4 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To
5 evaluate carefully all instructional materials submitted, to
6 ascertain which instructional materials, if any, submitted for
7 consideration best implement the selection criteria developed
8 by the commissioner and those curricular objectives included
9 within applicable performance standards provided for in s.
10 1001.03(1).

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

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

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

31 (d) When recommending instructional materials for use

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1 in the schools, each committee shall require, when appropriate
2 to the comprehension of students, that materials for social
3 science, history, or civics classes contain the Declaration of
4 Independence and the Constitution of the United States. No
5 instructional materials shall be recommended by any committee
6 for use in the schools which contain any matter reflecting
7 unfairly upon persons because of their race, color, creed,
8 national origin, ancestry, gender, or occupation.

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

17 (5) REPORT OF COMMITTEE.--Each committee, after a
18 thorough study of all data submitted on each instructional
19 material, and after each member has carefully evaluated each
20 instructional material, shall present a written report to the
21 commissioner. Such report shall be made public, and shall
22 include:

23 (a) A description of the procedures used in
24 determining the instructional materials to be recommended to
25 the commissioner.

26 (b) Recommendations of instructional materials for
27 each grade and subject field in the curriculum of public
28 elementary, middle, and high schools in which adoptions are to
29 be made. If deemed advisable, the committee may include such
30 other information, expression of opinion, or recommendation as
31 would be helpful to the commissioner. If there is a

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1 difference of opinion among the members of the committee as to
2 the merits of any instructional materials, any member may file
3 an expression of his or her individual opinion.

4
5 The findings of the committees, including the evaluation of
6 instructional materials, shall be in sessions open to the
7 public. All decisions leading to determinations of the
8 committees shall be by roll call vote, and at no time will a
9 secret ballot be permitted.

10 Section 309. Section 1006.32, Florida Statutes, is
11 created to read:

12 1006.32 Prohibited acts.--

13 (1) No publisher or manufacturer of instructional
14 material, or any representative thereof, shall offer to give
15 any emolument, money, or other valuable thing, or any
16 inducement, to any district school board official or member of
17 a state-level instructional materials committee to directly or
18 indirectly introduce, recommend, vote for, or otherwise
19 influence the adoption or purchase of any instructional
20 materials.

21 (2) No district school board official or member of a
22 state instructional materials committee shall solicit or
23 accept any emolument, money, or other valuable thing, or any
24 inducement, to directly or indirectly introduce, recommend,
25 vote for, or otherwise influence the adoption or purchase of
26 any instructional material.

27 (3) No district school board or publisher may
28 participate in a pilot program of materials being considered
29 for adoption during the 18-month period before the official
30 adoption of the materials by the commissioner. Any pilot
31 program during the first 2 years of the adoption period must

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1 have the prior approval of the commissioner.

2 (4) Any publisher or manufacturer of instructional
3 materials or representative thereof or any district school
4 board official or state instructional materials committee
5 member, who violates any provision of this section commits a
6 misdemeanor of the second degree, punishable as provided in s.
7 775.082 or s. 775.083. Any representative of a publisher or
8 manufacturer who violates any provision of this section, in
9 addition to any other penalty, shall be banned from practicing
10 business in the state for a period of 1 calendar year. Any
11 district school board official or state instructional
12 materials committee member who violates any provision of this
13 section, in addition to any other penalty, shall be removed
14 from his or her official position.

15 (5) Nothing in this section shall be construed to
16 prevent any publisher, manufacturer, or agent from supplying,
17 for purposes of examination, necessary sample copies of
18 instructional materials to any district school board official
19 or instructional materials committee member.

20 (6) Nothing in this section shall be construed to
21 prevent a district school board official or instructional
22 materials committee member from receiving sample copies of
23 instructional materials.

24 (7) Nothing contained in this section shall be
25 construed to prohibit or restrict a district school board
26 official from receiving royalties or other compensation, other
27 than compensation paid to him or her as commission for
28 negotiating sales to district school boards, from the
29 publisher or manufacturer of instructional materials written,
30 designed, or prepared by such district school board official,
31 and adopted by the commissioner or purchased by any district

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1 school board. No district school board official shall be
2 allowed to receive royalties on any materials not on the
3 state-adopted list purchased for use by his or her district
4 school board.

5 (8) No district school superintendent, district school
6 board member, teacher, or other person officially connected
7 with the government or direction of public schools shall
8 receive during the months actually engaged in performing
9 duties under his or her contract any private fee, gratuity,
10 donation, or compensation, in any manner whatsoever, for
11 promoting the sale or exchange of any school book, map, or
12 chart in any public school, or be an agent for the sale or the
13 publisher of any school textbook or reference work, or be
14 directly or indirectly pecuniarily interested in the
15 introduction of any such textbook, and any such agency or
16 interest shall disqualify any person so acting or interested
17 from holding any district school board employment whatsoever,
18 and the person commits a misdemeanor of the second degree,
19 punishable as provided in s. 775.082 or s. 775.083; provided
20 that this subsection shall not be construed as preventing the
21 adoption of any book written in whole or in part by a Florida
22 author.

23 Section 310. Section 1006.33, Florida Statutes, is
24 created to read:

25 1006.33 Bids or proposals; advertisement and its
26 contents.--

27 (1)(a) Beginning on or before May 15 of any year in
28 which an instructional materials adoption is to be initiated,
29 the department shall advertise in the Florida Administrative
30 Weekly 4 weeks preceding the date on which the bids shall be
31 received, that at a certain designated time, not later than

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1 June 15, sealed bids or proposals to be deposited with the
2 department will be received from publishers or manufacturers
3 for the furnishing of instructional materials proposed to be
4 adopted as listed in the advertisement beginning April 1
5 following the adoption.

6 (b) The advertisement shall state that each bidder
7 shall furnish specimen copies of all instructional materials
8 submitted, at a time designated by the department, which
9 specimen copies shall be identical with the copies approved
10 and accepted by the members of the state instructional
11 materials committee, as prescribed in this section, and with
12 the copies furnished to the department and district school
13 superintendents, as provided in this part.

14 (c) The advertisement shall state that a contract
15 covering the adoption of the instructional materials shall be
16 for a definite term.

17 (d) The advertisement shall fix the time within which
18 the required contract must be executed and shall state that
19 the department reserves the right to reject any or all bids.

20 (e) The advertisement shall give information as to how
21 specifications which have been adopted by the department in
22 regard to paper, binding, cover boards, and mechanical makeup
23 can be secured. In adopting specifications, the department
24 shall make an exception for instructional materials that are
25 college-level texts and that do not meet department physical
26 specifications for secondary materials, if the publisher
27 guarantees replacement during the term of the contract.

28 (2) The bids submitted shall be for furnishing the
29 designated materials in accordance with specifications of the
30 department. The bid shall state the lowest wholesale price at
31 which the materials will be furnished, at the time the

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1 adoption period provided in the contract begins, delivered
2 f.o.b. to the Florida depository of the publisher,
3 manufacturer, or bidder.

4 (3) The department shall require each publisher or
5 manufacturer of instructional materials who submits a bid
6 under this part to deposit with the department such sum of
7 money or certified check as may be determined by the
8 department, the amount to be not less than \$500 and not more
9 than \$2,500, according to the number of instructional
10 materials covered by the bid, which deposit shall be forfeited
11 to the state and placed in the General Revenue Fund if the
12 bidder making the deposit fails or refuses to execute the
13 contract and bond within 30 days after receipt of the contract
14 in case his or her bid or proposal is accepted. The
15 commissioner shall, upon determining that the deposit is
16 correct and proper, transmit the deposit to the Treasurer, who
17 shall deposit the funds for credit to the Textbook Bid Trust
18 Fund and issue his or her official receipt.

19 (4) Specimen copies of all instructional materials
20 that have been made the bases of contracts under this part
21 shall, upon request for the purpose of public inspection, be
22 made available by the publisher to the department and the
23 district school superintendent of each district school board
24 that adopts the instructional materials from the state list
25 upon request for the purpose of public inspection. All
26 contracts and bonds executed under this part shall be signed
27 in triplicate. One copy of each contract and an original of
28 each bid, whether accepted or rejected, shall be preserved
29 with the department for at least 3 years after termination of
30 the contract.

31 Section 311. Section 1006.34, Florida Statutes, is

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1 created to read:

2 1006.34 Powers and duties of the commissioner and the
3 department in selecting and adopting instructional
4 materials.--

5 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL
6 MATERIALS.--The commissioner shall prescribe the procedures by
7 which the department shall evaluate instructional materials
8 submitted by publishers and manufacturers in each adoption.
9 Included in these procedures shall be provisions which afford
10 each publisher or manufacturer or his or her representative an
11 opportunity to present to members of the state instructional
12 materials committees the merits of each instructional material
13 submitted in each adoption.

14 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL
15 MATERIALS.--

16 (a) The department shall notify all publishers and
17 manufacturers of instructional materials who have submitted
18 bids that within 3 weeks after the deadline for receiving
19 bids, at a designated time and place, it will open the bids
20 submitted and deposited with it. At the time and place
21 designated, the bids shall be opened, read, and tabulated in
22 the presence of the bidders or their representatives. No one
23 may revise his or her bid after the bids have been filed.
24 When all bids have been carefully considered, the commissioner
25 shall, from the list of suitable, usable, and desirable
26 instructional materials reported by the state instructional
27 materials committee, select and adopt instructional materials
28 for each grade and subject field in the curriculum of public
29 elementary, middle, and high schools in which adoptions are
30 made and in the subject areas designated in the advertisement.
31 The adoption shall continue for the period specified in the

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1 advertisement, beginning on the ensuing April 1. The adoption
2 shall not prevent the extension of a contract as provided in
3 subsection (3). The commissioner shall always reserve the
4 right to reject any and all bids. The commissioner may ask for
5 new sealed bids from publishers or manufacturers whose
6 instructional materials were recommended by the state
7 instructional materials committee as suitable, usable, and
8 desirable; specify the dates for filing such bids and the date
9 on which they shall be opened; and proceed in all matters
10 regarding the opening of bids and the awarding of contracts as
11 required by this part. In all cases, bids shall be accompanied
12 by a cash deposit or certified check of from \$500 to \$2,500,
13 as the commissioner may direct. The department, in adopting
14 instructional materials, shall give due consideration both to
15 the prices bid for furnishing instructional materials and to
16 the report and recommendations of the state instructional
17 materials committee. When the commissioner has finished with
18 the report of the state instructional materials committee, the
19 report shall be filed and preserved with the department and
20 shall be available at all times for public inspection.

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

25 1. The age of the students who normally could be
26 expected to have access to the material.

27 2. The educational purpose to be served by the
28 material. In considering instructional materials for classroom
29 use, priority shall be given to the selection of materials
30 which encompass the state and district school board
31 performance standards provided for in s. 1001.03(1) and which

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1 include the instructional objectives contained within the
2 curriculum frameworks approved by rule of the State Board of
3 Education.

4 3. The degree to which the material would be
5 supplemented and explained by mature classroom instruction as
6 part of a normal classroom instructional program.

7 4. The consideration of the broad racial, ethnic,
8 socioeconomic, and cultural diversity of the students of this
9 state.

10

11 No book or other material containing hard-core pornography or
12 otherwise prohibited by s. 847.012 shall be used or available
13 within any public school district.

14

(3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS;

15 BOND.--As soon as practicable after the commissioner has
16 adopted any instructional materials and all bidders that have
17 secured the adoption of any instructional materials have been
18 notified thereof by registered letter, the Department of Legal
19 Affairs shall prepare a contract in proper form with every
20 bidder awarded the adoption of any instructional materials.
21 Each contract shall be executed by the Governor and Secretary
22 of State under the seal of the state, one copy to be kept by
23 the contractor, one copy to be filed with the Department of
24 State, and one copy to be filed with the department. After
25 giving due consideration to comments by the district school
26 boards, the commissioner, with the agreement of the publisher,
27 may extend or shorten a contract period for a period not to
28 exceed 2 years; and the terms of any such contract shall
29 remain the same as in the original contract. Any publisher or
30 manufacturer to whom any contract is let under this part must
31 give bond in such amount as the commissioner requires, payable

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1 to the state, conditioned for the faithful, honest, and exact
2 performance of the contract. The bond must provide for the
3 payment of reasonable attorney's fees in case of recovery in
4 any suit thereon. The surety on the bond must be a guaranty or
5 surety company lawfully authorized to do business in the
6 state; however, the bond shall not be exhausted by a single
7 recovery but may be sued upon from time to time until the full
8 amount thereof is recovered, and the department may at any
9 time, after giving 30 days' notice, require additional
10 security or additional bond. The form of any bond or bonds or
11 contract or contracts under this part shall be prepared and
12 approved by the Department of Legal Affairs. At the discretion
13 of the commissioner, a publisher or manufacturer to whom any
14 contract is let under this part may be allowed a cash deposit
15 in lieu of a bond, conditioned for the faithful, honest, and
16 exact performance of the contract. The cash deposit, payable
17 to the department, shall be placed in the Textbook Bid Trust
18 Fund. The department may recover damages on the cash deposit
19 given by the contractor for failure to furnish instructional
20 materials, the sum recovered to inure to the General Revenue
21 Fund.

22 (4) REGULATIONS GOVERNING THE CONTRACT.--The
23 department may, from time to time, take any necessary actions,
24 consistent with this part, to secure the prompt and faithful
25 performance of all instructional materials contracts; and if
26 any contractor fails or refuses to furnish instructional
27 materials as provided in this part or otherwise breaks his or
28 her contract, the department may sue on the required bond in
29 the name of the state, in the courts of the state having
30 jurisdiction, and recover damages on the bond given by the
31 contractor for failure to furnish instructional materials, the

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1 sum recovered to inure to the General Revenue Fund.

2 (5) RETURN OF DEPOSITS.--

3 (a) The successful bidder shall be notified by
4 registered mail of the award of contract and shall, within 30
5 days after receipt of the contract, execute the proper
6 contract and post the required bond. When the bond and
7 contract have been executed, the department shall notify the
8 Comptroller and request that a warrant be issued against the
9 Textbook Bid Trust Fund payable to the successful bidder in
10 the amount deposited pursuant to this part. The Comptroller
11 shall issue and forward the warrant to the department for
12 distribution to the bidder.

13 (b) At the same time or prior thereto, the department
14 shall inform the Comptroller of the names of the unsuccessful
15 bidders. Upon receipt of such notice, the Comptroller shall
16 issue warrants against the Textbook Bid Trust Fund payable to
17 the unsuccessful bidders in the amounts deposited pursuant to
18 this part and shall forward the warrants to the department for
19 distribution to the unsuccessful bidders.

20 (c) One copy of each contract and an original of each
21 bid, whether accepted or rejected, shall be preserved with the
22 department for at least 3 years after the termination of the
23 contract.

24 (6) DEPOSITS FORFEITED.--If any successful bidder
25 fails or refuses to execute contract and bond within 30 days
26 after receipt of the contract, the cash deposit shall be
27 forfeited to the state and placed by the Treasurer in the
28 General Revenue Fund.

29 (7) FORFEITURE OF CONTRACT AND BOND.--If any publisher
30 or manufacturer of instructional materials fails or refuses to
31 furnish a book, or books, or other instructional materials as

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1 provided in the contract, his or her bond is forfeited and the
2 department shall make another contract on such terms as it may
3 find desirable, after giving due consideration to the
4 recommendations of the commissioner.

5 Section 312. Section 1006.35, Florida Statutes, is
6 created to read:

7 1006.35 Accuracy of instructional materials.--

8 (1) In addition to relying on statements of publishers
9 or manufacturers of instructional materials, the commissioner
10 may conduct or cause to be conducted an independent
11 investigation to determine the accuracy of state-adopted
12 instructional materials.

13 (2) When errors in state-adopted materials are
14 confirmed, the publisher of the materials shall provide to
15 each district school board that has purchased the materials
16 the corrections in a format approved by the commissioner.

17 (3) The commissioner may remove materials from the
18 list of state-adopted materials if he or she finds that the
19 content is in error and the publisher refuses to correct the
20 error when notified by the department.

21 (4) The commissioner may remove materials from the
22 list of state-adopted materials at the request of the
23 publisher if, in his or her opinion, there is no material
24 impact on the state's education goals.

25 Section 313. Section 1006.36, Florida Statutes, is
26 created to read:

27 1006.36 Term of adoption for instructional
28 materials.--

29 (1) The term of adoption of any instructional
30 materials must be a 6-year period beginning on April 1
31 following the adoption, except that the commissioner may

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1 approve terms of adoption of less than 6 years for materials
2 in content areas which require more frequent revision. Any
3 contract for instructional materials may be extended as
4 prescribed in s. 1006.34(3).

5 (2) The department shall publish annually an official
6 schedule of subject areas to be called for adoption for each
7 of the succeeding 2 years, and a tentative schedule for years
8 3, 4, 5, and 6. If extenuating circumstances warrant, the
9 commissioner may order the department to add one or more
10 subject areas to the official schedule, in which event the
11 commissioner shall develop criteria for such additional
12 subject area or areas and make them available to publishers as
13 soon as practicable before the date on which bids are due. The
14 schedule shall be developed so as to promote balance among the
15 subject areas so that the required expenditure for new
16 instructional materials is approximately the same each year in
17 order to maintain curricular consistency.

18 Section 314. Section 1006.37, Florida Statutes, is
19 created to read:

20 1006.37 Requisition of instructional materials from
21 publisher's depository.--

22 (1) The district school superintendent shall
23 requisition adopted instructional materials from the
24 depository of the publisher with whom a contract has been
25 made. However, the superintendent shall requisition current
26 instructional materials to provide each student with a
27 textbook or other materials as a major tool of instruction in
28 core courses of the subject areas specified in s. 1006.40(2).
29 These materials must be requisitioned within the first 2 years
30 of the adoption cycle, except for instructional materials
31 related to growth of student membership or instructional

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1 materials maintenance needs. The superintendent may
2 requisition instructional materials in the core subject areas
3 specified in s. 1006.40(2) that are related to growth of
4 student membership or instructional materials maintenance
5 needs during the 3rd, 4th, 5th, and 6th years of the original
6 contract period.

7 (2) The district school superintendent shall verify
8 that the requisition is complete and accurate and order the
9 depository to forward to him or her the adopted instructional
10 materials shown by the requisition. The depository shall
11 prepare an invoice of the materials shipped, including
12 shipping charges, and mail it to the superintendent to whom
13 the shipment is being made. The superintendent shall pay the
14 depository within 60 days after receipt of the requisitioned
15 materials from the appropriation for the purchase of adopted
16 instructional materials.

17 Section 315. Section 1006.38, Florida Statutes, is
18 created to read:

19 1006.38 Duties, responsibilities, and requirements of
20 instructional materials publishers and
21 manufacturers.--Publishers and manufacturers of instructional
22 materials, or their representatives, shall:

23 (1) Comply with all provisions of this part.

24 (2) Deliver fully developed specimen copies of all
25 instructional materials upon which bids are based to each
26 member of a state instructional materials committee. At the
27 conclusion of the review process, manufacturers submitting
28 samples of instructional materials are entitled to the return
29 thereof, at the expense of the manufacturers; or, in the
30 alternative, the manufacturers are entitled to reimbursement
31 by the individual committee members for the retail value of

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1 the samples.

2 (3) Submit, at a time designated in s. 1006.33, the
3 following information:

4 (a) Detailed specifications of the physical
5 characteristics of the instructional materials. The publisher
6 or manufacturer shall comply with these specifications if the
7 instructional materials are adopted and purchased in completed
8 form.

9 (b) Written proof that the publisher has provided
10 written correlations to appropriate curricular objectives
11 included within applicable performance standards provided for
12 in s. 1001.03(1).

13 (4) Make available for purchase by any district school
14 board any diagnostic, criterion-referenced, or other tests
15 that they may develop.

16 (5) Furnish the instructional materials offered by
17 them at a price in the state which, including all costs of
18 transportation to their depositories, shall not exceed the
19 lowest price at which they offer such instructional materials
20 for adoption or sale to any state or school district in the
21 United States.

22 (6) Reduce automatically the price of the
23 instructional materials to any district school board to the
24 extent that reductions are made elsewhere in the United
25 States.

26 (7) Provide any instructional materials free of charge
27 in the state to the same extent as they are provided free of
28 charge to any state or school district in the United States.

29 (8) Guarantee that all copies of any instructional
30 materials sold in this state will be at least equal in quality
31 to the copies of such instructional materials that are sold

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1 elsewhere in the United States and will be kept revised, free
2 from all errors, and up-to-date as may be required by the
3 department.

4 (9) Agree that any supplementary material developed at
5 the district or state level does not violate the author's or
6 publisher's copyright, provided such material is developed in
7 accordance with the doctrine of fair use.

8 (10) Not in any way, directly or indirectly, become
9 associated or connected with any combination in restraint of
10 trade in instructional materials, nor enter into any
11 understanding, agreement, or combination to control prices or
12 restrict competition in the sale of instructional materials
13 for use in the state.

14 (11) Maintain or contract with a depository in the
15 state.

16 (12) For the core subject areas specified in s.
17 1006.40(2), maintain in the depository for the first 2 years
18 of the contract an inventory of instructional materials
19 sufficient to receive and fill orders.

20 (13) For the core subject areas specified in s.
21 1006.40(2), ensure the availability of an inventory sufficient
22 to receive and fill orders for instructional materials for
23 growth, including the opening of a new school, and replacement
24 during the 3rd and subsequent years of the original contract
25 period.

26 (14) For all other subject areas, maintain in the
27 depository an inventory of instructional materials sufficient
28 to receive and fill orders.

29 (15) Accurately and fully disclose only the names of
30 those persons who actually authored the instructional
31 materials. In addition to the penalties provided in

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1 subsection (17), the commissioner may remove from the list of
2 state-adopted instructional materials those instructional
3 materials whose publisher or manufacturer misleads the
4 purchaser by falsely representing genuine authorship.

5 (16) Grant, without prior written request, for any
6 copyright held by the publisher or its agencies automatic
7 permission to the department or its agencies for the
8 reproduction of textbooks and supplementary materials in
9 braille or large print or in the form of sound recordings, for
10 use by visually impaired students or other students with
11 disabilities that would benefit from use of the materials.

12 (17) Upon the willful failure of the publisher or
13 manufacturer to comply with the requirements of this section,
14 be liable to the department in the amount of 3 times the total
15 sum which the publisher or manufacturer was paid in excess of
16 the price required under subsections (5) and (6) and in the
17 amount of 3 times the total value of the instructional
18 materials and services which the district school board is
19 entitled to receive free of charge under subsection (7).

20 Section 316. Section 1006.39, Florida Statutes, is
21 created to read:

22 1006.39 Production and dissemination of educational
23 materials and products by department.--

24 (1) Educational materials and products developed by or
25 under the direction of the department, through research and
26 development or other efforts, including those subject to
27 copyright, patent, or trademark, shall be made available for
28 use by teachers, students, administrators, and other
29 appropriate persons in the state system of education at the
30 earliest practicable date and in the most economical and
31 efficient manner possible.

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1 (2) To accomplish this objective the department may
2 publish, produce, or have produced educational materials and
3 products and make them readily available for appropriate use
4 in the state system of education. The department may charge
5 an amount adequate to cover the essential cost of producing
6 and disseminating such materials and products in the state
7 system of education and may sell copies for educational use to
8 private schools in the state and to the public.

9 (3) All proceeds from the sale of educational
10 materials and products shall be remitted to the Treasurer and
11 shall be kept in a separate fund to be known as the
12 "Educational Media and Technology Trust Fund" and, when
13 properly budgeted as approved by the Legislature and the
14 Executive Office of the Governor, used to pay the cost of
15 producing and disseminating educational materials and
16 products.

17 (4) In cases in which the educational materials or
18 products are of such nature, or the circumstances are such,
19 that it is not practicable or feasible for the department to
20 produce or have produced materials and products so developed,
21 it may, after review and approval by the Department of State,
22 license, lease, assign, sell, or otherwise give written
23 consent to any person, firm or corporation for the manufacture
24 or use thereof, on a royalty basis, or for such other
25 consideration as the department finds proper and in the best
26 interest of the state. The department shall protect
27 educational materials and products against improper or
28 unlawful use or infringement and enforce the collection of any
29 sums due for the manufacture or use thereof by any other
30 party.

31 (5) The department shall not enter into the business

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1 of producing or publishing textbooks, or the contents therein,
2 for general use in classrooms.

3 Section 317. Section 1006.40, Florida Statutes, is
4 created to read:

5 1006.40 Use of instructional materials allocation;
6 instructional materials, library books, and reference books;
7 repair of books.--

8 (1) On or before July 1 each year, the commissioner
9 shall certify to each district school superintendent the
10 estimated allocation of state funds for instructional
11 materials, computed pursuant to the provisions of s. 1011.67
12 for the ensuing fiscal year.

13 (2)(a) Each district school board must purchase
14 current instructional materials to provide each student with a
15 textbook or other instructional materials as a major tool of
16 instruction in core courses of the appropriate subject areas
17 of mathematics, language arts, science, social studies,
18 reading, and literature for kindergarten through grade 12.
19 Such purchase must be made within the first 2 years of the
20 effective date of the adoption cycle. Unless specifically
21 provided for in the General Appropriations Act, the cost of
22 instructional materials purchases required by this paragraph
23 shall not exceed the amount of the district's allocation for
24 instructional materials, pursuant to s. 1011.67, for the
25 previous 2 years.

26 (b) The requirement in paragraph (a) does not apply to
27 contracts in existence before April 1, 2000, or to a purchase
28 related to growth of student membership in the district or for
29 instructional materials maintenance needs.

30 (3)(a) Each district school board shall use the annual
31 allocation for the purchase of instructional materials

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1 included on the state-adopted list, except as otherwise
2 authorized in paragraphs (b) and (c). No less than 50 percent
3 of the annual allocation shall be used to purchase items which
4 will be used to provide instruction to students at the level
5 or levels for which the materials are designed.

6 (b) Up to 50 percent of the annual allocation may be
7 used for the purchase of instructional materials, including
8 library and reference books and nonprint materials, not
9 included on the state-adopted list and for the repair and
10 renovation of textbooks and library books.

11 (c) District school boards may use 100 percent of that
12 portion of the annual allocation designated for the purchase
13 of instructional materials for kindergarten, and 75 percent of
14 that portion of the annual allocation designated for the
15 purchase of instructional materials for first grade, to
16 purchase materials not on the state-adopted list.

17 (4) The funds described in subsection (3) which
18 district school boards may use to purchase materials not on
19 the state-adopted list shall be used for the purchase of
20 instructional materials or other items having intellectual
21 content which assist in the instruction of a subject or
22 course. These items may be available in bound, unbound, kit,
23 or package form and may consist of hardbacked or softbacked
24 textbooks, replacements for items which were part of
25 previously purchased instructional materials, consumables,
26 learning laboratories, manipulatives, electronic media,
27 computer courseware or software, and other commonly accepted
28 instructional tools as prescribed by district school board
29 rule. The funds available to district school boards for the
30 purchase of materials not on the state-adopted list may not be
31 used to purchase electronic or computer hardware even if such

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1 hardware is bundled with software or other electronic media,
2 nor may such funds be used to purchase equipment or supplies.
3 However, when authorized to do so in the General
4 Appropriations Act, a school or district school board may use
5 a portion of the funds available to it for the purchase of
6 materials not on the state-adopted list to purchase science
7 laboratory materials and supplies.

8 (5) Each district school board shall adopt rules, and
9 each district school superintendent shall implement
10 procedures, that will assure the maximum use by the students
11 of the authorized instructional materials.

12 (6) District school boards may issue purchase orders
13 subsequent to February 1 in an aggregate amount which does not
14 exceed 20 percent of the current year's allocation, and
15 subsequent to April 1 in an aggregate amount which does not
16 exceed 90 percent of the current year's allocation, for the
17 purpose of expediting the delivery of instructional materials
18 which are to be paid for from the ensuing year's allocation.

19 (7) In any year in which the total instructional
20 materials allocation for a school district has not been
21 expended or obligated prior to June 30, the district school
22 board shall carry forward the unobligated amount and shall add
23 it to the next year's allocation.

24 Section 318. Section 1006.41, Florida Statutes, is
25 created to read:

26 1006.41 Disposal of instructional materials.--

27 (1) Instructional materials that have become
28 unserviceable or surplus or are no longer on state contract
29 may be disposed of, under adopted rule of the district school
30 board, by:

31 (a) Giving or lending the materials to other public

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1 education programs within the district or state, to the
2 teachers to use in developing supplementary teaching
3 materials, to students or others, or to any charitable
4 organization, governmental agency, home education students,
5 private school, or state.

6 (b) Selling the materials to used book dealers,
7 recycling plants, pulp mills, or other persons, firms, or
8 corporations upon such terms as are most economically
9 advantageous to the district school board.

10 (2) The district school board may prescribe by rule
11 the manner for destroying instructional materials that cannot
12 be disposed of as provided in subsection (1).

13 (3) All moneys received for the sale, exchange, or
14 other disposition of instructional materials shall be
15 deposited in the district school fund and added to the
16 district appropriation for instructional materials.

17 (4) Instructional materials which have been sold,
18 exchanged, lost, destroyed, or damaged and for which proper
19 charges have been assessed and collected, and instructional
20 materials which have been destroyed by fire or storm damage or
21 by order of a competent health officer or the district school
22 superintendent, shall be dropped from the record of
23 instructional materials for which, as provided by law,
24 district school boards are held responsible.

25 Section 319. Section 1006.42, Florida Statutes, is
26 created to read:

27 1006.42 Responsibility of students and parents for
28 instructional materials.--

29 (1) All instructional materials purchased under the
30 provisions of this part are the property of the district
31 school board. When distributed to the students, these

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1 instructional materials are on loan to the students while they
2 are pursuing their courses of study and are to be returned at
3 the direction of the school principal or the teacher in
4 charge. Each parent of a student to whom or for whom
5 instructional materials have been issued, is liable for any
6 loss or destruction of, or unnecessary damage to, the
7 instructional materials or for failure of the student to
8 return the instructional materials when directed by the school
9 principal or the teacher in charge, and shall pay for such
10 loss, destruction, or unnecessary damage as provided by law.

11 (2) Nothing in this part shall be construed to
12 prohibit parents from exercising their right to purchase
13 instructional materials from the district school board.

14 Section 320. Section 1006.43, Florida Statutes, is
15 created to read:

16 1006.43 Expenses; budget request.--

17 (1) The commissioner shall include in the department's
18 annual legislative budget a request for funds in an amount
19 sufficient to provide the necessary expense for:

20 (a) The instructional materials committees.

21 (b) Instructional materials for use by partially
22 sighted students.

23 (c) Other specific and necessary state expenses with
24 regard to the instructional materials program.

25 (2) The department may arrange for distribution
26 adopted textbooks which are prepared in various media for the
27 use of partially sighted children enrolled in the Florida
28 schools.

29 Section 321. Part II of chapter 1006, Florida
30 Statutes, shall be entitled "Public Postsecondary Education
31 Support for Learning and Student Services" and shall consist

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1 of ss. 1006.50-1006.71.

2 Section 322. Section 1006.50, Florida Statutes, is
3 created to read:

4 1006.50 Student handbooks.--

5 (1) Each community college and state university shall
6 compile and update annually a student handbook that includes,
7 but is not limited to, a comprehensive calendar that
8 emphasizes important dates and deadlines, student rights and
9 responsibilities, appeals processes available to students, and
10 a roster of contact persons within the administrative staff
11 available to respond to student inquiries.

12 (2) Each student handbook shall list the legal and
13 institution-specific sanctions that will be imposed upon
14 students who violate the law or institutional policies
15 regarding controlled substances and alcoholic beverages.

16 (3) Each student handbook shall provide information
17 related to acquired immune deficiency syndrome (AIDS)
18 education or identify sites from which AIDS education
19 information may be obtained.

20 Section 323. Section 1006.51, Florida Statutes, is
21 created to read:

22 1006.51 Student ombudsman office.--

23 (1) There is created at each community college and
24 state university a student ombudsman office, which is
25 accountable to the president.

26 (2) Each institution must have an established
27 procedure by which a student may appeal to the office of the
28 ombudsman a decision that is related to the student's access
29 to courses and credit granted toward the degree. Detailed
30 information concerning this procedure must be included in the
31 institution's catalog.

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1 (3) Each community college and state university shall
2 develop minimum standards for the role of ombudsman or student
3 advocate. The standards shall address the issue of
4 notification of students of opportunities for assistance or
5 appeal.

6 Section 324. Section 1006.52, Florida Statutes, is
7 created to read:

8 1006.52 Student records.--

9 (1) Each university may prescribe the content and
10 custody of records and reports which the university may
11 maintain on its students. Such records are confidential and
12 exempt from the provisions of s. 119.07(1) and are open to
13 inspection only as provided in s. 1002.22.

14 (2) Rules of the State Board of Education may
15 prescribe the content and custody of records and reports which
16 a community college may maintain on its students. Such records
17 are confidential and exempt from s. 119.07(1) and are open to
18 inspection only as provided in s. 1002.22.

19 Section 325. Section 1006.53, Florida Statutes, is
20 created to read:

21 1006.53 Religious observances.--Each public
22 postsecondary educational institution shall adopt a policy in
23 accordance with rules of the State Board of Education which
24 reasonably accommodates the religious observance, practice,
25 and belief of individual students in regard to admissions,
26 class attendance, and the scheduling of examinations and work
27 assignments. Each policy shall include a grievance procedure
28 by which a student who believes that he or she has been
29 unreasonably denied an educational benefit due to his or her
30 religious belief or practices may seek redress. Such policy
31 shall be made known to faculty and students annually in

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1 inclusion in the institution's handbook, manual, or other
2 similar document regularly provided to faculty and students.

3 Section 326. Section 1006.54, Florida Statutes, is
4 created to read:

5 1006.54 Universities; public documents distributed to
6 libraries.--The general library of each state university may
7 receive copies of reports of state officials, departments, and
8 institutions and all other state documents published by the
9 state. Each officer of the state empowered by law to
10 distribute such public documents may transmit without charge,
11 except for payment of shipping costs, the number of copies of
12 each public document desired upon requisition from the
13 librarian. It is the duty of the library to keep public
14 documents in a convenient form accessible to the public. The
15 library, under rules formulated by the university board of
16 trustees, is authorized to exchange documents for those of
17 other states, territories, and countries.

18 Section 327. Section 1006.55, Florida Statutes, is
19 created to read:

20 1006.55 Law libraries of certain institutions of
21 higher learning designated as state legal depositories.--

22 (1) The law libraries of the University of Florida,
23 Florida State University, Florida International University,
24 Florida Agricultural and Mechanical University, Stetson
25 University, Nova University, and the University of Miami are
26 designated as state legal depositories.

27 (2) Each officer of the state empowered by law to
28 distribute legal publications may transmit, upon payment of
29 shipping costs or cash on delivery, to the state legal
30 depositories copies of such publications as requested.
31 However, the number of copies transmitted shall be limited to:

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1 (a) Eight copies of each volume of General Acts and
2 each volume of Special Acts to each of the state legal
3 depositories;

4 (b) Up to a maximum number of each volume of the
5 Florida Statutes and each supplement volume, computed on the
6 basis of one set for every 10 students enrolled during the
7 school year, based upon the average enrollment as certified by
8 the registrar; and

9 (c) One copy of each journal of the House of
10 Representatives and each journal of the Senate to each state
11 legal depository.

12 (3) It is the duty of the librarian of any depository
13 to keep all public documents in a convenient form accessible
14 to the public.

15 (4) The libraries of all community colleges are
16 designated as state depositories for the Florida Statutes and
17 supplements published by or under the authority of the state;
18 these depositories each may receive upon request one copy of
19 each volume without charge, except for payment of shipping
20 costs.

21 Section 328. Section 1006.56, Florida Statutes, is
22 created to read:

23 1006.56 Specified university publications; activities;
24 trust funds.--

25 (1) Subject to the approval of the appropriate
26 university, the Florida Law Review, the Florida State
27 University Law Review, the Florida State University Journal of
28 Land Use and Environmental Law, the University of Florida
29 Journal of Law and Public Policy, and the Florida
30 International Law Journal of the University of Florida are
31 authorized to engage in the following activities relating to

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1 their respective publications, notwithstanding the contrary
2 provision of any statute, rule, or regulation of the state or
3 its subdivisions or agencies:

4 (a) The grant of reprint rights relating to any or all
5 issues of the Florida Law Review, the Florida State University
6 Law Review, the Florida State University Journal of Land Use
7 and Environmental Law, the University of Florida Journal of
8 Law and Public Policy, or the Florida International Law
9 Journal of the University of Florida, or any of the materials,
10 articles, or ideas contained therein;

11 (b) The sale for adequate consideration of any or all
12 past or future stock and inventory of published issues of the
13 Florida Law Review, the Florida State University Law Review,
14 the Florida State University Journal of Land Use and
15 Environmental Law, the University of Florida Journal of Law
16 and Public Policy, or the Florida International Law Journal of
17 the University of Florida, or portions thereof; and

18 (c) The retention of the proceeds obtained under
19 paragraph (a) or paragraph (b) together with all moneys
20 received by the Florida Law Review or the Florida State
21 University Law Review from current or future subscriptions,
22 sale of individual issues, sale of advertising, binding
23 service, royalties, donations, and all other sources except
24 direct or indirect appropriations from the state, its
25 subdivisions, or agencies.

26 (2) Moneys retained by the Florida Law Review pursuant
27 to this section shall be placed in a trust fund to be known as
28 the Florida Law Review Trust Fund. Moneys retained by the
29 Florida State University Law Review pursuant to this section
30 shall be placed in a trust fund to be known as the Florida
31 State University Law Review Trust Fund. Moneys retained by the

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1 Florida State University Journal of Land Use and Environmental
2 Law pursuant to this section shall be placed in a trust fund
3 to be known as the Florida State University Journal of Land
4 Use and Environmental Law Trust Fund. Moneys retained by the
5 University of Florida Journal of Law and Public Policy
6 pursuant to this section shall be placed in a trust fund to be
7 known as the University of Florida Journal of Law and Public
8 Policy Trust Fund. Moneys retained by the Florida
9 International Law Journal of the University of Florida
10 pursuant to this section shall be placed in a trust fund to be
11 known as the Florida International Law Journal of the
12 University of Florida Trust Fund. Such trust funds shall be
13 used to pay or supplement the payment of printing costs or
14 other costs incident to the publication of the respective law
15 reviews and law journals and shall be administered by the dean
16 of each college of law or his or her faculty designee.

17 (3) Printing of such publications shall be let upon
18 contract to the lowest responsive bidder, in accordance with
19 s. 283.33, except when the additional costs incurred in
20 changing from the current printer to the new low bidder exceed
21 the savings reflected in the bid prices. Such additional costs
22 shall not exceed 10 percent of the lowest bid price.

23 Section 329. Section 1006.57, Florida Statutes, is
24 created to read:

25 1006.57 Certain books furnished by Clerk of Supreme
26 Court.--

27 (1) The Clerk of the Supreme Court of the state shall
28 furnish the State Board of Education three bound copies of
29 each volume of the Florida Supreme Court Reports as the same
30 are issued and published for the use of the schools of law of
31 the University of Florida, the Florida State University,

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1 Florida International University, and Florida Agricultural and
2 Mechanical University.

3 (2) The Clerk of the Supreme Court shall transmit to
4 said schools of law any law books coming into his or her
5 possession for the Supreme Court which are not necessary for
6 said court. The clerk of said court shall furnish said Supreme
7 Court Reports and said surplus law books without cost to said
8 law schools.

9 Section 330. Section 1006.58, Florida Statutes, is
10 created to read:

11 1006.58 Collections management for museums and
12 galleries of state universities.--

13 (1) State universities may enter into contracts or
14 agreements with or without competitive bidding, as
15 appropriate, for the restoration of objects of art, art
16 history, or natural history in their collections or for the
17 purchase of objects of art, art history, or natural history
18 which are to be added to their collections.

19 (2) State universities may sell any art, art history,
20 or natural history object in their museum or gallery
21 collections if the university determines that it is no longer
22 appropriate for the collection. The proceeds of the sale shall
23 be deposited in the Acquisition, Restoration, and Conservation
24 Trust Fund or other appropriate trust fund of the university.
25 Each state university museum or gallery shall function
26 entirely separate from every state university museum or
27 gallery. State universities also may exchange any art, art
28 history, or natural history object which the university
29 museums or galleries judge is of equivalent or greater value
30 to their museums or galleries.

31 (3) No employee, representative, or agent of a

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1 university shall receive a commission, fee, or financial
2 benefit in connection with the sale or exchange of a work of
3 art, art history, or natural history, nor may he or she be a
4 business associate of any individual, firm, or organization
5 involved in the sale or exchange.

6 (4)(a) Each university may establish an Acquisition,
7 Restoration, and Conservation Trust Fund or utilize an
8 appropriate existing trust fund.

9 (b) The president of each university may delegate the
10 following authority to the museum or gallery directors and
11 governing bodies of the museums or galleries:

12 1. To enter into contracts for the restoration or
13 purchase of art, art history, or natural history objects, with
14 or without competitive bidding, as appropriate.

15 2. To sell art, art history, or natural history
16 objects in museum or gallery collections, the proceeds of
17 which shall be deposited in the Acquisition, Restoration, and
18 Conservation Trust Fund or other appropriate existing trust
19 fund.

20 3. To exchange art, art history, or natural history
21 objects of equal or greater value with any other state
22 university.

23 Section 331. Section 1006.59, Florida Statutes, is
24 created to read:

25 1006.59 The Historically Black College and University
26 Library Improvement Program.--

27 (1) It is the intent of the Legislature to enhance the
28 quality of the libraries at Florida Agricultural and
29 Mechanical University, Bethune-Cookman College, Edward Waters
30 College, and Florida Memorial College.

31 (2) There is created the Historically Black College

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1 and University Library Improvement Program to be administered
2 by the Department of Education. The primary objectives of the
3 program shall be to increase each library's holdings by 500 to
4 1,000 books per year, to increase library use by students and
5 faculty, and to enhance the professional growth of librarians
6 by providing inservice training. At least 50 percent of
7 library acquisitions shall be in the humanities, with the
8 balance to be in all other disciplines. It is the intent of
9 the Legislature to provide general revenue funds each year to
10 support this program.

11 (3) Each institution shall submit to the State Board
12 of Education a plan for enhancing its library through the
13 following activities:

14 (a) Each institution shall increase the number of
15 volumes by purchasing replacement books and new titles. Funds
16 shall not be used to purchase periodicals or nonprint media.
17 The goal of these purchases is to meet the needs of students
18 and faculty in disciplines that have recently been added to
19 the curriculum, in traditional academic fields that have been
20 expanded, or in academic fields in which rapid changes in
21 technology result in accelerated obsolescence of related
22 library holdings.

23 (b) A committee composed of librarians and faculty at
24 each institution shall assess the adequacy of library holdings
25 in all academic areas. The committee shall develop a list of
26 resources that need to be replaced. Based on its assessment of
27 the current collection, the committee shall develop a
28 prioritized list of recommended acquisitions and shall submit
29 such list to the college or university president.

30 Section 332. Section 1006.60, Florida Statutes, is
31 created to read:

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1 1006.60 Codes of conduct; disciplinary measures;
2 rulemaking authority.--

3 (1) Each community college and state university may
4 adopt, by rule, codes of conduct and appropriate penalties for
5 violations of rules by students, to be administered by the
6 institution. Such penalties, unless otherwise provided by law,
7 may include: reprimand; restitution; fines; withholding of
8 diplomas or transcripts pending compliance with rules,
9 completion of any student judicial process or sanction, or
10 payment of fines; restrictions on the use of or removal from
11 campus facilities; community service; educational
12 requirements; and the imposition of probation, suspension,
13 dismissal, or expulsion.

14 (2) Each community college and state university may
15 adopt, by rule, a code of conduct and appropriate penalties
16 for violations of rules by student organizations, to be
17 administered by the institution. Such penalties, unless
18 otherwise provided by law, may include: reprimand;
19 restitution; suspension, cancellation, or revocation of the
20 registration or official recognition of a student
21 organization; and restrictions on the use of, or removal from,
22 campus facilities.

23 (3) Sanctions authorized by such codes of conduct may
24 be imposed only for acts or omissions in violation of rules
25 adopted by the institution, including rules adopted under this
26 section, rules of the State Board of Education, county and
27 municipal ordinances, and the laws of this state, the United
28 States, or any other state.

29 (4) Each community college and state university may
30 establish and adopt, by rule, codes of appropriate penalties
31 for violations of rules governing student academic honesty.

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1 Such penalties, unless otherwise provided by law, may include:
2 reprimand; reduction of grade; denial of academic credit;
3 invalidation of university credit or of the degree based upon
4 such credit; probation; suspension; dismissal; or expulsion.
5 In addition to any other penalties that may be imposed, an
6 individual may be denied admission or further registration,
7 and the institution may invalidate academic credit for work
8 done by a student and may invalidate or revoke the degree
9 based upon such credit if it is determined that the student
10 has made false, fraudulent, or incomplete statements in the
11 application, residence affidavit, or accompanying documents or
12 statements in connection with, or supplemental to, the
13 application for admission to or graduation from the
14 institution.

15 (5) Each community college and state university shall
16 adopt rules for the lawful discipline of any student who
17 intentionally acts to impair, interfere with, or obstruct the
18 orderly conduct, processes, and functions of the institution.
19 Said rules may apply to acts conducted on or off campus when
20 relevant to such orderly conduct, processes, and functions.

21 Section 333. Section 1006.61, Florida Statutes, is
22 created to read:

23 1006.61 Participation by students in disruptive
24 activities at public postsecondary educational institution;
25 penalties.--

26 (1) Any person who accepts the privilege extended by
27 the laws of this state of attendance at any public
28 postsecondary educational institution shall, by attending such
29 institution, be deemed to have given his or her consent to the
30 policies of that institution, the State Board of Education,
31 and the laws of this state. Such policies shall include

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1 prohibition against disruptive activities at public
2 postsecondary educational institutions.

3 (2) After it has been determined that a student of a
4 state institution of higher learning has participated in
5 disruptive activities, such student may be immediately
6 expelled from the institution for a minimum of 2 years.

7 Section 334. Section 1006.62, Florida Statutes, is
8 created to read:

9 1006.62 Expulsion and discipline of students of
10 community colleges and state universities.--

11 (1) Each student in a community college or state
12 university is subject to federal and state law, respective
13 county and municipal ordinances, and all rules and regulations
14 of the State Board of Education or board of trustees of the
15 institution.

16 (2) Violation of these published laws, ordinances, or
17 rules and regulations may subject the violator to appropriate
18 action by the institution's authorities.

19 (3) Each president of a community college or state
20 university may, after notice to the student of the charges and
21 after a hearing thereon, to expel, suspend, or otherwise
22 discipline any student who is found to have violated any law,
23 ordinance, or rule or regulation of the State Board of
24 Education or of the board of trustees of the institution. A
25 student may be entitled to waiver of expulsion:

26 (a) If the student provides substantial assistance in
27 the identification, arrest, or conviction of any of his or her
28 accomplices, accessories, coconspirators, or principals or of
29 any other person engaged in violations of chapter 893 within a
30 state university or community college;

31 (b) If the student voluntarily discloses his or her

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1 violations of chapter 893 prior to his or her arrest; or
2 (c) If the student commits himself or herself, or is
3 referred by the court in lieu of sentence, to a state-licensed
4 drug abuse program and successfully completes the program.

5 Section 335. Section 1006.63, Florida Statutes, is
6 created to read:

7 1006.63 Hazing prohibited.--

8 (1) As used in this section, "hazing" means any action
9 or situation that recklessly or intentionally endangers the
10 mental or physical health or safety of a student for the
11 purpose of initiation or admission into or affiliation with
12 any organization operating under the sanction of a
13 postsecondary institution. Such term includes, but is not
14 limited to, any brutality of a physical nature, such as
15 whipping, beating, branding, forced calisthenics, exposure to
16 the elements, forced consumption of any food, liquor, drug, or
17 other substance, or other forced physical activity which could
18 adversely affect the physical health or safety of the student,
19 and also includes any activity which would subject the student
20 to extreme mental stress, such as sleep deprivation, forced
21 exclusion from social contact, forced conduct which could
22 result in extreme embarrassment, or other forced activity
23 which could adversely affect the mental health or dignity of
24 the student.

25 (2) Public and nonpublic postsecondary educational
26 institutions whose students receive state student financial
27 assistance must adopt a written antihazing policy and under
28 such policy must adopt rules prohibiting students or other
29 persons associated with any student organization from engaging
30 in hazing.

31 (3) Public and nonpublic postsecondary educational

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1 institutions must provide a program for the enforcement of
2 such rules and must adopt appropriate penalties for violations
3 of such rules, to be administered by the person at the
4 institution responsible for the sanctioning of such
5 organizations.

6 (a) Such penalties at community colleges and state
7 universities may include the imposition of fines; the
8 withholding of diplomas or transcripts pending compliance with
9 the rules or pending payment of fines; and the imposition of
10 probation, suspension, or dismissal.

11 (b) In the case of an organization at a community
12 college or state university which authorizes hazing in blatant
13 disregard of such rules, penalties may also include rescission
14 of permission for that organization to operate on campus
15 property or to otherwise operate under the sanction of the
16 institution.

17 (c) All penalties imposed under the authority of this
18 subsection shall be in addition to any penalty imposed for
19 violation of any of the criminal laws of this state or for
20 violation of any other rule of the institution to which the
21 violation may be subject.

22 (4) Rules adopted pursuant hereto shall apply to acts
23 conducted on or off campus whenever such acts are deemed to
24 constitute hazing.

25 (5) Upon approval of the antihazing policy of a
26 community college or state university and of the rules and
27 penalties adopted pursuant thereto, the institution shall
28 provide a copy of such policy, rules, and penalties to each
29 student enrolled in that institution and shall require the
30 inclusion of such policy, rules, and penalties in the bylaws
31 of every organization operating under the sanction of the

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1 institution.

2 Section 336. Section 1006.64, Florida Statutes, is
3 created to read:

4 1006.64 Suspension and removal from office of elected
5 student government officials; referendum.--The student
6 government association of each community college and state
7 university shall establish a process to provide for the
8 removal from office of any elected student government official
9 who has been convicted of a violation of criminal law or has
10 been found civilly liable for an act of moral turpitude, after
11 all available rights of judicial appeal have been exercised or
12 waived or have expired. The process shall include a procedure
13 for the immediate suspension of the student government
14 official from elected office following the conviction or civil
15 finding and during any appeal, and shall provide for the
16 temporary successor to the subject office pending completion
17 of any appeal. The process must also include a procedure for
18 registered students to petition for a referendum recommending
19 to the student government association the removal of a student
20 official from elected office. The referendum must be held
21 within 60 days of filing of the petition. The recommendation
22 to remove the subject official from elected office shall be
23 made by majority vote of the students participating in the
24 referendum. The action of a student government association
25 under this section shall be subject to an appeal to the
26 university or community college president or designee.

27 Section 337. Section 1006.65, Florida Statutes, is
28 created to read:

29 1006.65 Safety issues in courses offered by public
30 postsecondary educational institutions.--

31 (1) The State Board of Education shall adopt rules to

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1 ensure that policies and procedures are in place to protect
2 the health and safety of students, instructional personnel,
3 and visitors who participate in courses offered by a public
4 postsecondary educational institution.

5 (2) Such policies and procedures shall be guided by
6 industry standards for practices in the course content area
7 and shall conform with all related and relevant state and
8 federal health and safety requirements.

9 Section 338. Section 1006.66, Florida Statutes, is
10 created to read:

11 1006.66 Regulation of traffic at universities.--

12 (1) As defined under this section:

13 (a) "Traffic," when used as a noun, means the use or
14 occupancy of, and the movement in, on, or over, streets, ways,
15 walks, roads, alleys, and parking areas by vehicles,
16 pedestrians, or ridden or herded animals.

17 (b) "Adjacent municipality" means a municipality which
18 is contiguous or adjacent to, or which contains within its
19 boundaries all or part of the grounds of, a university; except
20 that, if the grounds of a university are not within or
21 contiguous to a municipality, "adjacent municipality" means
22 the county seat of the county which contains within its
23 boundaries all or part of the grounds of the university.

24 (c) "Grounds" includes all of the campus and grounds
25 of the university, whether it be the campus proper or outlying
26 or noncontiguous land of the university within the county.

27 (d) "Law enforcement officers" include municipal
28 police, patrol officers, traffic officers, sheriffs, deputies,
29 highway patrol officers, and county traffic officers assigned
30 to duty on the grounds of the university; campus police,
31 traffic officers, guards, parking patrollers, and other

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1 noncommissioned personnel designated for traffic purposes by
2 the university; and other law enforcement officers as defined
3 in s. 943.10(1).

4 (e) "University traffic infraction" means a
5 noncriminal violation of university parking and traffic rules
6 which is not included under s. 318.14 or s. 318.17 or any
7 municipal ordinance, which is not punishable by incarceration,
8 and for which there is no right to trial by jury or to
9 court-appointed counsel.

10 (f) "Traffic authority" means an individual or a group
11 of individuals at each university, authorized and appointed by
12 the president of the university to adjudicate university
13 traffic infractions.

14 (2) Each university board of trustees shall adopt
15 rules that govern traffic on the grounds of the university;
16 that provide penalties for the infraction of such traffic
17 rules; and that the university finds necessary, convenient, or
18 advisable for the safety or welfare of the students, faculty
19 members, or other persons. Copies of the rules shall be posted
20 at the university on public bulletin boards where notices are
21 customarily posted, filed with the city clerk or corresponding
22 municipal or county officer, and made available to any person
23 requesting same. When adopted, the rules shall be enforceable
24 as herein provided. All ordinances of the adjacent
25 municipality relating to traffic that are not in conflict or
26 inconsistent with the traffic rules adopted by the individual
27 university shall extend and be applicable to the grounds of
28 the university. The provisions of chapter 316 shall extend and
29 be applicable to the grounds of the university, and the rules
30 adopted by the individual university shall not conflict with
31 any section of that chapter.

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1 (3) Any person who violates any of those rules adopted
2 by the individual institution shall be deemed to have
3 committed a university traffic infraction and shall be fined
4 or penalized as provided by the rules adopted by the
5 institution. Any person who violates any traffic regulation
6 enumerated in chapter 316 shall be charged, and the cause
7 shall proceed, in accordance with chapters 316 and 318.

8 (4) A person charged with a university traffic
9 infraction shall elect the option prescribed in paragraph (a)
10 or the option prescribed in paragraph (b). If neither option
11 is exercised within the prescribed time by the person charged
12 with a university traffic infraction, an additional fine or
13 penalty may be assessed, and shall be payable, in accordance
14 with the rules of the university.

15 (a) The person charged may pay the applicable
16 infraction fine, either by mail or in person, within the time
17 period specified in the rules of the individual university. A
18 schedule of infraction fines applicable to each university
19 shall be adopted by the university.

20 (b) The person charged may elect to appear before the
21 university traffic authority for administrative determination
22 pursuant to procedures enumerated in the rules of such
23 university.

24 (5) Each university is authorized to approve the
25 establishment of a university traffic authority to hear
26 violations of traffic rules. In such cases as come before the
27 authority, the university traffic authority shall determine
28 whether the person is guilty or not guilty of the charge. In
29 the case of a finding of guilt, the authority shall, in its
30 discretion, impose an appropriate penalty pursuant to
31 subsection (3).

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1 (6) This section shall provide the exclusive
2 procedures for the adjudication of university traffic
3 infractions.

4 (7) Moneys collected from parking assessments and
5 infraction fines shall be deposited in appropriate funds and
6 shall be used to defray the administrative and operating costs
7 of the traffic and parking program at the institution, to
8 provide for additional parking facilities on campus, or for
9 student loan purposes.

10 Section 339. Section 1006.67, Florida Statutes, is
11 created to read:

12 1006.67 Report of campus crime statistics and
13 assessment of physical plant safety.--

14 (1) Each postsecondary educational institution shall
15 prepare an annual report of campus crime statistics for
16 submission to the Department of Education. The data for these
17 reports may be taken from the Florida Department of Law
18 Enforcement Annual Report. The Department of Education shall
19 prescribe the format for institutional submission.

20 (2) Each postsecondary institution shall prepare a
21 report of crime statistics as reported under subsection (1)
22 for the most recent 3-year period. The report shall be updated
23 annually. The institution shall give notice that this report
24 is available upon request.

25 (3) The Commissioner of Education shall convey the
26 reports required by this section to the President of the
27 Senate and the Speaker of the House of Representatives no
28 later than March 1 of each year.

29 Section 340. Section 1006.68, Florida Statutes, is
30 created to read:

31 1006.68 HIV and AIDS policy.--Each community college

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1 and state university shall develop a comprehensive policy that
2 addresses the provision of instruction, information, and
3 activities regarding human immunodeficiency virus infection
4 and acquired immune deficiency syndrome. Such instruction,
5 information, or activities shall emphasize the known modes of
6 transmission of human immunodeficiency virus infection and
7 acquired immune deficiency syndrome, signs and symptoms,
8 associated risk factors, appropriate behavior and attitude
9 change, and means used to control the spread of human
10 immunodeficiency virus infection and acquired immune
11 deficiency syndrome.

12 Section 341. Section 1006.70, Florida Statutes, is
13 created to read:

14 1006.70 Sponsorship of athletic activities similar to
15 those for which scholarships offered; rulemaking.--

16 (1) If a district school board sponsors an athletic
17 activity or sport that is similar to a sport for which a
18 community college or state university offers an athletic
19 scholarship, it must sponsor the athletic activity or sport
20 for which a scholarship is offered. This section does not
21 affect academic requirements for participation or prevent the
22 districts or community colleges from sponsoring activities in
23 addition to those for which scholarships are provided.

24 (2) If a community college sponsors an athletic
25 activity or sport that is similar to a sport for which a state
26 university offers an athletic scholarship, it must sponsor the
27 athletic activity or sport for which a scholarship is offered.

28 (3) Two athletic activities or sports that are similar
29 may be offered simultaneously.

30 (4) If the level of participation is insufficient to
31 warrant continuation of an athletic activity or sport, the

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1 school may offer an alternative athletic activity or sport.

2 (5) The State Board of Education shall adopt rules to
3 administer this section, including rules that determine which
4 athletic activities are similar to sports for which public
5 postsecondary educational institutions offer scholarships.

6 Section 342. Section 1006.71, Florida Statutes, is
7 created to read:

8 1006.71 Gender equity in intercollegiate athletics.--

9 (1) GENDER EQUITY PLAN.--

10 (a) Each community college and state university shall
11 develop a gender equity plan pursuant to s. 1000.05.

12 (b) The plan shall include consideration of equity in
13 sports offerings, participation, availability of facilities,
14 scholarship offerings, and funds allocated for administration,
15 recruitment, comparable coaching, publicity and promotion, and
16 other support costs.

17 (c) The Commissioner of Education shall annually
18 assess the progress of each institution's plan and advise the
19 State Board of Education regarding compliance.

20 (d) Each board of trustees of a public community
21 college or state university shall annually evaluate the
22 presidents on the extent to which the gender equity goals have
23 been achieved.

24 (e) To determine the proper level of support for
25 women's athletic scholarships, an equity plan may determine,
26 where appropriate, that support for women's scholarships may
27 be disproportionate to the support of scholarships for men.

28 (f) If a community college or state university is not
29 in compliance with Title IX of the Education Amendments of
30 1972 and the Florida Educational Equity Act, the State Board
31 of Education shall:

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1 1. Declare the institution ineligible for competitive
2 state grants.

3 2. Withhold funds sufficient to obtain compliance.

4
5 The institution shall remain ineligible and the funds shall
6 not be paid until the institution comes into compliance or the
7 Commissioner of Education approves a plan for compliance.

8 (2) FUNDING.--

9 (a) An equitable portion of all separate athletic fees
10 shall be designated for women's intercollegiate athletics.

11 (b) The level of funding and percentage share of
12 support for women's intercollegiate athletics shall be
13 determined by the State Board of Education. The level of
14 funding and percentage share attained in the 1980-1981 fiscal
15 year shall be the minimum level and percentage maintained by
16 each institution, except as the State Board of Education
17 otherwise directs for the purpose of assuring equity.
18 Consideration shall be given by the State Board of Education
19 to emerging athletic programs at institutions which may not
20 have the resources to secure external funds to provide
21 athletic opportunities for women. It is the intent that the
22 effect of any redistribution of funds among institutions shall
23 not negate the requirements as set forth in this section.

24 (c) In addition to the above amount, an amount equal
25 to the sales taxes collected from admission to athletic events
26 sponsored by a state university shall be retained and utilized
27 by each university to support women's athletics.

28 (3) STATE BOARD OF EDUCATION.--The State Board of
29 Education shall assure equal opportunity for female athletes
30 and establish:

31 (a) Guidelines for reporting of intercollegiate

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1 athletics data concerning financial, program, and facilities
2 information for review by the State Board of Education
3 annually.

4 (b) Systematic audits for the evaluation of such data.

5 (c) Criteria for determining and assuring equity.

6 Section 343. Chapter 1007, Florida Statutes, shall be
7 entitled "Articulation and Access" and shall consist of ss.
8 1007.01-1007.34.

9 Section 344. Part I of chapter 1007, Florida Statutes,
10 shall be entitled "General Provisions" and shall consist of s.
11 1007.01.

12 Section 345. Section 1007.01, Florida Statutes, is
13 created to read:

14 1007.01 Articulation; legislative intent; purpose;
15 role of the State Board of Education.--

16 (1) It is the intent of the Legislature to facilitate
17 articulation and seamless integration of the K-20 education
18 system by building and sustaining relationships among K-20
19 public organizations, between public and private
20 organizations, and between the education system as a whole and
21 Florida's communities. The purpose of building and sustaining
22 these relationships is to provide for the efficient and
23 effective progression and transfer of students within the
24 education system and to allow students to proceed toward their
25 educational objectives as rapidly as their circumstances
26 permit.

27 (2) To improve and facilitate articulation systemwide,
28 the State Board of Education shall develop policies and
29 guidelines with input from statewide K-20 advisory groups
30 established by the Commissioner of Education relating to:

31 (a) The alignment between the exit requirements of one

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1 system and the admissions requirements of another system into
2 which students typically transfer.

3 (b) The identification of common courses, the level of
4 courses, institutional participation in a statewide course
5 numbering system, and the transferability of credits among
6 such institutions.

7 (c) Identification of courses that meet general
8 education or common degree program prerequisite requirements
9 at public postsecondary educational institutions.

10 (d) Dual enrollment course equivalencies.

11 (e) Articulation agreements.

12 Section 346. Part II of chapter 1007, Florida
13 Statutes, shall be entitled "Articulation" and shall consist
14 of ss. 1007.21-1007.28.

15 Section 347. Section 1007.21, Florida Statutes, is
16 created to read:

17 1007.21 Readiness for postsecondary education and the
18 workplace.--

19 (1) It is the intent of the Legislature that students
20 and parents set early achievement and career goals for the
21 student's post-high school experience. This section sets forth
22 a model which schools, through their school advisory councils,
23 may choose to implement to ensure that students are ready for
24 postsecondary education and the workplace. If such a program
25 is adopted, students and their parents shall have the option
26 of participating in this model to plan the student's secondary
27 level course of study. Parents and students are to become
28 partners with school personnel in educational choice. Clear
29 academic course expectations shall be made available to all
30 students by allowing both student and parent or guardian
31 choice.

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1 (2)(a) Students entering the 9th grade and their
2 parents shall be active participants in choosing an
3 end-of-high-school student destination based upon both student
4 and parent or guardian goals. Four or more destinations should
5 be available with bridges between destinations to enable
6 students to shift destinations should they choose to change
7 goals. The destinations shall accommodate the needs of
8 students served in exceptional education programs to the
9 extent appropriate for individual students. Exceptional
10 education students may continue to follow the courses outlined
11 in the district school board student progression plan.
12 Participating students and their parents shall choose among
13 destinations, which must include:
14 1. Four-year college or university, community college
15 plus university, or military academy.
16 2. Two-year postsecondary degree.
17 3. Postsecondary career and technical certificate.
18 4. Immediate employment or entry-level military.
19 (b) The student progression model toward a chosen
20 destination shall include:
21 1. A "path" of core courses leading to each of the
22 destinations provided in paragraph (a).
23 2. A recommended group of electives which shall help
24 define each path.
25 3. Provisions for a teacher, school administrator,
26 other school staff member, or community volunteer to be
27 assigned to a student as an "academic advocate" if parental or
28 guardian involvement is lacking.
29 (c) The common placement test authorized in ss.
30 1001.03(10) and 1008.30 or a similar test may be administered
31 to all high school second semester sophomores who have chosen

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1 one of the four destinations. The results of the placement
2 test shall be used to target additional instructional needs in
3 reading, writing, and mathematics prior to graduation.

4 (d) Ample opportunity shall be provided for students
5 to move from one destination to another, and some latitude
6 shall exist within each destination, to meet the individual
7 needs of students.

8 (e) Destinations specified in subparagraphs (a)1., 2.,
9 and 3. shall support the goals of the Tech Prep program.
10 Students participating in Tech Prep shall be enrolled in
11 articulated, sequential programs of study that include a
12 technical component and at least a minimum of a postsecondary
13 certificate or 2-year degree.

14 (f) In order for these destinations to be attainable,
15 the business community shall be encouraged to support
16 real-world internships and apprenticeships.

17 (g) All students shall be encouraged to take part in
18 service learning opportunities.

19 (h) High school equivalency diploma preparation
20 programs shall not be a choice for high school students
21 leading to any of the four destinations provided in paragraph
22 (a) since the appropriate coursework, counseling component,
23 and career preparation cannot be ensured.

24 (i) Schools shall ensure that students and parents are
25 made aware of the destinations available and provide the
26 necessary coursework to assist the student in reaching the
27 chosen destination. Students and parents shall be made aware
28 of the student's progress toward the chosen destination.

29 (j) The Department of Education shall offer technical
30 assistance to school districts to ensure that the destinations
31 offered also meet the academic standards adopted by the state.

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1 (3)(a) Access to Level I courses for graduation credit
2 and for pursuit of a declared destination shall be limited to
3 only those students for whom assessment indicates a more
4 rigorous course of study would be inappropriate.

5 (b) The school principal shall:

6 1. Designate a member of the existing instructional or
7 administrative staff to serve as a specialist to help
8 coordinate the use of student achievement strategies to help
9 students succeed in their coursework. The specialist shall
10 also assist teachers in integrating the academic and career
11 and technical curricula, utilizing technology, providing
12 feedback regarding student achievement, and implementing the
13 Blueprint for Career Preparation and Tech Prep programs.

14 2. Institute strategies to eliminate reading, writing,
15 and mathematics deficiencies of secondary students.

16 Section 348. Section 1007.22, Florida Statutes, is
17 created to read:

18 1007.22 Articulation; postsecondary institution
19 coordination and collaboration.--

20 (1) The university boards of trustees, community
21 college boards of trustees, and district school boards may
22 establish intrainstitutional and interinstitutional programs
23 to maximize articulation. Programs may include
24 upper-division-level courses offered at the community college,
25 distance learning, transfer agreements that facilitate the
26 transfer of credits between public and nonpublic postsecondary
27 institutions, and the concurrent enrollment of students at a
28 community college and a state university to enable students to
29 take any level of baccalaureate degree coursework.

30 (2) The levels of postsecondary education shall
31 collaborate in further developing and providing articulated

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1 programs in which students can proceed toward their
2 educational objectives as rapidly as their circumstances
3 permit. Time-shortened educational programs, as well as the
4 use of acceleration mechanisms, shall include, but not be
5 limited to, the International Baccalaureate, credit by
6 examination or demonstration of competency, advanced
7 placement, early admissions, and dual enrollment.

8 (3) Public postsecondary educational institutions
9 serving the same students in a geographic and service area are
10 encouraged to establish appropriate interinstitutional
11 mechanisms to achieve cooperative planning and delivery of
12 academic programs and related services, share a high-cost
13 instructional facility and equipment, coordinate credit and
14 noncredit outreach activities, have access to each other's
15 library and media holdings and services, and provide
16 cooperative campus activities and consultative relationships
17 for the discussion and resolution of interinstitutional issues
18 and problems which discourage student access or transfer.

19 (4) Public postsecondary education institutions are
20 encouraged to include independent colleges and universities
21 and industries within their service areas in mutual planning
22 of a comprehensive, complementary, cost-effective array of
23 undergraduate and beginning graduate programs of study to
24 serve that geographic area.

25 Section 349. Section 1007.23, Florida Statutes, is
26 created to read:

27 1007.23 Statewide articulation agreement.--

28 (1) The State Board of Education shall establish in
29 rule a statewide articulation agreement that governs:

30 (a) Articulation between secondary and postsecondary
31 education;

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1 (b) Admission of associate in arts degree graduates
2 from community colleges and state universities;

3 (c) Admission of applied technology diploma program
4 graduates from community colleges or technical centers;

5 (d) Admission of associate in science degree and
6 associate in applied science degree graduates from community
7 colleges;

8 (e) The use of acceleration mechanisms, including
9 nationally standardized examinations through which students
10 may earn credit;

11 (f) General education requirements and statewide
12 course numbers as provided for in ss. 1007.24 and 1007.25; and

13 (g) Articulation among programs in nursing.

14 (2) The articulation agreement must specifically
15 provide that every associate in arts graduate of a community
16 college shall have met all general education requirements and
17 must be granted admission to the upper division of a state
18 university except to a limited access or teacher certification
19 program or a major program requiring an audition. After
20 admission has been granted to students under provisions of
21 this section and to university students who have successfully
22 completed 60 credit hours of coursework, including 36 hours of
23 general education, and met the requirements of s. 1008.29,
24 admission shall be granted to state university and community
25 college students who have successfully completed 60 credit
26 hours of work, including 36 hours of general education.

27 Community college associate in arts graduates shall receive
28 priority for admission to a state university over out-of-state
29 students. Orientation programs and student handbooks provided
30 to freshman enrollees and transfer students at state
31 universities must include an explanation of this provision of

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1 the articulation agreement.

2 (3) The articulation agreement must guarantee the
3 statewide articulation of appropriate workforce development
4 programs and courses between school districts and community
5 colleges and specifically provide that every applied
6 technology diploma graduate must be granted the same amount of
7 credit upon admission to an associate in science degree or
8 associate in applied science degree program unless it is a
9 limited access program. Preference for admission must be given
10 to graduates who are residents of Florida.

11 (4) The articulation agreement must guarantee the
12 statewide articulation of appropriate courses within associate
13 in science degree programs to baccalaureate degree programs.
14 Courses within an associate in applied science degree program
15 may articulate into a baccalaureate degree program on an
16 individual or block basis as authorized in local
17 interinstitutional articulation agreements.

18 Section 350. Section 1007.235, Florida Statutes, is
19 created to read:

20 1007.235 District interinstitutional articulation
21 agreements.--

22 (1) District school superintendents and community
23 college presidents shall jointly develop and implement a
24 comprehensive articulated acceleration program for the
25 students enrolled in their respective school districts and
26 service areas. Within this general responsibility, each
27 superintendent and president shall develop a comprehensive
28 interinstitutional articulation agreement for the school
29 district and community college that serves the school
30 district. The district school superintendent and president
31 shall establish an articulation committee for the purpose of

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1 developing this agreement. Each state university president is
2 encouraged to designate a university representative to
3 participate in the development of the interinstitutional
4 articulation agreements for each school district within the
5 university service area.

6 (2) The district interinstitutional articulation
7 agreement for each school year must be completed before high
8 school registration for the fall term of the following school
9 year. The agreement must include, but is not limited to, the
10 following components:

11 (a) A ratification or modification of all existing
12 articulation agreements.

13 (b)1. A delineation of courses and programs available
14 to students eligible to participate in dual enrollment. This
15 delineation must include a plan for the community college to
16 provide guidance services to participating students on the
17 selection of courses in the dual enrollment program. The
18 process of community college guidance should make maximum use
19 of the automated advisement system for community colleges. The
20 plan must assure that each dual enrollment student is
21 encouraged to identify a postsecondary education objective
22 with which to guide the course selection. At a minimum, each
23 student's plan should include a list of courses that will
24 result in an Applied Technology Diploma, an Associate in
25 Science degree, or an Associate in Arts degree. If the student
26 identifies a baccalaureate degree as the objective, the plan
27 must include courses that will meet the general education
28 requirements and any prerequisite requirements for entrance
29 into a selected baccalaureate degree program.

30 2. A delineation of the process by which students and
31 their parents are informed about opportunities to participate

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1 in articulated acceleration programs.

2 3. A delineation of the process by which students and
3 their parents exercise their option to participate in an
4 articulated acceleration program.

5 4. A delineation of high school credits earned for
6 completion of each dual enrollment course.

7 5. Provision for postsecondary courses that meet the
8 criteria for inclusion in a district articulated acceleration
9 program to be counted toward meeting the graduation
10 requirements of s. 1003.43.

11 6. An identification of eligibility criteria for
12 student participation in dual enrollment courses and programs.

13 7. A delineation of institutional responsibilities
14 regarding student screening prior to enrollment and monitoring
15 student performance subsequent to enrollment in dual
16 enrollment courses and programs.

17 8. An identification of the criteria by which the
18 quality of dual enrollment courses and programs are to be
19 judged and a delineation of institutional responsibilities for
20 the maintenance of instructional quality.

21 9. A delineation of institutional responsibilities for
22 assuming the cost of dual enrollment courses and programs that
23 includes such responsibilities for student instructional
24 materials.

25 10. An identification of responsibility for providing
26 student transportation if the dual enrollment instruction is
27 conducted at a facility other than the high school campus.

28 11. A delineation of the process for converting
29 college credit hours earned through dual enrollment and early
30 admission programs to high school credit based on mastery of
31 course outcomes as determined by the Department of Education

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1 in accordance with s. 1007.271(6).

2 (c) Mechanisms and strategies for reducing the
3 incidence of postsecondary remediation in math, reading, and
4 writing for first-time-enrolled recent high school graduates,
5 based upon the findings in the postsecondary
6 readiness-for-college report produced pursuant to s. 1008.37.
7 Each articulation committee shall annually analyze and assess
8 the effectiveness of the mechanisms toward meeting the goal of
9 reducing postsecondary remediation needs. Results of the
10 assessment shall be annually presented to participating
11 district school boards and community college boards of
12 trustees and shall include, but not be limited to:

- 13 1. Mechanisms currently being initiated.
- 14 2. An analysis of problems and corrective actions.
- 15 3. Anticipated outcomes.
- 16 4. Strategies for the better preparation of students
17 upon graduation from high school.
- 18 5. An analysis of costs associated with the
19 implementation of postsecondary remedial education and
20 secondary-level corrective actions.
- 21 6. The identification of strategies for reducing costs
22 of the delivery of postsecondary remediation for recent high
23 school graduates, including the consideration and assessment
24 of alternative instructional methods and services such as
25 those produced by private providers.

26
27 Wherever possible, public schools and community colleges are
28 encouraged to share resources, form partnerships with private
29 industries, and implement innovative strategies and mechanisms
30 such as distance learning, summer student and faculty
31 workshops, parental involvement activities, and the

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1 distribution of information over the Internet.

2 (d) Mechanisms and strategies for promoting "tech
3 prep" programs of study. Such mechanisms should raise
4 awareness about the programs, promote enrollment in the
5 programs, and articulate students from a secondary portion
6 into a planned, related postsecondary portion of a sequential
7 program of study that leads to a terminal postsecondary career
8 or technical education degree or certificate.

9 (3) The district interinstitutional articulation
10 agreement shall include a plan that outlines the mechanisms
11 and strategies for improving the preparation of elementary,
12 middle, and high school teachers. Effective collaboration
13 among school districts, postsecondary institutions, and
14 practicing educators is essential to improving teaching in
15 Florida's elementary and secondary schools and consequently,
16 the retention and success of students through high school
17 graduation and into postsecondary education. Professional
18 development programs shall be developed cooperatively and
19 include curricular content which focuses upon local and state
20 needs and responds to state, national, and district policy and
21 program priorities. School districts and community colleges
22 are encouraged to develop plans which utilize new
23 technologies, address critical needs in their implementation,
24 and include both preservice and inservice initiatives.

25 (4) The district school superintendent is responsible
26 for incorporating, either directly or by reference, all dual
27 enrollment courses contained within the district
28 interinstitutional articulation agreement within the district
29 school board's student progression plan.

30 (5) The Department of Education shall review each
31 articulation agreement and certify the statewide course number

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1 of postsecondary courses that meet each district's graduation
2 requirements.

3 (6) District school boards and community colleges may
4 enter into additional interinstitutional articulation
5 agreements with state universities for the purposes of this
6 section. School districts may also enter into
7 interinstitutional articulation agreements with eligible
8 independent colleges and universities pursuant to s.
9 1011.62(1)(i).

10 (7) State universities and community colleges may
11 enter into interinstitutional articulation agreements with
12 nonpublic secondary schools pursuant to s. 1007.271(2).

13 Section 351. Section 1007.24, Florida Statutes, is
14 created to read:

15 1007.24 Statewide course numbering system.--

16 (1) The Department of Education shall develop,
17 coordinate, and maintain a statewide course numbering system
18 for postsecondary and dual enrollment education in school
19 districts, public postsecondary educational institutions, and
20 participating nonpublic postsecondary educational institutions
21 that will improve program planning, increase communication
22 among all delivery systems, and facilitate student
23 acceleration and the transfer of students and credits between
24 public school districts, public postsecondary educational
25 institutions, and participating nonpublic educational
26 institutions. The continuing maintenance of the system shall
27 be accomplished with the assistance of appropriate faculty
28 committees representing public and participating nonpublic
29 educational institutions.

30 (2) The Commissioner of Education shall appoint
31 faculty committees representing faculties of participating

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1 institutions to recommend a single level for each course,
2 including postsecondary career and technical education
3 courses, included in the statewide course numbering system.

4 (a) Any course designated as an upper-division-level
5 course must be characterized by a need for advanced academic
6 preparation and skills that a student would be unlikely to
7 achieve without significant prior coursework.

8 (b) A course that is offered as part of an associate
9 in science degree program and as an upper-division course for
10 a baccalaureate degree shall be designated for both the lower
11 and upper division.

12 (c) A course designated as lower-division may be
13 offered by any community college.

14 (3) The Commissioner of Education shall recommend to
15 the State Board of Education the levels for the courses.

16 (4) The statewide course numbering system shall
17 include the courses at the recommended levels.

18 (5) The registration process at each state university
19 and community college shall include the courses at their
20 designated levels and statewide course number.

21 (6) Nonpublic colleges and schools that are fully
22 accredited by a regional or national accrediting agency
23 recognized by the United States Department of Education and
24 are either eligible to participate in the William L. Boyd, IV,
25 Florida Resident Access Grant or have been issued a regular
26 license pursuant to s. 1005.31, may participate in the
27 statewide course numbering system pursuant to s. 1007.24.
28 Participating colleges and schools shall bear the costs
29 associated with inclusion in the system and shall meet the
30 terms and conditions for institutional participation in the
31 system. The department shall adopt a fee schedule that

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1 includes the expenses incurred through data processing,
2 faculty task force travel and per diem, and staff and clerical
3 support time. Such fee schedule may differentiate between the
4 costs associated with initial course inclusion in the system
5 and costs associated with subsequent course maintenance in the
6 system. Decisions regarding initial course inclusion and
7 subsequent course maintenance must be made within 360 days
8 after submission of the required materials and fees by the
9 institution. The Department of Education may select a date by
10 which colleges must submit requests for new courses to be
11 included, and may delay review of courses submitted after that
12 date until the next year's cycle. Any college that currently
13 participates in the system, and that participated in the
14 system prior to July 1, 1986, shall not be required to pay the
15 costs associated with initial course inclusion in the system.
16 Fees collected for participation in the statewide course
17 numbering system pursuant to the provisions of this section
18 shall be deposited in the Institutional Assessment Trust Fund.
19 Any nonpublic, nonprofit college or university that is
20 eligible to participate in the statewide course numbering
21 system shall not be required to pay the costs associated with
22 participation in the system. No college or school shall
23 record student transcripts or document courses offered by the
24 college or school in accordance with this subsection unless
25 the college or school is actually participating in the system
26 pursuant to rules of the State Board of Education. Any
27 college or school deemed to be in violation of this section
28 shall be subject to the provisions of s. 1005.38.

29 (7) Any student who transfers among postsecondary
30 institutions that are fully accredited by a regional or
31 national accrediting agency recognized by the United States

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1 Department of Education and that participate in the statewide
2 course numbering system shall be awarded credit by the
3 receiving institution for courses satisfactorily completed by
4 the student at the previous institutions. Credit shall be
5 awarded if the courses are judged by the appropriate statewide
6 course numbering system faculty committees representing school
7 districts, public postsecondary educational institutions, and
8 participating nonpublic postsecondary educational institutions
9 to be academically equivalent to courses offered at the
10 receiving institution, including equivalency of faculty
11 credentials, regardless of the public or nonpublic control of
12 the previous institution. The Department of Education shall
13 ensure that credits to be accepted by a receiving institution
14 are generated in courses for which the faculty possess
15 credentials that are comparable to those required by the
16 accrediting association of the receiving institution. The
17 award of credit may be limited to courses that are entered in
18 the statewide course numbering system. Credits awarded
19 pursuant to this subsection shall satisfy institutional
20 requirements on the same basis as credits awarded to native
21 students.

22 (8) The State Board of Education shall adopt rules
23 that provide for the conduct of regularly scheduled purges of
24 courses that are listed in the statewide course numbering
25 system but have not been taught at an institution for the
26 preceding 5 years. These rules must include waiver provisions
27 that allow course continuation if an institution has
28 reasonable cause for having not offered a course within the
29 5-year limit and an expectation that the course will be
30 offered again within the following 5 years.

31 Section 352. Section 1007.25, Florida Statutes, is

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1 created to read:

2 1007.25 General education courses; common
3 prerequisites; and other degree requirements.--

4 (1) The department shall identify the degree programs
5 offered by public postsecondary educational institutions.

6 (2) The department shall identify postsecondary career
7 and technical education programs offered by community colleges
8 and district school boards. The department shall also identify
9 career and technical courses designated as college credit
10 courses applicable toward a career and technical education
11 diploma or degree. Such courses must be identified within the
12 statewide course numbering system.

13 (3) The department shall identify those courses that
14 meet general education requirements within the subject areas
15 of communication, mathematics, social sciences, humanities,
16 and natural sciences. The courses shall be identified by their
17 statewide course code number. All public postsecondary
18 educational institutions shall accept these general education
19 courses.

20 (4) The department shall identify those courses
21 offered by universities and accepted for credit toward a
22 degree. The department shall identify courses designated as
23 either general education or required as a prerequisite for a
24 degree. The courses shall be identified by their statewide
25 course number.

26 (5) The department shall identify common prerequisite
27 courses and course substitutions for degree programs across
28 all institutions. Common degree program prerequisites shall be
29 offered and accepted by all state universities and community
30 colleges, except in cases approved by the State Board of
31 Education pursuant to s. 1001.02(2)(x). The department shall

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1 develop a centralized database containing the list of courses
2 and course substitutions that meet the prerequisite
3 requirements for each baccalaureate degree program.

4 (6) The boards of trustees of the community colleges
5 and state universities shall identify their core curricula,
6 which shall include courses required by the State Board of
7 Education. The universities and community colleges shall work
8 with their school districts to assure that high school
9 curricula coordinate with the core curricula and to prepare
10 students for college-level work. Core curricula for associate
11 in arts programs shall be adopted in rule by the State Board
12 of Education and shall include 36 semester hours of general
13 education courses in the subject areas of communication,
14 mathematics, social sciences, humanities, and natural
15 sciences.

16 (7) An associate in arts degree shall require no more
17 than 60 semester hours of college credit, including 36
18 semester hours of general education coursework. Except for
19 college-preparatory coursework required pursuant to s.
20 1008.30, all required coursework shall count toward the
21 associate in arts degree or the baccalaureate degree.

22 (8) A baccalaureate degree program shall require no
23 more than 120 semester hours of college credit, including 36
24 semester hours of general education coursework, unless prior
25 approval has been granted by the State Board of Education.

26 (9) A student who received an associate in arts degree
27 for successfully completing 60 semester credit hours may
28 continue to earn additional credits at a community college.
29 The university must provide credit toward the student's
30 baccalaureate degree for an additional community college
31 course if, according to the statewide course numbering, the

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1 community college course is a course listed in the university
2 catalog as required for the degree or as prerequisite to a
3 course required for the degree. Of the courses required for
4 the degree, at least half of the credit hours required for the
5 degree shall be achievable through courses designated as lower
6 division, except in degree programs approved by the State
7 Board of Education.

8 (10) Students at state universities may request
9 associate in arts certificates if they have successfully
10 completed the minimum requirements for the degree of associate
11 in arts (A.A.). The university must grant the student an
12 associate in arts degree if the student has successfully
13 completed minimum requirements for college-level communication
14 and computation skills adopted by the State Board of Education
15 and 60 academic semester hours or the equivalent within a
16 degree program area, with 36 semester hours in general
17 education courses in the subject areas of communication,
18 mathematics, social sciences, humanities, and natural
19 sciences, consistent with the general education requirements
20 specified in the articulation agreement pursuant to s.
21 1007.23.

22 (11) The Commissioner of Education shall appoint
23 faculty committees representing both community college and
24 public school faculties to recommend to the commissioner for
25 approval by the State Board of Education a standard program
26 length and appropriate occupational completion points for each
27 postsecondary career and technical certificate program,
28 diploma, and degree.

29 Section 353. Section 1007.261, Florida Statutes, is
30 created to read:

31 1007.261 State universities; admissions of

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1 students.--Each university board of trustees is authorized to
2 adopt rules governing the admission of students, subject to
3 this section and rules of the State Board of Education.

4 (1) Minimum academic standards for undergraduate
5 admission to a university include:

6 (a) Each student must have received a high school
7 diploma pursuant to s. 1003.43, or its equivalent, except as
8 provided in s. 1007.271(2)-(5) or completed a home education
9 program according to s. 1002.41.

10 (b) Each student must have successfully completed a
11 college-preparatory curriculum of 19 credits, as defined in
12 rules of the State Board of Education, including at least 2
13 credits of sequential foreign language at the secondary level
14 or the equivalent of such instruction at the postsecondary
15 level. A student who completes a home education program
16 according to s. 1002.41 is not required to document completion
17 of the 19 credits required by this paragraph. A student whose
18 native language is not English is exempt from the foreign
19 language requirement, provided that the student demonstrates
20 proficiency in the native language. If a standardized test is
21 not available in the student's native language for the
22 demonstration of proficiency, the university may provide an
23 alternative method of assessment. The State Board of Education
24 shall adopt rules for the articulation of foreign language
25 competency and equivalency between secondary and postsecondary
26 institutions. A student who received an associate in arts
27 degree prior to September 1, 1989, or who enrolled in a
28 program of studies leading to an associate degree from a
29 community college prior to August 1, 1989, and maintains
30 continuous enrollment shall be exempt from this admissions
31 requirement.

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1 (c) Each student must have submitted a test score from
2 the Scholastic Assessment Test of the College Entrance
3 Examination Board or the American College Testing Program.

4 (2) The minimum admission standards adopted by the
5 State Board of Education or a university board of trustees
6 must permit a student to earn at least 4 of the 19 credits
7 constituting the college-preparatory curriculum required for
8 admission as electives in any one of the following manners:

9 (a) Successful completion of any course identified in
10 the Department of Education course code directory as level two
11 or higher in one or more of the following subject areas:
12 English, mathematics, natural science, social science, and
13 foreign language;

14 (b) Successful completion of any course identified in
15 the Department of Education course code directory as level
16 three in the same or related disciplines;

17 (c) Any combination of the courses identified in
18 paragraphs (a) and (b); or

19 (d) Successful completion of two credits from the
20 courses identified in paragraph (a), plus no more than two
21 total credits from the following categories of courses:

22 1. Courses identified in the Department of Education
23 course code directory as ROTC and military training;

24 2. Courses identified in the Department of Education
25 course code directory as level two in art-visual arts, dance,
26 drama-theatre arts, language arts, or music; or

27 3. Any additional courses determined to be equivalent
28 by the Department of Education.

29 (3) Each university may admit a limited number of
30 students notwithstanding the admission requirements of
31 paragraph (1)(b) relating to credits in foreign language, if

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1 there is evidence that the applicant is expected to do
2 successful academic work at the admitting university. The
3 percent of applicants admitted under this subsection may not
4 exceed a level established for the university by the State
5 Board of Education. Any lower-division student admitted
6 without meeting the foreign language requirement must earn
7 such credits prior to admission to the upper division of a
8 state university. Any associate in arts degree graduate from a
9 community college or university in Florida, or other
10 upper-division transfer student, admitted without meeting the
11 foreign language requirement, must earn such credits prior to
12 graduation from a state university. Students shall be exempt
13 from the provisions of this subsection if they can demonstrate
14 proficiency in American sign language equivalent to that of
15 students who have completed two credits of such instruction in
16 high school.

17 (4) Nonresident students may be admitted to the
18 university upon such terms as the university may establish.
19 However, such terms shall include, but shall not be limited
20 to: completion of a secondary school curriculum which
21 includes 4 years of English; 3 years each of mathematics,
22 science, and social sciences; and 2 years of a foreign
23 language.

24 (5) Within the admission standards provided for in
25 subsection (1), the State Board of Education shall develop
26 procedures for weighting courses which are necessary to meet
27 the requirements of a college-preparatory curriculum at a
28 higher value than less rigorous courses. Credits received in
29 such courses shall be given greater value in determining
30 admission by universities than cumulative grade point averages
31 in high school.

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1 (6) Consideration shall be given to the past actions
2 of any person applying for admission as a student to any state
3 university, either as a new applicant, an applicant for
4 continuation of studies, or a transfer student, when such
5 actions have been found to disrupt or interfere with the
6 orderly conduct, processes, functions, or programs of any
7 other university, college, or community college.

8 (7) In any application for admission by a student as a
9 citizen of the state, the applicant, if 18 years of age, or,
10 if a minor, his or her parents or guardian shall make and file
11 with such application a written statement under oath that such
12 applicant is a citizen and resident of the state and entitled,
13 as such, to admission upon the terms and conditions prescribed
14 for citizens and residents of the state.

15 (8) Rules of the State Board of Education shall
16 require the use of scores on tests of college-level
17 communication and computation skills provided in s. 1008.29 as
18 a condition for admission of students to upper-division
19 instructional programs from community colleges, including
20 those who have been awarded associate in arts degrees. Use of
21 such test scores as an admission requirement shall extend
22 equally and uniformly to students enrolled in lower divisions
23 in a state university and to transfer students from other
24 colleges and universities. The tests shall be required for
25 community college students seeking associate in arts degrees
26 and students seeking admission to upper-division instructional
27 programs in a state university. The use of test scores prior
28 to August 1, 1984, shall be limited to student counseling and
29 curriculum improvement.

30 (9) For the purposes of this section, American sign
31 language constitutes a foreign language. Florida high schools

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1 may offer American sign language as a for-credit elective or
2 as a substitute for any already authorized foreign language
3 requirement.

4 (10) A Florida resident who is denied admission as an
5 undergraduate to a state university for failure to meet the
6 high school grade point average requirement may appeal the
7 decision to the university and request a recalculation of the
8 grade point average including in the revised calculation the
9 grades earned in up to three credits of advanced fine arts
10 courses. The university shall provide the student with a
11 description of the appeals process at the same time as
12 notification of the admissions decision. The university shall
13 recalculate the student's grade point average using the
14 additional courses and advise the student of any changes in
15 the student's admission status. For purposes of this section,
16 fine arts courses include courses in music, drama, painting,
17 sculpture, speech, debate, or a course in any art form that
18 requires manual dexterity. Advanced level fine arts courses
19 include fine arts courses identified in the course code
20 directory as Advanced Placement, pre-International
21 Baccalaureate, or International Baccalaureate, or fine arts
22 courses taken in the third or fourth year of a fine arts
23 curriculum.

24 Section 354. Section 1007.262, Florida Statutes, is
25 created to read:

26 1007.262 Foreign language competence; equivalence
27 determinations.--The Department of Education shall identify
28 the competencies demonstrated by students upon the successful
29 completion of 2 credits of sequential high school foreign
30 language instruction. For the purpose of determining
31 postsecondary equivalence pursuant to s. 1007.261(1)(b), the

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1 department shall develop rules through which community
2 colleges correlate such competencies to the competencies
3 required of students in the colleges' respective courses.
4 Based on this correlation, each community college shall
5 identify the minimum number of postsecondary credits that
6 students must earn in order to demonstrate a level of
7 competence in a foreign language at least equivalent to that
8 of students who have completed 2 credits of such instruction
9 in high school. The department may also specify alternative
10 means by which students can demonstrate equivalent foreign
11 language competence, including means by which a student whose
12 native language is not English may demonstrate proficiency in
13 the native language. A student who demonstrates proficiency in
14 a native language other than English is exempt from the
15 requirement of completing foreign language courses at the
16 secondary or postsecondary level.

17 Section 355. Section 1007.263, Florida Statutes, is
18 created to read:

19 1007.263 Community colleges; admissions of
20 students.--Each community college board of trustees is
21 authorized to adopt rules governing admissions of students
22 subject to this section and rules of the State Board of
23 Education. These rules shall include the following:

24 (1) Admissions counseling shall be provided to all
25 students entering college credit programs, which counseling
26 shall utilize tests to measure achievement of college-level
27 communication and computation competencies by all students
28 entering college credit programs.

29 (2) Admission to associate degree programs is subject
30 to minimum standards adopted by the State Board of Education
31 and shall require:

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1 (a) A standard high school diploma, a high school
2 equivalency diploma as prescribed in s. 1003.435, previously
3 demonstrated competency in college credit postsecondary
4 coursework, or, in the case of a student who is home educated,
5 a signed affidavit submitted by the student's parent or legal
6 guardian attesting that the student has completed a home
7 education program pursuant to the requirements of s. 1002.41.
8 Students who are enrolled in a dual enrollment or early
9 admission program pursuant to ss. 1007.27 and 1007.271 and
10 secondary students enrolled in college-level instruction
11 creditable toward the associate degree, but not toward the
12 high school diploma, shall be exempt from this requirement.

13 (b) A demonstrated level of achievement of
14 college-level communication and computation skills.

15 (c) Any other requirements established by the board of
16 trustees.

17 (3) Admission to other programs within the community
18 college shall include education requirements as established by
19 the board of trustees.

20
21 Each board of trustees shall establish policies that notify
22 students about, and place students into, adult basic
23 education, adult secondary education, or other instructional
24 programs that provide students with alternatives to
25 traditional college-preparatory instruction, including private
26 provider instruction. A student is prohibited from enrolling
27 in additional college-level courses until the student scores
28 above the cut-score on all sections of the common placement
29 test.

30 Section 356. Section 1007.264, Florida Statutes, is
31 created to read:

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1 1007.264 Impaired and learning disabled persons;
2 admission and graduation, substitute requirements; rules.--Any
3 person who is hearing impaired, visually impaired, or
4 dyslexic, or who has a specific learning disability, shall be
5 eligible for reasonable substitution for any requirement for
6 admission into a public postsecondary educational institution,
7 admission into a program of study, or graduation, where
8 documentation can be provided that the person's failure to
9 meet the requirement is related to the disability and where
10 the failure to meet the graduation requirement or program
11 admission requirement does not constitute a fundamental
12 alteration in the nature of the program. The State Board of
13 Education shall adopt rules to implement this section and
14 shall develop substitute requirements where appropriate.

15 Section 357. Section 1007.27, Florida Statutes, is
16 created to read:

17 1007.27 Articulated acceleration mechanisms.--
18 (1) It is the intent of the Legislature that a variety
19 of articulated acceleration mechanisms be available for
20 secondary and postsecondary students attending public
21 educational institutions. It is intended that articulated
22 acceleration serve to shorten the time necessary for a student
23 to complete the requirements associated with the conference of
24 a high school diploma and a postsecondary degree, broaden the
25 scope of curricular options available to students, or increase
26 the depth of study available for a particular subject.
27 Articulated acceleration mechanisms shall include, but not be
28 limited to, dual enrollment as provided for in s. 1007.271,
29 early admission, advanced placement, credit by examination,
30 the International Baccalaureate Program, and the Advanced
31 International Certificate of Education Program. Credit earned

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1 through the Florida Virtual School shall provide additional
2 opportunities for early graduation and acceleration.

3 (2) The Department of Education shall identify the
4 minimum scores, maximum credit, and course or courses for
5 which credit is to be awarded for each College Level
6 Examination Program (CLEP) general examination, CLEP subject
7 examination, College Board Advanced Placement Program
8 examination, and International Baccalaureate examination. In
9 addition, the department shall identify such courses in the
10 general education core curriculum of each state university and
11 community college.

12 (3) Each community college and state university must
13 award credit for specific courses for which competency has
14 been demonstrated by successful passage of one of the
15 examinations in subsection (2) unless the award of credit
16 duplicates credit already awarded. Community colleges and
17 state universities may not exempt students from courses
18 without the award of credit if competencies have been so
19 demonstrated.

20 (4) It is the intent of the Legislature to provide
21 articulated acceleration mechanisms for students who are in
22 home education programs, as defined in s. 1003.01(11),
23 consistent with the educational opportunities available to
24 public and private secondary school students. Home education
25 students may participate in dual enrollment, career and
26 technical dual enrollment, early admission, and credit by
27 examination. Credit earned by home education students through
28 dual enrollment shall apply toward the completion of a home
29 education program that meets the requirements of s. 1002.41.

30 (5) Early admission shall be a form of dual enrollment
31 through which eligible secondary students enroll in a

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1 postsecondary institution on a full-time basis in courses that
2 are creditable toward the high school diploma and the
3 associate or baccalaureate degree. Students enrolled pursuant
4 to this subsection shall be exempt from the payment of
5 registration, matriculation, and laboratory fees.

6 (6) Advanced placement shall be the enrollment of an
7 eligible secondary student in a course offered through the
8 Advanced Placement Program administered by the College Board.
9 Postsecondary credit for an advanced placement course shall be
10 limited to students who score a minimum of 3, on a 5-point
11 scale, on the corresponding Advanced Placement Examination.
12 The specific courses for which students receive such credit
13 shall be determined by the department. Students of Florida
14 public secondary schools enrolled pursuant to this subsection
15 shall be exempt from the payment of any fees for
16 administration of the examination regardless of whether or not
17 the student achieves a passing score on the examination.

18 (7) Credit by examination shall be the program through
19 which secondary and postsecondary students generate
20 postsecondary credit based on the receipt of a specified
21 minimum score on nationally standardized general or
22 subject-area examinations. For the purpose of statewide
23 application, such examinations and the corresponding minimum
24 scores required for an award of credit shall be delineated by
25 the State Board of Education in the statewide articulation
26 agreement. The maximum credit generated by a student pursuant
27 to this subsection shall be mitigated by any related
28 postsecondary credit earned by the student prior to the
29 administration of the examination. This subsection shall not
30 preclude community colleges and universities from awarding
31 credit by examination based on student performance on

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1 examinations developed within and recognized by the individual
2 postsecondary institutions.

3 (8) The International Baccalaureate Program shall be
4 the curriculum in which eligible secondary students are
5 enrolled in a program of studies offered through the
6 International Baccalaureate Program administered by the
7 International Baccalaureate Office. The State Board of
8 Education shall establish rules which specify the cutoff
9 scores and International Baccalaureate Examinations which will
10 be used to grant postsecondary credit at community colleges
11 and universities. Any such rules, which have the effect of
12 raising the required cutoff score or of changing the
13 International Baccalaureate Examinations which will be used to
14 grant postsecondary credit, shall only apply to students
15 taking International Baccalaureate Examinations after such
16 rules are adopted by the State Board of Education. Students
17 shall be awarded a maximum of 30 semester credit hours
18 pursuant to this subsection. The specific course for which a
19 student receives such credit shall be determined by the
20 department. Students enrolled pursuant to this subsection
21 shall be exempt from the payment of any fees for
22 administration of the examinations regardless of whether or
23 not the student achieves a passing score on the examination.

24 (9) The Advanced International Certificate of
25 Education Program shall be the curriculum in which eligible
26 secondary students are enrolled in a program of studies
27 offered through the Advanced International Certificate of
28 Education Program administered by the University of Cambridge
29 Local Examinations Syndicate. The State Board of Education
30 shall establish rules which specify the cutoff scores and
31 Advanced International Certificate of Education examinations

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1 which will be used to grant postsecondary credit at community
2 colleges and universities. Any such rules, which have the
3 effect of raising the required cutoff score or of changing the
4 Advanced International Certification of Education examinations
5 which will be used to grant postsecondary credit, shall apply
6 to students taking Advanced International Certificate of
7 Education Examinations after such rules are adopted by the
8 State Board of Education. Students shall be awarded a maximum
9 of 30 semester credit hours pursuant to this subsection. The
10 specific course for which a student receives such credit shall
11 be determined by the community college or university that
12 accepts the student for admission. Students enrolled pursuant
13 to this subsection shall be exempt from the payment of any
14 fees for administration of the examinations regardless of
15 whether or not the student achieves a passing score on the
16 examination.

17 (10) Any student who earns 9 or more credits from one
18 or more of the acceleration mechanisms provided for in this
19 section is exempt from any requirement of a public
20 postsecondary educational institution mandating enrollment
21 during a summer term.

22 Section 358. Section 1007.271, Florida Statutes, is
23 created to read:

24 1007.271 Dual enrollment programs.--

25 (1) The dual enrollment program is the enrollment of
26 an eligible secondary student or home education student in a
27 postsecondary course creditable toward a career and technical
28 certificate or an associate or baccalaureate degree.

29 (2) For the purpose of this section, an eligible
30 secondary student is a student who is enrolled in a Florida
31 public secondary school or in a Florida private secondary

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1 school which is in compliance with s. 1002.42(2) and conducts
2 a secondary curriculum pursuant to s. 1003.43. Students
3 enrolled in postsecondary instruction that is not creditable
4 toward the high school diploma shall not be classified as dual
5 enrollments. Students who are eligible for dual enrollment
6 pursuant to this section shall be permitted to enroll in dual
7 enrollment courses conducted during school hours, after school
8 hours, and during the summer term. Instructional time for such
9 enrollment may exceed 900 hours; however, the school district
10 may only report the student for a maximum of 1.0 FTE, as
11 provided in s. 1011.61(4). Any student so enrolled is exempt
12 from the payment of registration, matriculation, and
13 laboratory fees. Vocational-preparatory instruction,
14 college-preparatory instruction and other forms of
15 precollegiate instruction, as well as physical education
16 courses that focus on the physical execution of a skill rather
17 than the intellectual attributes of the activity, are
18 ineligible for inclusion in the dual enrollment program.
19 Recreation and leisure studies courses shall be evaluated
20 individually in the same manner as physical education courses
21 for potential inclusion in the program.

22 (3) The Department of Education shall adopt guidelines
23 designed to achieve comparability across school districts of
24 both student qualifications and teacher qualifications for
25 dual enrollment courses. Student qualifications must
26 demonstrate readiness for college-level coursework if the
27 student is to be enrolled in college courses. Student
28 qualifications must demonstrate readiness for career and
29 technical-level coursework if the student is to be enrolled in
30 career and technical courses. In addition to the common
31 placement examination, student qualifications for enrollment

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1 in college credit dual enrollment courses must include a 3.0
2 unweighted grade point average, and student qualifications for
3 enrollment in career and technical certificate dual enrollment
4 courses must include a 2.0 unweighted grade point average.
5 Exceptions to the required grade point averages may be granted
6 if the educational entities agree and the terms of the
7 agreement are contained within the dual enrollment
8 interinstitutional articulation agreement. Community college
9 boards of trustees may establish additional admissions
10 criteria, which shall be included in the district
11 interinstitutional articulation agreement developed according
12 to s. 1007.235, to ensure student readiness for postsecondary
13 instruction. Additional requirements included in the agreement
14 shall not arbitrarily prohibit students who have demonstrated
15 the ability to master advanced courses from participating in
16 dual enrollment courses. District school boards may not refuse
17 to enter into an agreement with a local community college if
18 that community college has the capacity to offer dual
19 enrollment courses.

20 (4) Career and technical dual enrollment shall be
21 provided as a curricular option for secondary students to
22 pursue in order to earn a series of elective credits toward
23 the high school diploma. However, career and technical dual
24 enrollment shall not supplant student acquisition of the
25 diploma. Career and technical dual enrollment shall be
26 available for secondary students seeking a degree or
27 certificate from a complete job-preparatory program, but shall
28 not sustain student enrollment in isolated career and
29 technical courses. It is the intent of the Legislature that
30 career and technical dual enrollment reflect the interests and
31 aptitudes of the student. The provision of a comprehensive

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1 academic and career and technical dual enrollment program
2 within the area technical center or community college is
3 supportive of legislative intent; however, such provision is
4 not mandatory.

5 (5) Each district school board shall inform all
6 secondary students of dual enrollment as an educational option
7 and mechanism for acceleration. Students shall be informed of
8 eligibility criteria, the option for taking dual enrollment
9 courses beyond the regular school year, and the 24 minimum
10 academic credits required for graduation. District school
11 boards shall annually assess the demand for dual enrollment
12 and other advanced courses, and the district school board
13 shall consider strategies and programs to meet that demand.

14 (6) The Commissioner of Education shall appoint
15 faculty committees representing public school, community
16 college, and university faculties to identify postsecondary
17 courses that meet the high school graduation requirements of
18 s. 1003.43, and to establish the number of postsecondary
19 semester credit hours of instruction and equivalent high
20 school credits earned through dual enrollment pursuant to s.
21 1007.271 that are necessary to meet high school graduation
22 requirements. Such equivalencies shall be determined solely on
23 comparable course content and not on seat time traditionally
24 allocated to such courses in high school. The Commissioner of
25 Education shall recommend to the State Board of Education
26 those courses identified to meet high school graduation
27 requirements, based on mastery of course outcomes, by their
28 statewide course number, and all high schools shall accept
29 these postsecondary education courses toward meeting the
30 requirements of s. 1003.43.

31 (7) Early admission shall be a form of dual enrollment

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1 through which eligible secondary students enroll in a
2 postsecondary institution on a full-time basis in courses that
3 are creditable toward the high school diploma and the
4 associate or baccalaureate degree. Students enrolled pursuant
5 to this subsection shall be exempt from the payment of
6 registration, matriculation, and laboratory fees.

7 (8) Career and technical early admission is a form of
8 career and technical dual enrollment through which eligible
9 secondary students enroll full time in an area technical
10 center or a community college in courses that are creditable
11 toward the high school diploma and the certificate or
12 associate degree. Participation in the career and technical
13 early admission program shall be limited to students who have
14 completed a minimum of 6 semesters of full-time secondary
15 enrollment, including studies undertaken in the ninth grade.
16 Students enrolled pursuant to this section are exempt from the
17 payment of registration, matriculation, and laboratory fees.

18 (9) The State Board of Education shall adopt rules for
19 any dual enrollment programs involving requirements for high
20 school graduation.

21 (10)(a) The dual enrollment program for home education
22 students consists of the enrollment of an eligible home
23 education secondary student in a postsecondary course
24 creditable toward an associate degree, a career or technical
25 certificate, or a baccalaureate degree. To participate in the
26 dual enrollment program, an eligible home education secondary
27 student must:

28 1. Provide proof of enrollment in a home education
29 program pursuant to s. 1002.41.

30 2. Be responsible for his or her own instructional
31 materials and transportation unless provided for otherwise.

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1 (b) Each technical center, community college, and
2 state university shall:

3 1. Delineate courses and programs for dually enrolled
4 home education students. Courses and programs may be added,
5 revised, or deleted at any time.

6 2. Identify eligibility criteria for home education
7 student participation, not to exceed those required of other
8 dually enrolled students.

9 (11) The Department of Education shall approve any
10 course for inclusion in the dual enrollment program that is
11 contained within the statewide course numbering system.
12 However, college-preparatory and other forms of precollegiate
13 instruction, and physical education and other courses that
14 focus on the physical execution of a skill rather than the
15 intellectual attributes of the activity, may not be so
16 approved, but must be evaluated individually for potential
17 inclusion in the dual enrollment program.

18 (12) The Department of Education shall develop a
19 statement on transfer guarantees which will inform students,
20 prior to enrollment in a dual enrollment course, of the
21 potential for the dual enrollment course to articulate as an
22 elective or a general education course into a postsecondary
23 education certificate or degree program. The statement shall
24 be provided to each district school superintendent, who shall
25 include the statement in the information provided to all
26 secondary students as required pursuant to this subsection.
27 The statement may also include additional information,
28 including, but not limited to, dual enrollment options,
29 guarantees, privileges, and responsibilities.

30 (13) It is the intent of the Legislature that students
31 who meet the eligibility requirements of this subsection and

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1 who choose to participate in dual enrollment programs be
2 exempt from the payment of registration, matriculation, and
3 laboratory fees.

4 (14) Instructional materials assigned for use within
5 dual enrollment courses shall be made available to dual
6 enrollment students from Florida public high schools free of
7 charge. This subsection shall not be construed to prohibit a
8 community college from providing instructional materials at no
9 cost to a home education student or student from a private
10 school. Students enrolled in postsecondary instruction not
11 creditable toward a high school diploma shall not be
12 considered dual enrollments and shall be required to assume
13 the cost of instructional materials necessary for such
14 instruction.

15 (15) Instructional materials purchased by a district
16 school board or community college board of trustees on behalf
17 of dual enrollment students shall be the property of the board
18 against which the purchase is charged.

19 (16) School districts and community colleges must
20 weigh college-level dual enrollment courses the same as honors
21 courses and advanced placement courses when grade point
22 averages are calculated. Alternative grade calculation or
23 weighting systems that discriminate against dual enrollment
24 courses are prohibited.

25 (17) The Commissioner of Education may approve dual
26 enrollment agreements for limited course offerings that have
27 statewide appeal. Such programs shall be limited to a single
28 site with multiple county participation.

29 Section 359. Section 1007.272, Florida Statutes, is
30 created to read:

31 1007.272 Joint dual enrollment and advanced placement

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1 instruction.--

2 (1) Each school district, community college, and state
3 university may conduct advanced placement instruction within
4 dual enrollment courses. Each joint dual enrollment and
5 advanced placement course shall be incorporated within and
6 subject to the provisions of the district interinstitutional
7 articulation agreement pursuant to s. 1007.235. Such agreement
8 shall certify that each joint dual enrollment and advanced
9 placement course integrates, at a minimum, the course
10 structure recommended by the College Board and the structure
11 that corresponds to the common course number.

12 (2) Each student enrolled in a joint dual enrollment
13 and advanced placement course may be funded pursuant to either
14 the dual enrollment or advanced placement formula specified in
15 s. 1011.62; however, no student shall be funded through both
16 programs for enrollment in a course provided through this
17 section. The district school board reporting enrollments for
18 such courses shall utilize the funding formula that more
19 closely approximates the cost of conducting the course. No
20 student shall be reported for advanced placement funding who
21 fails to meet the examination requirement for such funding.

22 (3) Postsecondary credit for student completion of a
23 joint dual enrollment and advanced placement course shall be
24 awarded, based on the stated preference of the student, as
25 either dual enrollment or advanced placement credit; however,
26 an award of advanced placement credit shall be limited to
27 students who score a minimum of 3, on a 5-point scale, on the
28 Advanced Placement Examination. No student shall claim double
29 credit based on the completion of a single joint dual
30 enrollment and advanced placement course, nor shall any
31 student enrolled pursuant to this section be required to

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1 complete the Advanced Placement Examination.

2 Section 360. Section 1007.28, Florida Statutes, is
3 created to read:

4 1007.28 Computer-assisted student advising
5 system.--The State Board of Education shall establish and
6 maintain within the Department of Education a single,
7 statewide computer-assisted student advising system, which
8 must be an integral part of the process of advising,
9 registering, and certifying students for graduation. It is
10 intended that an advising system be the primary advising and
11 tracking tool for students enrolled in public postsecondary
12 educational institutions and be accessible to all Florida
13 students. The state universities and community colleges shall
14 interface institutional systems with the computer-assisted
15 advising system required by this section. The State Board of
16 Education shall prescribe by rule the roles and
17 responsibilities of the department, the state universities,
18 and the community colleges in the design, implementation,
19 promotion, development, and analysis of the system. The system
20 shall consist of a degree audit and an articulation component
21 that includes the following characteristics:

22 (1) The system shall constitute an integral part of
23 the process of advising students and assisting them in course
24 selection. The system shall be accessible to students in the
25 following ways:

26 (a) A student must be able to access the system, at
27 any time, to identify course options that will meet the
28 requirements of a selected path toward a degree.

29 (b) A status report from the system shall be generated
30 and sent with each grade report to each student enrolled in
31 public postsecondary educational institutions with a declared

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1 major.

2 (2) The system shall be an integral part of the
3 registration process at public postsecondary educational
4 institutions. As part of the process, the system shall:

5 (a) Provide reports that document each student's
6 status toward completion of a degree.

7 (b) Verify that a student has completed requirements
8 for graduation.

9 (3) The system must provide students information
10 related to career descriptions and corresponding educational
11 requirements, admissions requirements, and available sources
12 of student financial assistance. Such advising must enable
13 students to examine their interests and aptitudes for the
14 purpose of curricular and career planning.

15 (4) The system must provide management information to
16 decisionmakers, including information relating student
17 enrollment patterns and course demands to plans for
18 corresponding course offerings and information useful in
19 planning the student registration process.

20 Section 361. Part III of chapter 1007, Florida
21 Statutes, shall be entitled "Access to Postsecondary
22 Education" and shall consist of ss. 1007.31-1007.34.

23 Section 362. Section 1007.31, Florida Statutes, is
24 created to read:

25 1007.31 Limited access programs.--

26 (1) The State Board of Education shall establish
27 criteria for assigning limited access status to an educational
28 program and a process for the periodic review of such programs
29 so that a university board of trustees can determine the need
30 for retention or removal of limited access status.

31 (2) Each university board of trustees shall monitor

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1 limited access programs within the university and conduct
2 periodic reviews of such programs to determine the need for
3 retention or removal of the limited access status.

4 Section 363. Section 1007.32, Florida Statutes, is
5 created to read:

6 1007.32 Transfer students.--

7 (1) Each university shall provide registration
8 opportunities for transfer students that allow such students
9 access to high demand courses comparable to that provided
10 native students.

11 (2) Each university that provides an orientation
12 program for freshman enrollees shall also provide orientation
13 programs for transfer students.

14 Section 364. Section 1007.33, Florida Statutes, is
15 created to read:

16 1007.33 Site-determined baccalaureate degree access.--

17 (1) The Legislature recognizes that public and private
18 postsecondary educational institutions play essential roles in
19 improving the quality of life and economic well-being of the
20 state and its residents. The Legislature also recognizes that
21 economic development needs and the educational needs of
22 place-bound, nontraditional students have increased the demand
23 for local access to baccalaureate degree programs. In some,
24 but not all, geographic regions, baccalaureate degree programs
25 are being delivered successfully at the local community
26 college through agreements between the community college and
27 4-year postsecondary institutions within or outside of the
28 state. It is therefore the intent of the Legislature to
29 further expand access to baccalaureate degree programs through
30 the use of community colleges.

31 (2) A community college may enter into a formal

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1 agreement pursuant to the provisions of s. 1007.22 for the
2 delivery of specified baccalaureate degree programs.

3 (3) A community college may develop a proposal to
4 deliver specified baccalaureate degree programs in its
5 district to meet local workforce needs. The proposal must be
6 submitted to the State Board of Education for approval. The
7 community college's proposal must include the following
8 information:

9 (a) Demand for the baccalaureate degree program is
10 identified by the workforce development board, local
11 businesses and industry, local chambers of commerce, and
12 potential students.

13 (b) Unmet need for graduates of the proposed degree
14 program is substantiated.

15 (c) The community college has the facilities and
16 academic resources to deliver the program.

17
18 The proposal must be submitted to the Council for Education
19 Policy Research and Improvement for review and comment. Upon
20 approval of the State Board of Education for the specific
21 degree program or programs, the community college shall pursue
22 regional accreditation by the Commission on Colleges of the
23 Southern Association of Colleges and Schools. Any additional
24 baccalaureate degree programs the community college wishes to
25 offer must be approved by the State Board of Education.

26 (4) A community college may not terminate its
27 associate in arts or associate in science degree programs as a
28 result of the authorization provided in subsection (3). The
29 Legislature intends that the primary mission of a community
30 college, including a community college that offers
31 baccalaureate degree programs, continues to be the provision

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1 of associate degrees that provide access to a university.

2 Section 365. Section 1007.34, Florida Statutes, is
3 created to read:

4 1007.34 College reach-out program.--

5 (1) There is established a college reach-out program
6 to increase the number of low-income educationally
7 disadvantaged students in grades 6-12 who, upon high school
8 graduation, are admitted to and successfully complete
9 postsecondary education. Participants should be students who
10 otherwise would be unlikely to seek admission to a community
11 college, state university, or independent postsecondary
12 institution without special support and recruitment efforts.
13 The State Board of Education shall adopt rules that provide
14 for the following:

15 (a) Definition of "low-income educationally
16 disadvantaged student."

17 (b) Specific criteria and guidelines for selection of
18 college reach-out participants.

19 (2) In developing the definition for "low-income
20 educationally disadvantaged student," the State Board of
21 Education shall include such factors as: the family's taxable
22 income; family receipt of temporary cash assistance in the
23 preceding year; family receipt of public assistance in the
24 preceding year; the student's cumulative grade point average;
25 the student's promotion and attendance patterns; the student's
26 performance on state standardized tests; the student's
27 enrollment in mathematics and science courses; and the
28 student's participation in a dropout prevention program.

29 (3) To participate in the college reach-out program, a
30 postsecondary educational institution may submit a proposal to
31 the Department of Education. The State Board of Education

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1 shall consider the proposals and determine which proposals to
2 implement as programs that will strengthen the educational
3 motivation and preparation of low-income educationally
4 disadvantaged students.

5 (4) Postsecondary educational institutions that
6 participate in the program must provide procedures for
7 continuous contact with students from the point at which they
8 are selected for participation until they enroll in a
9 postsecondary educational institution. These procedures must
10 assist students in selecting courses required for graduation
11 from high school and admission to a postsecondary educational
12 institution and ensure that students continue to participate
13 in program activities. Institutions that participate must
14 provide on-campus academic and advisory activities during
15 summer vacation and provide opportunities for interacting with
16 college and university students as mentors, tutors, or role
17 models. Proposals submitted by universities and consortia
18 involving universities must provide students with an
19 opportunity to live on campus.

20 (5) In selecting proposals for approval, the State
21 Board of Education shall give preference to:

22 (a) Proposals submitted jointly by two or more
23 eligible postsecondary educational institutions.

24 (b) A program that will use institutional, federal, or
25 private resources to supplement state appropriations.

26 (c) An applicant that has demonstrated success in
27 conducting similar programs.

28 (d) A program that includes innovative approaches,
29 provides a great variety of activities, and includes a large
30 percentage of low-income educationally disadvantaged minority
31 students in the college reach-out program.

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1 (e) An applicant that demonstrates commitment to the
2 program by proposing to match the grant funds at least
3 one-to-one in cash or services, with cash being the preferred
4 match.

5 (f) An applicant that demonstrates an interest in
6 cultural diversity and that addresses the unmet regional needs
7 of varying communities.

8 (6) A participating postsecondary educational
9 institution is encouraged to use its resources to meet program
10 objectives. A participating postsecondary educational
11 institution must establish an advisory committee composed of
12 high school and middle school personnel, as well as community
13 leaders, to provide advice and assistance in implementing its
14 program.

15 (7) A proposal must contain the following information:

16 (a) A statement of purpose that includes a description
17 of the need for, and the results expected from, the proposed
18 program.

19 (b) An identification of the service area that names
20 the schools to be served, provides community and school
21 demographics, and sets forth the postsecondary enrollment
22 rates of high school graduates within the area.

23 (c) An identification of existing programs for
24 enhancing the academic performance of minority and low-income
25 educationally disadvantaged students for enrollment in
26 postsecondary education.

27 (d) A description of the proposed program that
28 describes criteria to be used to identify schools for
29 participation in the program. At least 60 percent of the
30 students recruited in any one year must be in grades 6-9.

31 (e) A description of the program activities that must

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1 support the following goals:

2 1. Motivate students to pursue a postsecondary
3 education.

4 2. Enhance students' basic learning skills and
5 performance.

6 3. Strengthen students' and parents' understanding of
7 the benefits of postsecondary education.

8 4. Foster academic, personal, and career development
9 through supplemental instruction.

10 (f) An evaluation component that provides for the
11 collection, maintenance, retrieval, and analysis of the data
12 required by this paragraph. The data must be used to assess
13 the extent to which programs have accomplished specific
14 objectives and achieved the goals of the college reach-out
15 program. The Department of Education shall develop
16 specifications and procedures for the collection and
17 transmission of the data. The annual project evaluation
18 component must contain:

19 1. The student identification number and social
20 security number, if available; the name of the public school
21 attended; gender; ethnicity; grade level; and grade point
22 average of each participant at the time of entry into the
23 program.

24 2. The grade point average, grade, and promotion
25 status of each of the participants in the program at the end
26 of the academic year and any suspension or expulsion of a
27 participant, if applicable.

28 3. The number and percentage of high school
29 participants who satisfactorily complete 2 sequential years of
30 a foreign language and Level 2 and 3 mathematics and science
31 courses.

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1 4. The number and percentage of participants eligible
2 for high school graduation who receive a standard high school
3 diploma or a high school equivalency diploma, pursuant to s.
4 229.814.

5 5. The number and percentage of 12th grade
6 participants who are accepted for enrollment and who enroll in
7 a postsecondary educational institution.

8 6. The number of participants who receive
9 scholarships, grant aid, and work-study awards.

10 7. The number and percentage of participants who
11 enroll in a public postsecondary educational institution and
12 who fail to achieve a passing score, as defined in State Board
13 of Education rule, on college placement tests pursuant to s.
14 1008.30.

15 8. The number and percentage of participants who
16 enroll in a postsecondary educational institution and have a
17 minimum cumulative 2.0 grade point average on a 4.0 scale by
18 the end of the second semester.

19 9. The number of disabled students participating in
20 the project and the nature of their disabilities.

21 (8) Proposals must be funded competitively in
22 accordance with the following methodology:

23 (a) The funds appropriated must be distributed to
24 projects on the basis of minimum standards that include:

25 1. A summer residency program of at least 1 week in
26 duration.

27 2. A minimum number of hours of academic instructional
28 and developmental activities, career counseling, and personal
29 counseling.

30 (b) Subject to legislative appropriations,
31 continuation projects that satisfy the minimum requirements

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1 should have their funds increased each year by the same
2 percentage as the rate of inflation. Projects funded for 3
3 consecutive years should have a cumulative institutional cash
4 match of not less than 50 percent of the total cost of the
5 project over the 3-year period. Any college reach-out program
6 project operating for 3 years which does not provide the
7 minimum 50-percent institutional cash match must not be
8 considered for continued funding.

9 (9) The Commissioner of Education shall appoint an
10 advisory council to review the proposals and recommend to the
11 State Board of Education an order of priority for funding the
12 proposals.

13 (10) On or before February 15 of each year, each
14 participating institution shall submit to the Department of
15 Education an interim report containing program expenditures
16 and participant information as required in State Board of
17 Education rules.

18 (11) On or before November 1 of each year,
19 postsecondary educational institutions participating in the
20 program shall submit to the Department of Education an
21 end-of-the-year report on the effectiveness of their
22 participation in the program. The end-of-the-year report must
23 include, without limitation:

24 (a) A copy of the certificate-of-expenditures form
25 showing expenditures by category, state grant funds, and
26 institutional matching in cash and in-kind services.

27 (b) A listing of students participating in the program
28 by grade level, gender, and race.

29 (c) A statement of how the program addresses the four
30 program goals identified in paragraph (7)(e).

31 (d) A brief description and analysis of program

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1 characteristics and activities critical to program success.

2 (e) A description of the cooperation received from
3 other units or organizations.

4 (f) An explanation of the program's outcomes,
5 including data related to student performance on the measures
6 provided for in paragraph (7)(f).

7 (12) By February 15 of each year, the Department of
8 Education shall submit to the President of the Senate, the
9 Speaker of the House of Representatives, the Commissioner of
10 Education, and the Governor a report that evaluates the
11 effectiveness of the college reach-out program. To the extent
12 feasible, the performance of college reach-out program
13 participants must be compared to the performance of comparable
14 cohorts of students in public school and postsecondary
15 education.

16 (13) Funding for the college reach-out program shall
17 be provided in the General Appropriations Act.

18 Section 366. Chapter 1008, Florida Statutes, shall be
19 entitled "Assessment and Accountability" and shall consist of
20 ss. 1008.01-1008.51.

21 Section 367. Part I of chapter 1008, Florida Statutes,
22 shall be entitled "Assessment, K-20" and shall consist of ss.
23 1008.21-1008.30.

24 Section 368. Effective upon this act becoming a law,
25 section 1008.21, Florida Statutes, is created to read:

26 1008.21 School readiness uniform screening

27 (kindergarten).--

28 (1) The Department of Education shall implement the
29 school readiness uniform screening developed by the Florida
30 Partnership for School Readiness, and shall require that all
31 school districts administer the kindergarten uniform screening

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1 to each kindergarten student in the district school system
2 upon the student's entry into kindergarten.

3 (2)(a) The Department of Education shall implement the
4 school readiness uniform screening to validate the system
5 recommended by the Florida Partnership for School Readiness as
6 part of a comprehensive evaluation design. Beginning with the
7 2002-2003 school year, the department shall require that all
8 school districts administer the school readiness uniform
9 screening to each kindergarten student in the district school
10 system upon the student's entry into kindergarten. Children
11 who enter public school for the first time in first grade must
12 be administered the school readiness uniform screening adopted
13 for use in first grade. The department shall incorporate
14 school readiness data into the K-20 data warehouse for
15 longitudinal tracking.

16 (b) The uniform screening shall provide objective data
17 regarding the following expectations for school readiness
18 which shall include, at a minimum:

19 1. The child's immunizations and other health
20 requirements as necessary, including appropriate vision and
21 hearing screening and examinations.

22 2. The child's physical development.

23 3. The child's compliance with rules, limitations, and
24 routines.

25 4. The child's ability to perform tasks.

26 5. The child's interactions with adults.

27 6. The child's interactions with peers.

28 7. The child's ability to cope with challenges.

29 8. The child's self-help skills.

30 9. The child's ability to express his or her needs.

31 10. The child's verbal communication skills.

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- 1 11. The child's problem-solving skills.
2 12. The child's ability to follow verbal directions.
3 13. The child's demonstration of curiosity,
4 persistence, and exploratory behavior.
5 14. The child's interest in books and other printed
6 materials.
7 15. The child's ability to pay attention to stories.
8 16. The child's participation in art and music
9 activities.
10 17. The child's ability to identify colors, geometric
11 shapes, letters of the alphabet, numbers, and spatial and
12 temporal relationships.

13 Section 369. Section 1008.22, Florida Statutes, is
14 created to read:

15 1008.22 Student assessment program for public
16 schools.--

17 (1) PURPOSE.--The primary purposes of the student
18 assessment program are to provide information needed to
19 improve the public schools by enhancing the learning gains of
20 all students and to inform parents of the educational progress
21 of their public school children. The program must be designed
22 to:

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

26 (b) Provide data for making decisions regarding school
27 accountability and recognition.

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

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

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

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

7 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's
8 intent to participate in the measurement of national
9 educational goals. The Commissioner of Education shall direct
10 Florida school districts to participate in the administration
11 of the National Assessment of Educational Progress, or a
12 similar national assessment program, both for the national
13 sample and for any state-by-state comparison programs which
14 may be initiated. Such assessments must be conducted using
15 the data collection procedures, the student surveys, the
16 educator surveys, and other instruments included in the
17 National Assessment of Educational Progress or similar program
18 being administered in Florida. The results of these
19 assessments shall be included in the annual report of the
20 Commissioner of Education specified in this section. The
21 administration of the National Assessment of Educational
22 Progress or similar program shall be in addition to and
23 separate from the administration of the statewide assessment
24 program.

25 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
26 shall design and implement a statewide program of educational
27 assessment that provides information for the improvement of
28 the operation and management of the public schools, including
29 schools operating for the purpose of providing educational
30 services to youth in Department of Juvenile Justice programs.
31 Pursuant to the statewide assessment program, the commissioner

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1 shall:

2 (a) Submit to the State Board of Education a list that
3 specifies student skills and competencies to which the goals
4 for education specified in the state plan apply, including,
5 but not limited to, reading, writing, science, and
6 mathematics. The skills and competencies must include
7 problem-solving and higher-order skills as appropriate and
8 shall be known as the Sunshine State Standards as defined in
9 s. 1000.21. The commissioner shall select such skills and
10 competencies after receiving recommendations from educators,
11 citizens, and members of the business community. The
12 commissioner shall submit to the State Board of Education
13 revisions to the list of student skills and competencies in
14 order to maintain continuous progress toward improvements in
15 student proficiency.

16 (b) Develop and implement a uniform system of
17 indicators to describe the performance of public school
18 students and the characteristics of the public school
19 districts and the public schools. These indicators must
20 include, without limitation, information gathered by the
21 comprehensive management information system created pursuant
22 to s. 1008.385 and student achievement information obtained
23 pursuant to this section.

24 (c) Develop and implement a student achievement
25 testing program known as the Florida Comprehensive Assessment
26 Test (FCAT) as part of the statewide assessment program, to be
27 administered annually in grades 3 through 10 to measure
28 reading, writing, science, and mathematics. Other content
29 areas may be included as directed by the commissioner. The
30 testing program must be designed so that:

31 1. The tests measure student skills and competencies

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1 adopted by the State Board of Education as specified in
2 paragraph (a). The tests must measure and report student
3 proficiency levels in reading, writing, mathematics, and
4 science. The commissioner shall provide for the tests to be
5 developed or obtained, as appropriate, through contracts and
6 project agreements with private vendors, public vendors,
7 public agencies, postsecondary educational institutions, or
8 school districts. The commissioner shall obtain input with
9 respect to the design and implementation of the testing
10 program from state educators and the public.

11 2. The testing program will include a combination of
12 norm-referenced and criterion-referenced tests and include, to
13 the extent determined by the commissioner, questions that
14 require the student to produce information or perform tasks in
15 such a way that the skills and competencies he or she uses can
16 be measured.

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

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

25 5. Students must earn a passing score on the grade 10
26 assessment test described in this paragraph in reading,
27 writing, and mathematics to qualify for a regular high school
28 diploma. The State Board of Education shall designate a
29 passing score for each part of the grade 10 assessment test.
30 In establishing passing scores, the state board shall consider
31 any possible negative impact of the test on minority students.

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1 All students who took the grade 10 FCAT during the 2000-2001
2 school year shall be required to earn the passing scores in
3 reading and mathematics established by the State Board of
4 Education for the March 2001 test administration. Such
5 students who did not earn the established passing scores and
6 must repeat the grade 10 FCAT are required to earn the passing
7 scores established for the March 2001 test administration.
8 All students who take the grade 10 FCAT for the first time in
9 March 2002 and thereafter shall be required to earn the
10 passing scores in reading and mathematics established by the
11 State Board of Education for the March 2002 test
12 administration. The State Board of Education shall adopt
13 rules which specify the passing scores for the grade 10 FCAT.
14 Any such rules, which have the effect of raising the required
15 passing scores, shall only apply to students taking the grade
16 10 FCAT after such rules are adopted by the State Board of
17 Education.

18 6. Participation in the testing program is mandatory
19 for all students attending public school, including students
20 served in Department of Juvenile Justice programs, except as
21 otherwise prescribed by the commissioner. If a student does
22 not participate in the statewide assessment, the district must
23 notify the student's parent and provide the parent with
24 information regarding the implications of such
25 nonparticipation. If modifications are made in the student's
26 instruction to provide accommodations that would not be
27 permitted on the statewide assessment tests, the district must
28 notify the student's parent of the implications of such
29 instructional modifications. A parent must provide signed
30 consent for a student to receive instructional modifications
31 that would not be permitted on the statewide assessments and

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1 must acknowledge in writing that he or she understands the
2 implications of such accommodations. The State Board of
3 Education shall adopt rules, based upon recommendations of the
4 commissioner, for the provision of test accommodations and
5 modifications of procedures as necessary for students in
6 exceptional education programs and for students who have
7 limited English proficiency. Accommodations that negate the
8 validity of a statewide assessment are not allowable.

9 7. A student seeking an adult high school diploma must
10 meet the same testing requirements that a regular high school
11 student must meet.

12 8. District school boards must provide instruction to
13 prepare students to demonstrate proficiency in the skills and
14 competencies necessary for successful grade-to-grade
15 progression and high school graduation. If a student is
16 provided with accommodations or modifications that are not
17 allowable in the statewide assessment program, as described in
18 the test manuals, the district must inform the parent in
19 writing and must provide the parent with information regarding
20 the impact on the student's ability to meet expected
21 proficiency levels in reading, writing, and math. The
22 commissioner shall conduct studies as necessary to verify that
23 the required skills and competencies are part of the district
24 instructional programs.

25 9. The Department of Education must develop, or
26 select, and implement a common battery of assessment tools
27 that will be used in all juvenile justice programs in the
28 state. These tools must accurately measure the skills and
29 competencies established in the Florida Sunshine State
30 Standards.

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

4 (d) Conduct ongoing research to develop improved
5 methods of assessing student performance, including, without
6 limitation, the use of technology to administer tests, score,
7 or report the results of, the use of electronic transfer of
8 data, the development of work-product assessments, and the
9 development of process assessments.

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

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

18 (4) DISTRICT TESTING PROGRAMS.--Each district school
19 board shall periodically assess student performance and
20 achievement within each school of the district. The assessment
21 programs must be based upon local goals and objectives that
22 are compatible with the state plan for education and that
23 supplement the skills and competencies adopted by the State
24 Board of Education. All school districts must participate in
25 the statewide assessment program designed to measure annual
26 student learning and school performance. All district school
27 boards shall report assessment results as required by the
28 state management information system.

29 (5) SCHOOL TESTING PROGRAMS.--Each public school shall
30 participate in the statewide assessment program, unless
31 specifically exempted by state board rule based on serving a

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1 specialized population for which standardized testing is not
2 appropriate. Student performance data shall be analyzed and
3 reported to parents, the community, and the state. Student
4 performance data shall be used in developing objectives of the
5 school improvement plan, evaluation of instructional
6 personnel, evaluation of administrative personnel, assignment
7 of staff, allocation of resources, acquisition of
8 instructional materials and technology, performance-based
9 budgeting, and promotion and assignment of students into
10 educational programs. The analysis of student performance data
11 also must identify strengths and needs in the educational
12 program and trends over time. The analysis must be used in
13 conjunction with the budgetary planning processes developed
14 pursuant to s. 1008.385 and the development of the programs of
15 remediation.

16 (6) REQUIRED ANALYSES.--The commissioner shall
17 provide, at a minimum, for the following analyses of data
18 produced by the student achievement testing program:

19 (a) The statistical system for the annual assessments
20 shall use measures of student learning, such as the FCAT, to
21 determine teacher, school, and school district statistical
22 distributions, which shall be determined using available data
23 from the FCAT, and other data collection as deemed appropriate
24 by the Department of Education, to measure the differences in
25 student prior year achievement compared to the current year
26 achievement for the purposes of accountability and
27 recognition.

28 (b) The statistical system shall provide the best
29 estimates of teacher, school, and school district effects on
30 student progress. The approach used by the department shall be
31 approved by the commissioner before implementation.

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1 (c) The annual testing program shall be administered
2 to provide for valid statewide comparisons of learning gains
3 to be made for purposes of accountability and recognition. The
4 commissioner shall establish a schedule for the administration
5 of the statewide assessments. In establishing such schedule,
6 the commissioner is charged with the duty to accomplish the
7 latest possible administration of the statewide assessments
8 and the earliest possible provision of the results to the
9 school districts feasible within available technology and
10 specific appropriation. District school boards shall not
11 establish school calendars that jeopardize or limit the valid
12 testing and comparison of student learning gains.

13 (7) LOCAL ASSESSMENTS.--Measurement of the learning
14 gains of students in all subjects and grade levels other than
15 subjects and grade levels required for the state student
16 achievement testing program is the responsibility of the
17 school districts.

18 (8) APPLICABILITY OF TESTING STANDARDS.--A student
19 must meet the testing requirements for high school graduation
20 that were in effect at the time the student entered 9th grade,
21 provided the student's enrollment was continuous.

22 (9) RULES.--The State Board of Education shall adopt
23 rules pursuant to ss. 120.536(1) and 120.54 to implement the
24 provisions of this section.

25 Section 370. Section 1008.23, Florida Statutes, is
26 created to read:

27 1008.23 Confidentiality of assessment
28 instruments.--All examination and assessment instruments,
29 including developmental materials and workpapers directly
30 related thereto, which are prepared, prescribed, or
31 administered pursuant to ss. 1003.43, 1008.22, and 1008.25

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1 shall be confidential and exempt from the provisions of s.
2 119.07(1) and from s. 1001.52. Provisions governing access,
3 maintenance, and destruction of such instruments and related
4 materials shall be prescribed by rules of the State Board of
5 Education.

6 Section 371. Section 1008.24, Florida Statutes, is
7 created to read:

8 1008.24 Test security.--

9 (1) It is unlawful for anyone knowingly and willfully
10 to violate test security rules adopted by the State Board of
11 Education for mandatory tests administered by or through the
12 State Board of Education or the Commissioner of Education to
13 students, educators, or applicants for certification or
14 administered by school districts pursuant to s. 1008.22, or,
15 with respect to any such test, knowingly and willfully to:

16 (a) Give examinees access to test questions prior to
17 testing;

18 (b) Copy, reproduce, or use in any manner inconsistent
19 with test security rules all or any portion of any secure test
20 booklet;

21 (c) Coach examinees during testing or alter or
22 interfere with examinees' responses in any way;

23 (d) Make answer keys available to examinees;

24 (e) Fail to follow security rules for distribution and
25 return of secure test as directed, or fail to account for all
26 secure test materials before, during, and after testing;

27 (f) Fail to follow test administration directions
28 specified in the test administration manuals; or

29 (g) Participate in, direct, aid, counsel, assist in,
30 or encourage any of the acts prohibited in this section.

31 (2) Any person who violates this section commits a

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1 misdemeanor of the first degree, punishable as provided in s.
2 775.082 or s. 775.083.

3 (3) A district school superintendent, a president of a
4 public postsecondary educational institution, or a president
5 of a nonpublic postsecondary educational institution shall
6 cooperate with the Commissioner of Education in any
7 investigation concerning the administration of a test
8 administered pursuant to state statute or rule.

9 Section 372. Section 1008.25, Florida Statutes, is
10 created to read:

11 1008.25 Public school student progression; remedial
12 instruction; reporting requirements.--

13 (1) INTENT.--It is the intent of the Legislature that
14 each student's progression from one grade to another be
15 determined, in part, upon proficiency in reading, writing,
16 science, and mathematics; that district school board policies
17 facilitate such proficiency; and that each student and his or
18 her parent be informed of that student's academic progress.

19 (2) COMPREHENSIVE PROGRAM.--Each district school board
20 shall establish a comprehensive program for student
21 progression which must include:

22 (a) Standards for evaluating each student's
23 performance, including how well he or she masters the
24 performance standards approved by the State Board of
25 Education.

26 (b) Specific levels of performance in reading,
27 writing, science, and mathematics for each grade level,
28 including the levels of performance on statewide assessments
29 as defined by the commissioner, below which a student must
30 receive remediation, or be retained within an intensive
31 program that is different from the previous year's program and

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1 that takes into account the student's learning style.

2 (c) Appropriate alternative placement for a student
3 who has been retained 2 or more years.

4 (3) ALLOCATION OF RESOURCES.--District school boards
5 shall allocate remedial and supplemental instruction resources
6 to students in the following priority:

7 (a) Students who are deficient in reading by the end
8 of grade 3.

9 (b) Students who fail to meet performance levels
10 required for promotion consistent with the district school
11 board's plan for student progression required in paragraph
12 (2)(b).

13 (4) ASSESSMENT AND REMEDIATION.--

14 (a) Each student must participate in the statewide
15 assessment tests required by s. 1008.22. Each student who does
16 not meet specific levels of performance as determined by the
17 district school board in reading, writing, science, and
18 mathematics for each grade level, or who does not meet
19 specific levels of performance as determined by the
20 commissioner on statewide assessments at selected grade
21 levels, must be provided with additional diagnostic
22 assessments to determine the nature of the student's
23 difficulty and areas of academic need.

24 (b) The school in which the student is enrolled must
25 develop, in consultation with the student's parent, and must
26 implement an academic improvement plan designed to assist the
27 student in meeting state and district expectations for
28 proficiency. Beginning with the 2002-2003 school year, if the
29 student has been identified as having a deficiency in reading,
30 the academic improvement plan shall identify the student's
31 specific areas of deficiency in phonemic awareness, phonics,

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1 fluency, comprehension, and vocabulary; the desired levels of
2 performance in these areas; and the instructional and support
3 services to be provided to meet the desired levels of
4 performance. Schools shall also provide for the frequent
5 monitoring of the student's progress in meeting the desired
6 levels of performance. District school boards shall assist
7 schools and teachers to implement research-based reading
8 activities that have been shown to be successful in teaching
9 reading to low-performing students. Remedial instruction
10 provided during high school may not be in lieu of English and
11 mathematics credits required for graduation.

12 (c) Upon subsequent evaluation, if the documented
13 deficiency has not been remediated in accordance with the
14 academic improvement plan, the student may be retained. Each
15 student who does not meet the minimum performance expectations
16 defined by the Commissioner of Education for the statewide
17 assessment tests in reading, writing, science, and mathematics
18 must continue to be provided with remedial or supplemental
19 instruction until the expectations are met or the student
20 graduates from high school or is not subject to compulsory
21 school attendance.

22 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

23 (a) It is the ultimate goal of the Legislature that
24 every student read at or above grade level. Any student who
25 exhibits a substantial deficiency in reading, based upon
26 locally determined or statewide assessments conducted in
27 kindergarten or grade 1, grade 2, or grade 3, or through
28 teacher observations, must be given intensive reading
29 instruction immediately following the identification of the
30 reading deficiency. The student's reading proficiency must be
31 reassessed by locally determined assessments or through

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1 teacher observations at the beginning of the grade following
2 the intensive reading instruction. The student must continue
3 to be provided with intensive reading instruction until the
4 reading deficiency is remedied.

5 (b) Beginning with the 2002-2003 school year, if the
6 student's reading deficiency, as identified in paragraph (a),
7 is not remedied by the end of grade 3, as demonstrated by
8 scoring at Level 2 or higher on the statewide assessment test
9 in reading for grade 3, the student must be retained.

10 (c) Beginning with the 2002-2003 school year, the
11 parent of any student who exhibits a substantial deficiency in
12 reading, as described in paragraph (a), must be notified in
13 writing of the following:

14 1. That his or her child has been identified as having
15 a substantial deficiency in reading.

16 2. A description of the current services that are
17 provided to the child.

18 3. A description of the proposed supplemental
19 instructional services and supports that will be provided to
20 the child that are designed to remediate the identified area
21 of reading deficiency.

22 4. That if the child's reading deficiency is not
23 remediated by the end of grade 3, the child must be retained
24 unless he or she is exempt from mandatory retention for good
25 cause.

26 (6) ELIMINATION OF SOCIAL PROMOTION.--

27 (a) No student may be assigned to a grade level based
28 solely on age or other factors that constitute social
29 promotion.

30 (b) The district school board may only exempt students
31 from mandatory retention, as provided in paragraph (5)(b), for

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1 good cause. Good cause exemptions shall be limited to the
2 following:

3 1. Limited English proficient students who have had
4 less than 2 years of instruction in an English for Speakers of
5 Other Languages program.

6 2. Students with disabilities whose individual
7 education plan indicates that participation in the statewide
8 assessment program is not appropriate, consistent with the
9 requirements of State Board of Education rule.

10 3. Students who demonstrate an acceptable level of
11 performance on an alternative standardized reading assessment
12 approved by the State Board of Education.

13 4. Students who demonstrate, through a student
14 portfolio, that the student is reading on grade level as
15 evidenced by demonstration of mastery of the Sunshine State
16 Standards in reading equal to at least a Level 2 performance
17 on the FCAT.

18 5. Students with disabilities who participate in the
19 FCAT and who have an individual education plan or a Section
20 504 plan that reflects that the student has received the
21 intensive remediation in reading, as required by paragraph
22 (4)(b), for more than 2 years but still demonstrates a
23 deficiency in reading and was previously retained in
24 kindergarten, grade 1, or grade 2.

25 6. Students who have received the intensive
26 remediation in reading as required by paragraph (4)(b) for 2
27 or more years but still demonstrate a deficiency in reading
28 and who were previously retained in kindergarten, grade 1, or
29 grade 2 for a total of 2 years. Intensive reading instruction
30 for students so promoted must include an altered instructional
31 day based upon an academic improvement plan that includes

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1 specialized diagnostic information and specific reading
2 strategies for each student. The district school board shall
3 assist schools and teachers to implement reading strategies
4 that research has shown to be successful in improving reading
5 among low performing readers.

6 (c) Requests for good cause exemptions for students
7 from the mandatory retention requirement as described in
8 subparagraphs (b)3. and 4. shall be made consistent with the
9 following:

10 1. Documentation shall be submitted from the student's
11 teacher to the school principal that indicates that the
12 promotion of the student is appropriate and is based upon the
13 student's academic record. In order to minimize paperwork
14 requirements, such documentation shall consist only of the
15 existing academic improvement plan, individual educational
16 plan, if applicable, report card, or student portfolio.

17 2. The school principal shall review and discuss such
18 recommendation with the teacher and make the determination as
19 to whether the student should be promoted or retained. If the
20 school principal determines that the student should be
21 promoted, the school principal shall make such recommendation
22 in writing to the district school superintendent. The
23 district school superintendent shall accept or reject the
24 school principal's recommendation in writing.

25 (7) ANNUAL REPORT.--

26 (a) In addition to the requirements in paragraph
27 (5)(b), each district school board must annually report to the
28 parent of each student the progress of the student towards
29 achieving state and district expectations for proficiency in
30 reading, writing, science, and mathematics. The district
31 school board must report to the parent the student's results

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1 on each statewide assessment test. The evaluation of each
2 student's progress must be based upon the student's classroom
3 work, observations, tests, district and state assessments, and
4 other relevant information. Progress reporting must be
5 provided to the parent in writing in a format adopted by the
6 district school board.

7 (b) Beginning with the 2001-2002 school year, each
8 district school board must annually publish in the local
9 newspaper, and report in writing to the State Board of
10 Education by September 1 of each year, the following
11 information on the prior school year:

12 1. The provisions of this section relating to public
13 school student progression and the district school board's
14 policies and procedures on student retention and promotion.

15 2. By grade, the number and percentage of all students
16 in grades 3 through 10 performing at Levels 1 and 2 on the
17 reading portion of the FCAT.

18 3. By grade, the number and percentage of all students
19 retained in grades 3 through 10.

20 4. Information on the total number of students who
21 were promoted for good cause, by each category of good cause
22 as specified in paragraph (6)(b).

23 5. Any revisions to the district school board's policy
24 on student retention and promotion from the prior year.

25 (8) STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

26 (a) The State Board of Education shall have authority
27 as provided in s. 1008.32 to enforce this section.

28 (b) The State Board of Education shall adopt rules
29 pursuant to ss. 120.536(1) and 120.54 for the administration
30 of this section.

31 (9) TECHNICAL ASSISTANCE.--The department shall

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1 provide technical assistance as needed to aid district school
2 boards in administering this section.

3 Section 373. Section 1008.29, Florida Statutes, is
4 created to read:

5 1008.29 College-level communication and mathematics
6 skills examination (CLAST).--

7 (1) It is the intent of the Legislature that the
8 examination of college-level communication and mathematics
9 skills provided in s. 1008.345(3) serve as a mechanism for
10 students to demonstrate that they have mastered the academic
11 competencies prerequisite to upper-division undergraduate
12 instruction. It is further intended that the examination
13 serve as both a summative evaluation instrument prior to
14 student enrollment in upper-division programs and as a source
15 of information for student advisers. It is not intended that
16 student passage of the examination supplant the need for a
17 student to complete the general education curriculum
18 prescribed by an institution.

19 (2) Public postsecondary educational institutions
20 shall administer a minimum of two administrations, one of
21 which may consist of an alternative administration, of the
22 college-level communication and computation skills examination
23 per academic term. Such administrations shall be available to
24 all lower-division students seeking associate in arts or
25 baccalaureate degrees upon completion of at least 18 semester
26 hours or the equivalent. Public postsecondary educational
27 institutions shall report at a minimum the examination scores
28 of all students tested at each administration of the
29 college-level communication and computation skills
30 examination.

31 (3) No public postsecondary educational institution

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1 shall confer an associate in arts or baccalaureate degree upon
2 any student who fails to complete successfully the examination
3 of college-level communication and computation skills.

4 Students who received their associate in arts degree prior to
5 September 1, 1982, shall be exempt from the provisions of this
6 subsection.

7 (4) The State Board of Education, by rule, shall set
8 the minimum scores that constitute successful completion of
9 the examination. In establishing the minimum scores that
10 constitute successful completion of the examination, the State
11 Board of Education shall consider any possible negative impact
12 of the tests on minority students. Determinations regarding a
13 student's successful completion of the examination shall be
14 based on the minimum standards prescribed by rule for the date
15 the student initially takes the examination.

16 (5) Any student who, in the best professional opinion
17 of the university, has a specific learning disability such
18 that the student can not demonstrate successful completion of
19 one or more sections of the college-level communication and
20 computation skills examination and is achieving at the college
21 level in every area except that of the disability, and whose
22 diagnosis indicates that further remediation will not succeed
23 in overcoming the disability, may appeal through the
24 appropriate dean to a committee appointed by the president or
25 vice president for academic affairs for special consideration.
26 The committee shall examine the evidence of the student's
27 academic and medical records and may hear testimony relevant
28 to the case. The committee may grant a waiver for one or more
29 sections of the college-level communication and computation
30 skills examination based on the results of its review.

31 (6) Each public postsecondary educational institution

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1 president shall establish a committee to consider requests for
2 waivers from the provisions of subsection (3). The committee
3 shall be chaired by the chief academic officer of the
4 institution and shall have four additional members appointed
5 by the president: a member of the mathematics department, a
6 member of the English department, the institutional test
7 administrator, and a fourth faculty member from a department
8 other than English or mathematics. Any student who has taken a
9 subtest of the examination required by this section at least
10 four times and has not achieved a passing score, but has
11 otherwise demonstrated proficiency in coursework in the same
12 subject area, may request a waiver from that particular
13 subtest. Waivers shall be considered only after students have
14 been provided test accommodations or other administrative
15 adjustments to permit the accurate measurement of the
16 student's proficiency in the subject areas measured by the
17 examination authorized in this section. The committee shall
18 consider the student's educational records and other evidence
19 as to whether the student should be able to pass the subtest
20 under consideration. A waiver may be recommended to the
21 president upon majority vote of the committee. The president
22 may approve or disapprove the recommendation. The president
23 may not approve a request which the committee has disapproved.
24 If a waiver for a given subtest is approved, the student's
25 transcript shall include a statement that the student did not
26 meet the requirements of subsection (3) and that a waiver was
27 granted.

28 (7) The State Board of Education, by rule, shall
29 establish fees for the administration of the examination to
30 private postsecondary students.

31 (8) The State Board of Education, by rule, shall

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1 establish fees for the administration of the examination at
2 times other than regularly scheduled dates to accommodate
3 examinees who are unable to be tested on those dates. The
4 board shall establish the conditions under which examinees may
5 be admitted to the special administrations.

6 (9) Any student fulfilling one or both of the
7 following requirements before completion of associate in arts
8 degree requirements or baccalaureate degree requirements is
9 exempt from the testing requirements of this section:

10 (a) Achieves a score that meets or exceeds a minimum
11 score on a nationally standardized examination, as established
12 by the State Board of Education; or

13 (b) Demonstrates successful remediation of any
14 academic deficiencies identified by the college placement test
15 and achieves a cumulative grade point average of 2.5 or above,
16 on a 4.0 scale, in postsecondary-level coursework identified
17 by the State Board of Education. The Department of Education
18 shall specify the means by which a student may demonstrate
19 successful remediation.

20
21 Any student denied a degree prior to January 1, 1996, based on
22 the failure of at least one subtest of the CLAST may use
23 either of the alternatives specified in this subsection for
24 receipt of a degree if such student meets all degree program
25 requirements at the time of application for the degree under
26 the exemption provisions of this subsection. This section does
27 not require a student to take the CLAST before being given the
28 opportunity to use any of the alternatives specified in this
29 subsection. The exemptions provided herein do not apply to
30 requirements for certification as provided in s. 1012.56.

31 Section 374. Section 1008.30, Florida Statutes, is

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1 created to read:

2 1008.30 Common placement testing for public
3 postsecondary education.--

4 (1) The State Board of Education shall develop and
5 implement a common placement test for the purpose of assessing
6 the basic computation and communication skills of students who
7 intend to enter a degree program at any public postsecondary
8 educational institution. The State Board of Education shall
9 adopt rules which enable public postsecondary educational
10 institutions to implement appropriate modifications of the
11 test instruments or test procedures for students with
12 disabilities.

13 (2) The common placement testing program shall include
14 at a minimum the following: the capacity to diagnose basic
15 competencies in the areas of English, reading, and mathematics
16 which are essential to perform college-level work;
17 prerequisite skills that relate to progressively advanced
18 instruction in mathematics, such as algebra and geometry;
19 prerequisite skills that relate to progressively advanced
20 instruction in language arts, such as English composition and
21 literature; prerequisite skills which relate to the College
22 Level Academic Skills Test (CLAST); and provision of test
23 information to students on the specific deficiencies.

24 (3) The State Board of Education shall adopt rules
25 that would require high schools to give the common placement
26 test prescribed in this section, or an equivalent test
27 identified by the State Board of Education, at the beginning
28 of the tenth grade year before enrollment in the eleventh
29 grade year in public high school for the purpose of obtaining
30 remedial instruction prior to entering public postsecondary
31 education.

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1 (4)(a) Public postsecondary educational institution
2 students who have been identified as requiring additional
3 preparation pursuant to subsection (1) shall enroll in
4 college-preparatory or other adult education pursuant to s.
5 1004.93 in community colleges to develop needed college-entry
6 skills. These students shall be permitted to take courses
7 within their degree program concurrently in other curriculum
8 areas for which they are qualified while enrolled in
9 college-preparatory instruction courses. A student enrolled
10 in a college-preparatory course may concurrently enroll only
11 in college credit courses that do not require the skills
12 addressed in the college-preparatory course. The State Board
13 of Education shall specify the college credit courses that are
14 acceptable for students enrolled in each college-preparatory
15 skill area, pursuant to s. 1001.02(7)(g). A student who wishes
16 to earn an associate in arts or a baccalaureate degree, but
17 who is required to complete a college-preparatory course, must
18 successfully complete the required college-preparatory studies
19 by the time the student has accumulated 12 hours of
20 lower-division college credit degree coursework; however, a
21 student may continue enrollment in degree-earning coursework
22 provided the student maintains enrollment in
23 college-preparatory coursework for each subsequent semester
24 until college-preparatory coursework requirements are
25 completed, and the student demonstrates satisfactory
26 performance in degree-earning coursework. A passing score on
27 a standardized, institutionally developed test must be
28 achieved before a student is considered to have met basic
29 computation and communication skills requirements; however, no
30 student shall be required to retake any test or subtest that
31 was previously passed by said student. Credit awarded for

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1 college-preparatory instruction may not be counted towards
2 fulfilling the number of credits required for a degree.

3 (b) The university board of trustees may contract with
4 a community college board of trustees for the community
5 college to provide such instruction on the state university
6 campus. Any state university in which the percentage of
7 incoming students requiring college-preparatory instruction
8 equals or exceeds the average percentage of such students for
9 the community college system may offer college-preparatory
10 instruction without contracting with a community college;
11 however, any state university offering college-preparatory
12 instruction as of January 1, 1996, may continue to provide
13 such services.

14 (5) A student may not be enrolled in a college credit
15 mathematics or English course on a dual enrollment basis
16 unless the student has demonstrated adequate precollegiate
17 preparation on the section of the basic computation and
18 communication skills assessment required pursuant to
19 subsection (1) that is appropriate for successful student
20 participation in the course.

21 Section 375. Part II of chapter 1008, Florida
22 Statutes, shall be entitled "Accountability, K-20" and shall
23 consist of ss. 1008.31-1008.46.

24 Section 376. Section 1008.31, Florida Statutes, is
25 created to read:

26 1008.31 Florida's K-20 education performance
27 accountability system; legislative intent; performance-based
28 funding; mission, goals, and systemwide measures.--

29 (1) LEGISLATIVE INTENT.--It is the intent of the
30 Legislature that:

31 (a) The performance accountability system implemented

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1 to assess the effectiveness of Florida's seamless K-20
2 education delivery system provide answers to the following
3 questions in relation to its mission and goals:

4 1. What is the public receiving in return for funds it
5 invests in education?

6 2. How effectively is Florida's K-20 education system
7 educating its students?

8 3. How effectively are the major delivery sectors
9 promoting student achievement?

10 4. How are individual schools and postsecondary
11 education institutions performing their responsibility to
12 educate their students as measured by how students are
13 performing and how much they are learning?

14 (b) The State Board of Education recommend to the
15 Legislature systemwide performance standards; the Legislature
16 establish systemwide performance measures and standards; and
17 the systemwide measures and standards provide Floridians with
18 information on what the public is receiving in return for the
19 funds it invests in education and how well the K-20 system
20 educates its students.

21 (c) The State Board of Education establish performance
22 measures and set performance standards for individual
23 components of the public education system, including
24 individual schools and postsecondary educational institutions,
25 with measures and standards based primarily on student
26 achievement.

27 (2) PERFORMANCE-BASED FUNDING.--The State Board of
28 Education shall cooperate with the Commissioner of Education
29 and each delivery system to develop proposals for
30 performance-based funding, using performance measures
31 established by the Legislature. The proposals must provide

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1 that at least 10 percent of the state funds appropriated for
2 the K-20 education system are conditional upon meeting or
3 exceeding established performance standards. The State Board
4 of Education must submit the recommendations to the
5 Legislature in the following sequence:

6 (a) By December 1, 2002, recommendations for state
7 universities, for consideration by the 2003 Legislature and
8 implementation in the 2003-2004 fiscal year.

9 (b) By December 1, 2003, recommendations for public
10 schools and workforce education, for consideration by the 2004
11 Legislature and implementation in the 2004-2005 fiscal year.

12 (c) By December 1, 2004, recommendations for community
13 colleges, for consideration by the 2005 Legislature and
14 implementation in the 2005-2006 fiscal year.

15 (d) By December 1, 2005, recommendations for all other
16 programs that receive state funds within the Department of
17 Education.

18 (3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The
19 mission of Florida's K-20 education system shall be to
20 increase the proficiency of all students within one seamless,
21 efficient system, by allowing them the opportunity to expand
22 their knowledge and skills through learning opportunities and
23 research valued by students, parents, and communities, and to
24 maintain an accountability system that measures student
25 progress toward the following goals:

26 (a) Highest student achievement, as measured by:
27 student FCAT performance and annual learning gains; the number
28 and percentage of schools that improve at least one school
29 performance grade designation or maintain a school performance
30 grade designation of "A" pursuant to s. 1008.34; graduation or
31 completion rates at all learning levels; and other measures

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1 identified in law or rule.

2 (b) Seamless articulation and maximum access, as
3 measured by: the percentage of students who demonstrate
4 readiness for the educational level they are entering, from
5 kindergarten through postsecondary education and into the
6 workforce; the number and percentage of students needing
7 remediation; the percentage of Floridians who complete
8 associate, baccalaureate, professional, and postgraduate
9 degrees; the number and percentage of credits that articulate;
10 the extent to which each set of exit-point requirements
11 matches the next set of entrance-point requirements; and other
12 measures identified in law or rule.

13 (c) Skilled workforce and economic development, as
14 measured by: the number and percentage of graduates employed
15 in their areas of preparation; the percentage of Floridians
16 with high school diplomas and postsecondary education
17 credentials; the percentage of business and community members
18 who find that Florida's graduates possess the skills they
19 need; and other measures identified in law or rule.

20 (d) Quality efficient services, as measured by: cost
21 per completer or graduate; average cost per noncompleter at
22 each educational level; cost disparity across institutions
23 offering the same degrees; the percentage of education
24 customers at each educational level who are satisfied with the
25 education provided; and other measures identified in law or
26 rule.

27 (4) SYSTEMWIDE DATA COLLECTION.--School districts and
28 public postsecondary educational institutions shall maintain
29 information systems that will provide the State Board of
30 Education and the Legislature with information and reports at
31 a level of comprehensiveness and quality no less than that

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1 which was available as of June 30, 2001.

2 Section 377. Section 1008.32, Florida Statutes, is
3 created to read:

4 1008.32 State Board of Education oversight enforcement
5 authority.--The State Board of Education shall oversee the
6 performance of district school boards and public postsecondary
7 educational institution boards in enforcement of all laws and
8 rules. District school boards and public postsecondary
9 educational institution boards shall be primarily responsible
10 for compliance with law and state board rule.

11 (1) In order to ensure compliance with law or state
12 board rule, the State Board of Education shall have the
13 authority to request and receive information, data, and
14 reports from school districts and public postsecondary
15 educational institutions. District school superintendents and
16 public postsecondary educational institution presidents are
17 responsible for the accuracy of the information and data
18 reported to the state board.

19 (2) The Commissioner of Education may investigate
20 allegations of noncompliance with law or state board rule and
21 determine probable cause, the commissioner shall report to the
22 State Board of Education which shall require the district
23 school board or public postsecondary educational institution
24 board to document compliance with law or state board rule.

25 (3) If the district school board or public
26 postsecondary educational institution board cannot
27 satisfactorily document compliance, the State Board of
28 Education may order compliance within a specified timeframe.

29 (4) If the State Board of Education determines that a
30 district school board or public postsecondary educational
31 institution board is unwilling or unable to comply with law or

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1 state board rule within the specified time, the state board
2 shall have the authority to initiate any of the following
3 actions:

4 (a) Report to the Legislature that the school district
5 or public postsecondary educational institution has been
6 unwilling or unable to comply with law or state board rule and
7 recommend action to be taken by the Legislature.

8 (b) Reduce the discretionary lottery appropriation
9 until the school district or public postsecondary education
10 institution complies with the law or state board rule.

11 (c) Withhold the transfer of state funds,
12 discretionary grant funds, or any other funds specified as
13 eligible for this purpose by the Legislature until the school
14 district or public postsecondary educational institution
15 complies with the law or state board rule.

16 (d) Declare the school district or public
17 postsecondary educational institution ineligible for
18 competitive grants.

19 (e) Require monthly or periodic reporting on the
20 situation related to noncompliance until it is remedied.

21 (5) Nothing in this section shall be construed to
22 create a private cause of action or create any rights for
23 individuals or entities in addition to those provided
24 elsewhere in law or rule.

25 Section 378. Section 1008.33, Florida Statutes, is
26 created to read:

27 1008.33 Authority to enforce public school
28 improvement.--It is the intent of the Legislature that all
29 public schools be held accountable for students performing at
30 acceptable levels. A system of school improvement and
31 accountability that assesses student performance by school,

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1 identifies schools in which students are not making adequate
2 progress toward state standards, institutes appropriate
3 measures for enforcing improvement, and provides rewards and
4 sanctions based on performance shall be the responsibility of
5 the State Board of Education.

6 (1) Pursuant to Art. IX of the State Constitution
7 prescribing the duty of the State Board of Education to
8 supervise Florida's public school system and notwithstanding
9 any other statutory provisions to the contrary, the State
10 Board of Education shall intervene in the operation of a
11 district school system when one or more schools in the school
12 district have failed to make adequate progress for 2 school
13 years in a 4-year period. For purposes of determining when a
14 school is eligible for state board action and opportunity
15 scholarships for its students, the terms "2 years in any
16 4-year period" and "2 years in a 4-year period" mean that in
17 any year that a school has a grade of "F," the school is
18 eligible for state board action and opportunity scholarships
19 for its students if it also has had a grade of "F" in any of
20 the previous 3 school years. The State Board of Education may
21 determine that the school district or school has not taken
22 steps sufficient for students in the school to be academically
23 well served. Considering recommendations of the Commissioner
24 of Education, the State Board of Education shall recommend
25 action to a district school board intended to improve
26 educational services to students in each school that is
27 designated as performance grade category "F." Recommendations
28 for actions to be taken in the school district shall be made
29 only after thorough consideration of the unique
30 characteristics of a school, which shall include student
31 mobility rates, the number and type of exceptional students

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1 enrolled in the school, and the availability of options for
2 improved educational services. The state board shall adopt by
3 rule steps to follow in this process. Such steps shall
4 provide school districts sufficient time to improve student
5 performance in schools and the opportunity to present evidence
6 of assistance and interventions that the district school board
7 has implemented.

8 (2) The State Board of Education may recommend one or
9 more of the following actions to district school boards to
10 enable students in schools designated as performance grade
11 category "F" to be academically well served by the public
12 school system:

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

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

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

24 (d) Allow parents of students in the school to send
25 their children to another district school of their choice; or

26 (e) Other action appropriate to improve the school's
27 performance.

28 (3) In recommending actions to district school boards,
29 the State Board of Education shall specify the length of time
30 available to implement the recommended action. The State
31 Board of Education may adopt rules to further specify how it

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1 may respond in specific circumstances. No action taken by the
2 State Board of Education shall relieve a school from state
3 accountability requirements.

4 (4) The State Board of Education may require the
5 Department of Education or Comptroller to withhold any
6 transfer of state funds to the school district if, within the
7 timeframe specified in state board action, the school district
8 has failed to comply with the action ordered to improve the
9 district's low-performing schools. Withholding the transfer of
10 funds shall occur only after all other recommended actions for
11 school improvement have failed to improve performance. The
12 State Board of Education may impose the same penalty on any
13 district school board that fails to develop and implement a
14 plan for assistance and intervention for low-performing
15 schools as specified in s. 1001.42(16)(c).

16 Section 379. Section 1008.34, Florida Statutes, is
17 created to read:

18 1008.34 School grading system; district performance
19 grade.--

20 (1) ANNUAL REPORTS.--The Commissioner of Education
21 shall prepare annual reports of the results of the statewide
22 assessment program which describe student achievement in the
23 state, each district, and each school. The commissioner shall
24 prescribe the design and content of these reports, which must
25 include, without limitation, descriptions of the performance
26 of all schools participating in the assessment program and all
27 of their major student populations as determined by the
28 Commissioner of Education, and must also include the median
29 scores of all eligible students who scored at or in the lowest
30 25th percentile of the state in the previous school year;
31 provided, however, that the provisions of s. 1002.22

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1 pertaining to student records apply to this section.

2 (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual
3 report shall identify schools as being in one of the following
4 grade categories defined according to rules of the State Board
5 of Education:

6 (a) "A," schools making excellent progress.

7 (b) "B," schools making above average progress.

8 (c) "C," schools making satisfactory progress.

9 (d) "D," schools making less than satisfactory
10 progress.

11 (e) "F," schools failing to make adequate progress.

12
13 Each school designated in performance grade category "A,"
14 making excellent progress, or having improved at least two
15 performance grade categories, shall have greater authority
16 over the allocation of the school's total budget generated
17 from the FEFP, state categoricals, lottery funds, grants, and
18 local funds, as specified in state board rule. The rule must
19 provide that the increased budget authority shall remain in
20 effect until the school's performance grade declines.

21 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE
22 CATEGORIES.--School performance grade category designations
23 itemized in subsection (2) shall be based on the following:

24 (a) Timeframes.--

25 1. School performance grade category designations
26 shall be based on the school's current year performance and
27 the school's annual learning gains.

28 2. A school's performance grade category designation
29 shall be based on a combination of student achievement scores,
30 student learning gains as measured by annual FCAT assessments
31 in grades 3 through 10, and improvement of the lowest 25th

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1 percentile of students in the school in reading, math, or
2 writing on the FCAT, unless these students are performing
3 above satisfactory performance.

4 (b) Student assessment data.--Student assessment data
5 used in determining school performance grade categories shall
6 include:

7 1. The aggregate scores of all eligible students
8 enrolled in the school who have been assessed on the FCAT.

9 2. The aggregate scores of all eligible students
10 enrolled in the school who have been assessed on the FCAT,
11 including Florida Writes, and who have scored at or in the
12 lowest 25th percentile of students in the school in reading,
13 math, or writing, unless these students are performing above
14 satisfactory performance.

15
16 The Department of Education shall study the effects of
17 mobility on the performance of highly mobile students and
18 recommend programs to improve the performance of such
19 students. The State Board of Education shall adopt appropriate
20 criteria for each school performance grade category. The
21 criteria must also give added weight to student achievement in
22 reading. Schools designated as performance grade category "C,"
23 making satisfactory progress, shall be required to demonstrate
24 that adequate progress has been made by students in the school
25 who are in the lowest 25th percentile in reading, math, or
26 writing on the FCAT, including Florida Writes, unless these
27 students are performing above satisfactory performance.

28 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report
29 shall identify each school's performance as having improved,
30 remained the same, or declined. This school improvement rating
31 shall be based on a comparison of the current year's and

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1 previous year's student and school performance data. Schools
2 that improve at least one performance grade category are
3 eligible for school recognition awards pursuant to s. 1008.36.

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

13 (6) RULES.--The State Board of Education shall adopt
14 rules pursuant to ss. 120.536(1) and 120.54 to implement the
15 provisions of this section.

16 (7) PERFORMANCE-BASED FUNDING.--The Legislature may
17 factor in the performance of schools in calculating any
18 performance-based funding policy that is provided for annually
19 in the General Appropriations Act.

20 (8) DISTRICT PERFORMANCE GRADE.--The annual report
21 required by subsection (1) shall include district performance
22 grades, which shall consist of weighted district average
23 grades, by level, for all elementary schools, middle schools,
24 and high schools in the district. A district's weighted
25 average grade shall be calculated by weighting individual
26 school grades determined pursuant to subsection (2) by school
27 enrollment.

28 Section 380. Section 1008.345, Florida Statutes, is
29 created to read:

30 1008.345 Implementation of state system of school
31 improvement and education accountability.--

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1 (1) The Commissioner of Education is responsible for
2 implementing and maintaining a system of intensive school
3 improvement and stringent education accountability, which
4 shall include policies and programs to implement the
5 following:

6 (a) A system of data collection and analysis that will
7 improve information about the educational success of
8 individual students and schools, including schools operating
9 for the purpose of providing educational services to youth in
10 Department of Juvenile Justice programs. The information and
11 analyses must be capable of identifying educational programs
12 or activities in need of improvement, and reports prepared
13 pursuant to this paragraph shall be distributed to the
14 appropriate district school boards prior to distribution to
15 the general public. This provision shall not preclude access
16 to public records as provided in chapter 119.

17 (b) A program of school improvement that will analyze
18 information to identify schools, including schools operating
19 for the purpose of providing educational services to youth in
20 Department of Juvenile Justice programs, educational programs,
21 or educational activities in need of improvement.

22 (c) A method of delivering services to assist school
23 districts and schools to improve, including schools operating
24 for the purpose of providing educational services to youth in
25 Department of Juvenile Justice programs.

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

29 (2) The commissioner shall be held responsible for the
30 implementation and maintenance of the system of school
31 improvement and education accountability outlined in this

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1 section. There shall be an annual determination of whether
2 adequate progress is being made toward implementing and
3 maintaining a system of school improvement and education
4 accountability.

5 (3) The annual feedback report shall be developed by
6 the Department of Education.

7 (4) The commissioner shall review each district school
8 board's feedback report and submit findings to the State Board
9 of Education. If adequate progress is not being made toward
10 implementing and maintaining a system of school improvement
11 and education accountability, the State Board of Education
12 shall direct the commissioner to prepare and implement a
13 corrective action plan. The commissioner and State Board of
14 Education shall monitor the development and implementation of
15 the corrective action plan.

16 (5) The commissioner shall report to the Legislature
17 and recommend changes in state policy necessary to foster
18 school improvement and education accountability. Included in
19 the report shall be a list of the schools, including schools
20 operating for the purpose of providing educational services to
21 youth in Department of Juvenile Justice programs, for which
22 district school boards have developed assistance and
23 intervention plans and an analysis of the various strategies
24 used by the school boards. School reports shall be distributed
25 pursuant to this subsection and s. 1001.42(16)(e) and
26 according to rules adopted by the State Board of Education.

27 (6)(a) The Department of Education shall implement a
28 training program to develop among state and district educators
29 a cadre of facilitators of school improvement. These
30 facilitators shall assist schools and districts to conduct
31 needs assessments and develop and implement school improvement

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1 plans to meet state goals.

2 (b) Upon request, the department shall provide
3 technical assistance and training to any school, including any
4 school operating for the purpose of providing educational
5 services to youth in Department of Juvenile Justice programs,
6 school advisory council, district, or district school board
7 for conducting needs assessments, developing and implementing
8 school improvement plans, developing and implementing
9 assistance and intervention plans, or implementing other
10 components of school improvement and accountability. Priority
11 for these services shall be given to schools designated as
12 performance grade category "D" or "F" and school districts in
13 rural and sparsely populated areas of the state.

14 (c) Pursuant to s. 24.121(5)(d), the department shall
15 not release funds from the Educational Enhancement Trust Fund
16 to any district in which a school, including schools operating
17 for the purpose of providing educational services to youth in
18 Department of Juvenile Justice programs, does not have an
19 approved school improvement plan, pursuant to s. 1001.42(16),
20 after 1 full school year of planning and development, or does
21 not comply with school advisory council membership composition
22 requirements pursuant to s. 1001.452. The department shall
23 send a technical assistance team to each school without an
24 approved plan to develop such school improvement plan or to
25 each school without appropriate school advisory council
26 membership composition to develop a strategy for corrective
27 action. The department shall release the funds upon approval
28 of the plan or upon establishment of a plan of corrective
29 action. Notice shall be given to the public of the
30 department's intervention and shall identify each school
31 without a plan or without appropriate school advisory council

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1 membership composition.

2 (d) The department shall assign a community assessment
3 team to each school district with a school designated as
4 performance grade category "D" or "F" to review the school
5 performance data and determine causes for the low performance.
6 The team shall make recommendations to the school board, to
7 the department, and to the State Board of Education for
8 implementing an assistance and intervention plan that will
9 address the causes of the school's low performance. The
10 assessment team shall include, but not be limited to, a
11 department representative, parents, business representatives,
12 educators, and community activists, and shall represent the
13 demographics of the community from which they are appointed.

14 (7)(a) Schools designated in performance grade
15 category "A," making excellent progress, shall, if requested
16 by the school, be given deregulated status as specified in s.
17 1003.63(5), (7), (8), (9), and (10).

18 (b) Schools that have improved at least two
19 performance grade categories and that meet the criteria of the
20 Florida School Recognition Program pursuant to s. 1008.36 may
21 be given deregulated status as specified in s. 1003.63(5),
22 (7), (8), (9), and (10).

23 (8) As a part of the system of educational
24 accountability, the Department of Education shall:

25 (a) Develop minimum performance standards for various
26 grades and subject areas, as required in ss. 1001.03, 1008.22,
27 and 1008.34.

28 (b) Administer the statewide assessment testing
29 program created by s. 1008.22.

30 (c) Review the school advisory councils of each
31 district as required by s. 1001.452.

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1 (d) Conduct the program evaluations required by s.
2 1001.03.

3 (e) Maintain a listing of college-level communication
4 and mathematics skills defined by the State Board of Education
5 as being associated with successful student performance
6 through the baccalaureate level and submit the same to the
7 State Board of Education for approval.

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

12 (g) Maintain for the information of the State Board of
13 Education and the Legislature a file of data to reflect
14 achievement of college-level communication and mathematics
15 competencies by students in state universities and community
16 colleges.

17 (h) Develop or contract for, and submit to the State
18 Board of Education for approval, tests which measure and
19 diagnose student achievement of college-level communication
20 and mathematics skills. Any tests and related documents
21 developed are exempt from the provisions of s. 119.07(1). The
22 commissioner shall maintain statewide responsibility for the
23 administration of such tests and may assign administrative
24 responsibilities for the tests to any state university or
25 community college. The state board, upon recommendation of
26 the commissioner, may enter into contracts for such services
27 beginning in one fiscal year and continuing into the next year
28 which are paid from the appropriation for either or both
29 fiscal years.

30 (i) Perform any other functions that may be involved
31 in educational planning, research, and evaluation or that may

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1 be required by the commissioner, the State Board of Education,
2 or law.

3 Section 381. Section 1008.35, Florida Statutes, is
4 created to read:

5 1008.35 Best financial management practices for school
6 districts; standards; reviews; designation of school
7 districts.--

8 (1) The purpose of best financial management practices
9 reviews is to improve Florida school district management and
10 use of resources and to identify cost savings. The Office of
11 Program Policy Analysis and Government Accountability (OPPAGA)
12 and the Office of the Auditor General are directed to develop
13 a system for reviewing the financial management practices of
14 school districts. In this system, the Auditor General shall
15 assist OPPAGA in examining district operations to determine
16 whether they meet "best financial management practices."

17 (2) The best financial management practices adopted by
18 the Commissioner of Education may be updated periodically
19 after consultation with the Legislature, the Governor, the
20 Department of Education, school districts, and the Auditor
21 General. OPPAGA shall submit to the Commissioner of Education
22 for review and adoption proposed revisions to the best
23 financial management practices adopted by the commissioner.
24 The best financial management practices, at a minimum, must
25 instill public confidence by addressing the school district's
26 use of resources, identifying ways that the district could
27 save funds, and improving districts' performance
28 accountability systems, including public accountability. To
29 achieve these objectives, best practices shall be developed
30 for, but need not be limited to, the following areas:

31 (a) Management structures.

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- 1 (b) Performance accountability.
- 2 (c) Efficient delivery of educational services,
- 3 including instructional materials.
- 4 (d) Administrative and instructional technology.
- 5 (e) Personnel systems and benefits management.
- 6 (f) Facilities construction.
- 7 (g) Facilities maintenance.
- 8 (h) Student transportation.
- 9 (i) Food service operations.
- 10 (j) Cost control systems, including asset management,

11 risk management, financial management, purchasing, internal

12 auditing, and financial auditing.

13

14 In areas for which the commissioner has not adopted best

15 practices, OPPAGA may develop additional best financial

16 management practices, with input from a broad range of

17 stakeholders. OPPAGA shall present any additional best

18 practices to the commissioner for review and adoption. Revised

19 best financial management practices adopted by the

20 commissioner must be used in the next year's scheduled school

21 district reviews conducted according to this section.

22 (3) OPPAGA shall contract with a private firm selected

23 through a formal request for proposal process to perform the

24 review, to the extent that funds are provided for this purpose

25 in the General Appropriations Act each year. When sufficient

26 funds are not provided to contract for all the scheduled best

27 financial management practices reviews, OPPAGA shall conduct

28 the remaining reviews scheduled for that year, except as

29 otherwise provided in this act. At least one member of the

30 private firm review team shall have expertise in school

31 district finance. The scope of the review shall focus on the

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1 best practices adopted by the Commissioner of Education,
2 pursuant to subsection (2). OPPAGA may include additional
3 items in the scope of the review after seeking input from the
4 school district and the Department of Education.

5 (4) OPPAGA shall consult with the Commissioner of
6 Education throughout the best practices review process to
7 ensure that the technical expertise of the Department of
8 Education benefits the review process and supports the school
9 districts before, during, and after the review.

10 (5) It is the intent of the Legislature that each
11 school district shall be subject to a best financial
12 management practices review. The Legislature also intends that
13 all school districts shall be reviewed on a continuing 5-year
14 cycle, as follows, unless specified otherwise in the General
15 Appropriations Act, or as provided in this section:

16 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,
17 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River,
18 Monroe, Osceola, and Bradford.

19 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
20 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
21 and Franklin.

22 (c) Year 3: Palm Beach, Orange, Seminole, Lee,
23 Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie,
24 Liberty, and Lafayette.

25 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
26 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
27 Hardee, DeSoto, and Glades.

28 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
29 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
30 Washington, and Calhoun.

31 (6)(a) The Joint Legislative Auditing Committee may

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1 adjust the schedule of districts to be reviewed when
2 unforeseen circumstances prevent initiation of reviews
3 scheduled in a given year.

4 (b) Once the 5-year cycle has been completed, reviews
5 shall continue, beginning again with those districts included
6 in year one of the cycle unless a district has requested and
7 received a waiver as provided in subsection (17).

8 (7) At the direction of the Joint Legislative Auditing
9 Committee or the President of the Senate and the Speaker of
10 the House of Representatives, and subject to funding by the
11 Legislature, OPPAGA may conduct, or contract with a private
12 firm to conduct, up to two additional best financial
13 management practices reviews in districts not scheduled for
14 review during that year if such review is necessary to address
15 adverse financial conditions.

16 (8) Reviews shall be conducted by OPPAGA and the
17 consultant to the extent specifically funded by the
18 Legislature in the General Appropriations Act for this
19 purpose. Such funds may be used for the cost of reviews by
20 OPPAGA and private consultants contracted by the director of
21 OPPAGA. Costs may include professional services, travel
22 expenses of OPPAGA and staff of the Auditor General, and any
23 other necessary expenses incurred as part of a best financial
24 management practices review.

25 (9) Districts scheduled for review must complete a
26 self-assessment instrument provided by OPPAGA which indicates
27 the school district's evaluation of its performance on each
28 best practice. The district must begin the self-assessment not
29 later than 60 days prior to the commencement of the review.
30 The completed self-assessment instrument and supporting
31 documentation must be submitted to OPPAGA not later than the

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1 date of commencement of the review as notified by OPPAGA. The
2 best practice review team will use this self-assessment
3 information during their review of the district.

4 (10) During the review, OPPAGA and the consultant
5 conducting the review, if any, shall hold at least one
6 advertised public forum as part of the review in order to
7 explain the best financial management practices review process
8 and obtain input from students, parents, the business
9 community, and other district residents regarding their
10 concerns about the operations and management of the school
11 district.

12 (11) District reviews conducted under this section
13 must be completed within 6 months after commencement. OPPAGA
14 shall issue a final report to the President of the Senate, the
15 Speaker of the House of Representatives, and the district
16 regarding the district's use of best financial management
17 practices and cost savings recommendations within 60 days
18 after completing the reviews. Copies of the final report shall
19 be provided to the Governor, the Commissioner of Education,
20 and to the chairs of school advisory councils and district
21 advisory councils established pursuant to s. 229.58(1)(a) and
22 (b). The district school board shall notify all members of
23 the school advisory councils and district advisory council by
24 mail that the final report has been delivered to the school
25 district and to the council chairs. The notification shall
26 also inform members of the OPPAGA website address at which an
27 electronic copy of the report is available.

28 (12) After receipt of the final report and before the
29 district school board votes whether to adopt the action plan,
30 or if no action plan was required because the district was
31 found to be using the best practices, the district school

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1 board shall hold an advertised public forum to accept public
2 input and review the findings and recommendations of the
3 report. The district school board shall advertise and promote
4 this forum in a manner appropriate to inform school and
5 district advisory councils, parents, school district
6 employees, the business community, and other district
7 residents of the opportunity to attend this meeting. OPPAGA
8 and the consultant, if any, shall also be represented at this
9 forum.

10 (13)(a) If the district is found not to conform to
11 best financial management practices, the report must contain
12 an action plan detailing how the district could meet the best
13 practices within 2 years. The district school board must
14 decide, by a majority plus one vote within 90 days after
15 receipt of the final report, whether or not to implement the
16 action plan and pursue a "Seal of Best Financial Management"
17 awarded by the State Board of Education to qualified school
18 districts. If a district fails to vote on the action plan
19 within 90 days, district school board members may be required
20 to appear and present testimony before a legislative
21 committee, pursuant to s. 11.143.

22 (b) The district school board may vote to reverse a
23 decision not to implement an action plan, provided that the
24 action plan is implemented and there is still sufficient time,
25 as determined by the district school board, to meet the best
26 practices within 2 years after issuance of the final report.

27 (c) Within 90 days after the receipt of the final
28 report, the district school board must notify OPPAGA and the
29 Commissioner of Education in writing of the date and outcome
30 of the district school board vote on whether to adopt the
31 action plan. If the district school board fails to vote on

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1 whether to adopt the action plan, the district school
2 superintendent must notify OPPAGA and the Commissioner of
3 Education. The Department of Education may contact the school
4 district, assess the situation, urge the district school board
5 to vote, and offer technical assistance, if needed.

6 (14) If a district school board votes to implement the
7 action plan:

8 (a) No later than 1 year after receipt of the final
9 report, the district school board must submit an initial
10 status report to the President of the Senate, the Speaker of
11 the House of Representatives, the Governor, OPPAGA, the
12 Auditor General, the State Board of Education, and the
13 Commissioner of Education on progress made towards
14 implementing the action plan and whether changes have occurred
15 in other areas of operation that would affect compliance with
16 the best practices.

17 (b) A second status report must be submitted by the
18 school district to the President of the Senate, the Speaker of
19 the House of Representatives, the Governor, OPPAGA, the
20 Auditor General, the Commissioner of Education, and the State
21 Board of Education no later than 1 year after submission of
22 the initial report.

23
24 Status reports are not required once OPPAGA concludes that the
25 district is using best practices.

26 (15) After receipt of each of a district's two status
27 reports required by subsection (14), OPPAGA shall assess the
28 district's implementation of the action plan and progress
29 toward implementing the best financial management practices in
30 areas covered by the plan. Following each assessment, OPPAGA
31 shall issue a report to the President of the Senate, the

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1 Speaker of the House of Representatives, and the district
2 indicating whether the district has successfully implemented
3 the best financial management practices. Copies of the report
4 must be provided to the Governor, the Auditor General, the
5 Commissioner of Education, and the State Board of Education.
6 If a district has failed to implement an action plan adopted
7 pursuant to subsection (13), district school board members and
8 the district school superintendent may be required to appear
9 before a legislative committee, pursuant to s. 11.143, to
10 present testimony regarding the district's failure to
11 implement such action plan.

12 (16) District school boards that successfully
13 implement the best financial management practices within 2
14 years, or are determined in the review to be using the best
15 practices, are eligible to receive a "Seal of Best Financial
16 Management." Upon notification to the Commissioner of
17 Education and the State Board of Education by OPPAGA that a
18 district has been found to be using the best financial
19 management practices, the State Board of Education shall award
20 that district a "Seal of Best Financial Management" certifying
21 that the district is adhering to the state's best financial
22 management practices. The State Board of Education designation
23 shall be effective for 5 years from the certification date or
24 until the next review is completed, whichever is later. During
25 the designation period, the district school board shall
26 annually, not later than the anniversary date of the
27 certification, notify OPPAGA, the Auditor General, the
28 Commissioner of Education, and the State Board of Education of
29 any changes in policies or operations or any other situations
30 that would not conform to the state's best financial
31 management practices. The State Board of Education may revoke

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1 the designation of a district school board at any time if it
2 determines that a district is no longer complying with the
3 state's best financial management practices. If no such
4 changes have occurred and the district school board determines
5 that the school district continues to conform to the best
6 financial management practices, the district school board
7 shall annually report that information to the State Board of
8 Education, with copies to OPPAGA, the Auditor General, and the
9 Commissioner of Education.

10 (17)(a) A district school board that has been awarded
11 a "Seal of Best Financial Management" by the State Board of
12 Education and has annually reported to the State Board of
13 Education that the district is still conforming to the best
14 financial management practices may request a waiver from
15 undergoing its next scheduled Best Financial Management
16 Practices review.

17 (b) To apply for such waiver, not later than September
18 1 of the fiscal year prior to the fiscal year in which the
19 district is next scheduled for review, the district school
20 board shall certify to OPPAGA and the Department of Education
21 the district school board's determination that the school
22 district is still conforming to the best financial management
23 practices.

24 (c) After consultation with the Department of
25 Education and review of the district school board's
26 determination, OPPAGA may recommend to the Legislative Budget
27 Commission that the district be granted a waiver for the next
28 scheduled Best Financial Management Practices review. If
29 approved for waiver, OPPAGA shall notify the school district
30 and the Department of Education that no review of that
31 district will be conducted during the next scheduled review

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1 cycle. In that event, the district school board must continue
2 annual reporting to the State Board of Education as required
3 in subsection (16). District school boards granted a waiver
4 for one review cycle are not eligible for waiver of the next
5 scheduled review cycle.

6 (18) District school boards that receive a best
7 financial management practices review must maintain records
8 that will enable independent verification of the
9 implementation of the action plan and any related fiscal
10 impacts.

11 (19) Unrestricted cost savings resulting from
12 implementation of the best financial management practices must
13 be spent at the school and classroom levels for teacher
14 salaries, teacher training, improved classroom facilities,
15 student supplies, textbooks, classroom technology, and other
16 direct student instruction activities. Cost savings identified
17 for a program that has restrictive expenditure requirements
18 shall be used for the enhancement of the specific program.

19 Section 382. Section 1008.36, Florida Statutes, is
20 created to read:

21 1008.36 Florida School Recognition Program.--

22 (1) The Legislature finds that there is a need for a
23 performance incentive program for outstanding faculty and
24 staff in highly productive schools. The Legislature further
25 finds that performance-based incentives are commonplace in the
26 private sector and should be infused into the public sector as
27 a reward for productivity.

28 (2) The Florida School Recognition Program is created
29 to provide financial awards to public schools that:

30 (a) Sustain high performance by receiving a school
31 grade of "A," making excellent progress; or

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1 (b) Demonstrate exemplary improvement due to
2 innovation and effort by improving a letter grade.

3 (3) All public schools, including charter schools,
4 that receive a school grade pursuant to s. 1008.34 are
5 eligible to participate in the program.

6 (4) All selected schools shall receive financial
7 awards depending on the availability of funds appropriated and
8 the number and size of schools selected to receive an award.
9 Funds must be distributed to the school's fiscal agent and
10 placed in the school's account and must be used for purposes
11 listed in subsection (5) as determined jointly by the school's
12 staff and school advisory council. If school staff and the
13 school advisory council cannot reach agreement by November 1,
14 the awards must be equally distributed to all classroom
15 teachers currently teaching in the school.

16 (5) School recognition awards must be used for the
17 following:

18 (a) Nonrecurring bonuses to the faculty and staff;

19 (b) Nonrecurring expenditures for educational
20 equipment or materials to assist in maintaining and improving
21 student performance; or

22 (c) Temporary personnel for the school to assist in
23 maintaining and improving student performance.

24
25 Notwithstanding statutory provisions to the contrary,
26 incentive awards are not subject to collective bargaining.

27 Section 383. Section 1008.37, Florida Statutes, is
28 created to read:

29 1008.37 Postsecondary feedback of information to high
30 schools.--

31 (1) The State Board of Education shall adopt rules

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1 that require the Commissioner of Education to report to the
2 State Board of Education, the Legislature, and the district
3 school boards on the performance of each
4 first-time-in-postsecondary education student from each public
5 high school in this state who is enrolled in a public
6 postsecondary institution or public technical center. Such
7 reports must be based on information databases maintained by
8 the Department of Education. In addition, the public
9 postsecondary educational institutions and technical centers
10 shall provide district school boards access to information on
11 student performance in regular and preparatory courses and
12 shall indicate students referred for remediation pursuant to
13 s. 1008.30 or s. 1008.28.

14 (2) The Commissioner of Education shall report, by
15 high school, to the State Board of Education and the
16 Legislature, no later than November 31 of each year, on the
17 number of prior year Florida high school graduates who
18 enrolled for the first time in public postsecondary education
19 in this state during the previous summer, fall, or spring
20 term, indicating the number of students whose scores on the
21 common placement test indicated the need for remediation
22 through college-preparatory or vocational-preparatory
23 instruction pursuant to s. 1004.91 or s. 1008.30.

24 (3) The Commissioner of Education shall organize
25 school summary reports and student-level records by school
26 district and high school in which the postsecondary education
27 students were enrolled and report the information to each
28 school district no later than January 31 of each year.

29 (4) As a part of the school improvement plan pursuant
30 to s. 1008.345, the State Board of Education shall ensure that
31 each school district and high school develops strategies to

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1 improve student readiness for the public postsecondary level
2 based on annual analysis of the feedback report data.

3 (5) The Commissioner of Education shall annually
4 recommend to the Legislature statutory changes to reduce the
5 incidence of postsecondary remediation in mathematics,
6 reading, and writing for first-time-enrolled recent high
7 school graduates.

8 Section 384. Section 1008.38, Florida Statutes, is
9 created to read:

10 1008.38 Articulation accountability process.--The
11 State Board of Education shall develop articulation
12 accountability measures which assess the status of systemwide
13 articulation processes authorized under s. 1007.23. The State
14 Board of Education shall establish an articulation
15 accountability process which at a minimum shall address:

16 (1) The impact of articulation processes on ensuring
17 educational continuity and the orderly and unobstructed
18 transition of students between public secondary and
19 postsecondary education systems and facilitating the
20 transition of students between the public and private sectors.

21 (2) The adequacy of preparation of public secondary
22 students to smoothly articulate to a public postsecondary
23 institution.

24 (3) The effectiveness of articulated acceleration
25 mechanisms available to secondary students.

26 (4) The smooth transfer of community college associate
27 in arts degree graduates to a state university.

28 (5) An examination of degree requirements that exceed
29 the parameters of 60 credit hours for an associate degree and
30 120 hours for a baccalaureate degree in public postsecondary
31 programs.

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1 (6) The relationship between the College Level
2 Academic Skills Test Program and articulation to the upper
3 division in public postsecondary institutions.

4 Section 385. Section 1008.385, Florida Statutes, is
5 created to read:

6 1008.385 Educational planning and information
7 systems.--

8 (1) EDUCATIONAL PLANNING.--

9 (a) The Commissioner of Education is responsible for
10 all planning functions for the department, including
11 collection, analysis, and interpretation of all data,
12 information, test results, evaluations, and other indicators
13 that are used to formulate policy, identify areas of concern
14 and need, and serve as the basis for short-range and
15 long-range planning. Such planning shall include assembling
16 data, conducting appropriate studies and surveys, and
17 sponsoring research and development activities designed to
18 provide information about educational needs and the effect of
19 alternative educational practices.

20 (b) Each district school board shall maintain a
21 continuing system of planning and budgeting designed to aid in
22 identifying and meeting the educational needs of students and
23 the public. Provision shall be made for coordination between
24 district school boards and community college boards of
25 trustees concerning the planning for career and technical
26 education and adult educational programs. The major emphasis
27 of the system shall be upon locally determined goals and
28 objectives, the state plan for education, and the Sunshine
29 State Standards developed by the Department of Education and
30 adopted by the State Board of Education. The district
31 planning and budgeting system must include consideration of

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1 student achievement data obtained pursuant to ss. 1008.22 and
2 1008.34. The system shall be structured to meet the specific
3 management needs of the district and to align the budget
4 adopted by the district school board with the plan the board
5 has also adopted. Each district school board shall utilize its
6 system of planning and budgeting to emphasize a system of
7 school-based management in which individual school centers
8 become the principal planning units and to integrate planning
9 and budgeting at the school level.

10 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The
11 Commissioner of Education shall develop and implement an
12 integrated information system for educational management. The
13 system must be designed to collect, via electronic transfer,
14 all student and school performance data required to ascertain
15 the degree to which schools and school districts are meeting
16 state performance standards, and must be capable of producing
17 data for a comprehensive annual report on school and district
18 performance. In addition, the system shall support, as
19 feasible, the management decisions to be made in each division
20 of the department and at the individual school and district
21 levels. Similar data elements among divisions and levels
22 shall be compatible. The system shall be based on an overall
23 conceptual design; the information needed for such decisions,
24 including fiscal, student, program, personnel, facility,
25 community, evaluation, and other relevant data; and the
26 relationship between cost and effectiveness. The system shall
27 be managed and administered by the commissioner and shall
28 include a district subsystem component to be administered at
29 the district level, with input from the reports-and-forms
30 control management committees. Each district school system
31 with a unique management information system shall assure that

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1 compatibility exists between its unique system and the
2 district component of the state system so that all data
3 required as input to the state system is made available via
4 electronic transfer and in the appropriate input format.

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

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

11 2. Providing operational definitions for the proposed
12 system;

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

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

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

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

27 7. Developing the necessary programs to provide
28 statistical analysis of the integrated data provided in
29 subparagraph 6. in such a way that required reports may be
30 disseminated, comparisons may be made, and relationships may
31 be determined in order to provide the necessary information

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1 for making management decisions at all levels;

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

5 9. Developing a phased plan for distributing computer
6 services equitably among all public schools and school
7 districts in the state as rapidly as possible. The plan shall
8 describe alternatives available to the state in providing such
9 computing services and shall contain estimates of the cost of
10 each alternative, together with a recommendation for action.

11 In developing the plan, the feasibility of shared use of
12 computing hardware and software by school districts, community
13 colleges, and universities shall be examined. Laws or
14 administrative rules regulating procurement of data processing
15 equipment, communication services, or data processing services
16 by state agencies shall not be construed to apply to local
17 agencies which share computing facilities with state agencies;

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

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

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

30 13. Initiating such other actions as are necessary to
31 carry out the intent of the Legislature that a management

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1 information system for public school management needs be
2 implemented. Such other actions shall be based on criteria
3 including, but not limited to:

- 4 a. The purpose of the reporting requirement;
5 b. The origination of the reporting requirement;
6 c. The date of origin of the reporting requirement;

7 and

- 8 d. The date of repeal of the reporting requirement.
9 (b) The specific responsibilities of each district

10 school system shall include:

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

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

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

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

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1 procedures.

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

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

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

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

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

20 (3) RULES.--The State Board of Education shall adopt
21 rules to administer this section.

22 Section 386. Section 1008.386, Florida Statutes, is
23 created to read:

24 1008.386 Social security numbers used as student
25 identification numbers.--Each district school board shall
26 request that each student enrolled in a public school in this
27 state provide his or her social security number. Each school
28 district shall use social security numbers as student
29 identification numbers in the management information system
30 maintained by the school district. However, a student is not
31 required to provide his or her social security number as a

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1 condition for enrollment or graduation. A student satisfies
2 this requirement by presenting to school enrollment officials
3 his or her social security card or a copy of the card. The
4 school district shall include the social security number in
5 the student's permanent records and shall indicate if the
6 student identification number is not a social security number.
7 The Commissioner of Education shall provide assistance to
8 school districts to assure that the assignment of student
9 identification numbers other than social security numbers is
10 kept to a minimum and to avoid duplication of any student
11 identification number.

12 Section 387. Section 1008.39, Florida Statutes, is
13 created to read:

14 1008.39 Florida Education and Training Placement
15 Information Program.--

16 (1) The Department of Education shall develop and
17 maintain a continuing program of information management named
18 the "Florida Education and Training Placement Information
19 Program," the purpose of which is to compile, maintain, and
20 disseminate information concerning the educational histories,
21 placement and employment, enlistments in the United States
22 armed services, and other measures of success of former
23 participants in state educational and workforce development
24 programs. Placement and employment information shall contain
25 data appropriate to calculate job retention and job retention
26 rates.

27 (2) Any project conducted by the Department of
28 Education or the workforce development system that requires
29 placement information shall use information provided through
30 the Florida Education and Training Placement Information
31 Program, and shall not initiate automated matching of records

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1 in duplication of methods already in place in the Florida
2 Education and Training Placement Information Program. The
3 department shall implement an automated system which matches
4 the social security numbers of former participants in state
5 educational and training programs with information in the
6 files of state and federal agencies that maintain educational,
7 employment, and United States armed service records and shall
8 implement procedures to identify the occupations of those
9 former participants whose social security numbers are found in
10 employment records, as required by Specific Appropriation
11 337A, chapter 84-220, Laws of Florida; Specific Appropriation
12 337B, chapter 85-119, Laws of Florida; Specific Appropriation
13 350A, chapter 86-167, Laws of Florida; and Specific
14 Appropriation 351, chapter 87-98, Laws of Florida.

15 (3) The Florida Education and Training Placement
16 Information Program must not make public any information that
17 could identify an individual or the individual's employer. The
18 Department of Education must ensure that the purpose of
19 obtaining placement information is to evaluate and improve
20 public programs or to conduct research for the purpose of
21 improving services to the individuals whose social security
22 numbers are used to identify their placement. If an agreement
23 assures that this purpose will be served and that privacy will
24 be protected, the Department of Education shall have access to
25 the unemployment insurance wage reports maintained by the
26 Department of Labor and Employment Security, the files of the
27 Department of Children and Family Services that contain
28 information about the distribution of public assistance, the
29 files of the Department of Corrections that contain records of
30 incarcerations, and the files of the Department of Business
31 and Professional Regulation that contain the results of

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1 licensure examination.

2 (4) The Florida Education and Training Placement
3 Information Program may perform longitudinal analyses for all
4 levels of education and workforce development. These analyses
5 must include employment stability, annual earnings, and
6 relatedness of employment to education.

7 Section 388. Section 1008.40, Florida Statutes, is
8 created to read:

9 1008.40 Workforce Development Information System.--The
10 Department of Education shall:

11 (1) Design specifications for the collection and
12 reporting of data and performance specifications for the
13 Workforce Development Information System. This design must
14 enable parallel reporting and state-level access of workforce
15 data necessary to use the data reports as a basis for
16 calculating funding allocations. In addition, the design must
17 be capable of providing reports necessary to comply with other
18 program performance documentation required by state or federal
19 law, without requiring additional data collection or reporting
20 from local educational agencies.

21 (2) Develop the computer programs, software, and edit
22 processes necessary for local and state users to produce a
23 single, unified Workforce Development Information System.

24 Section 389. Section 1008.405, Florida Statutes, is
25 created to read:

26 1008.405 Adult student information.--Each school
27 district and community college shall maintain sufficient
28 information for each student enrolled in workforce development
29 education to allow local and state administrators to locate
30 such student upon the termination of instruction and to
31 determine the appropriateness of student placement in specific

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1 instructional programs. The State Board of Education shall
2 adopt, in rule, specific information that must be maintained
3 and acceptable means of maintaining that information.

4 Section 390. Section 1008.41, Florida Statutes, is
5 created to read:

6 1008.41 Workforce Development Education; management
7 information system.--

8 (1) The Commissioner of Education shall coordinate
9 uniform program structures, common definitions, and uniform
10 management information systems for workforce development
11 education for all divisions within the department. In
12 performing these functions, the commissioner shall designate
13 deadlines after which data elements may not be changed for the
14 coming fiscal or school year. School districts and community
15 colleges shall be notified of data element changes at least 90
16 days prior to the start of the subsequent fiscal or school
17 year. Such systems must provide for:

18 (a) Individual student reporting.

19 (b) Compliance with state and federal confidentiality
20 requirements, except that the department shall have access to
21 the unemployment insurance wage reports to collect and report
22 placement information about former students. Such placement
23 reports must not disclose the individual identities of former
24 students.

25 (c) Maximum use of automated technology and records in
26 existing data bases and data systems. To the extent feasible,
27 the Florida Information Resource Network shall be employed for
28 this purpose.

29 (d) Annual reports of student enrollment, completion,
30 and placement by program.

31 (2) The State Board of Education shall identify, by

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1 rule, the components to be included in the workforce
2 development education management information system. All such
3 components shall be comparable between school districts and
4 community colleges.

5 (3) Planning and evaluation of job-preparatory
6 programs shall be based on standard sources of data and use
7 standard occupational definitions and coding structures,
8 including, but not limited to:

9 (a) The Florida Occupational Information System;
10 (b) The Florida Education and Training Placement
11 Information Program;

12 (c) The Agency for Workforce Innovation;

13 (d) The United States Department of Labor; and

14 (e) Other sources of data developed using

15 statistically valid procedures.

16 Section 391. Section 1008.42, Florida Statutes, is
17 created to read:

18 1008.42 Public information on career and technical
19 education programs.--

20 (1) The Department of Education shall disseminate
21 information derived from the reports required by s. 1008.43.
22 The department shall ensure that the information disseminated
23 does not name or otherwise identify a student, a former
24 student, or the student's employer.

25 (2) The dissemination shall be conducted in accordance
26 with the following procedures:

27 (a) Annually, the Department of Education shall
28 publish the placement rates and average quarterly earnings for
29 students who complete each type of technical certificate
30 program and technical degree program. This information must be
31 aggregated to the state level and must be included in any

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1 accountability reports. A program that was created or modified
2 so that placement rates cannot be calculated must be so
3 identified in such reports.

4 (b)1. Each district school board shall publish, at a
5 minimum, the most recently available placement rate for each
6 technical certificate program conducted by that school
7 district at the secondary school level and at the technical
8 degree level. The placement rates for the preceding 3 years
9 shall be published if available, shall be included in each
10 publication that informs the public of the availability of the
11 program, and shall be made available to each school guidance
12 counselor. If a program does not have a placement rate, a
13 publication that lists or describes that program must state
14 that the rate is unavailable.

15 2. Each community college shall publish, at a minimum,
16 the most recent placement rate for each technical certificate
17 program and for each technical degree program in its annual
18 catalog. The placement rates for the preceding 3 years shall
19 be published, if available, and shall be included in any
20 publication that informs the public of the availability of the
21 program. If a program does not have a placement rate, the
22 publication that lists or describes that program must state
23 that the rate is unavailable.

24 3. If a school district or a community college has
25 calculated for a program a placement rate that differs from
26 the rate reported by the department, and if each record of a
27 placement was obtained through a process that was capable of
28 being audited, procedurally sound, and consistent statewide,
29 the district or the community college may use the locally
30 calculated placement rate in the report required by this
31 section. However, that rate may not be combined with the rate

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1 maintained in the computer files of the Department of
2 Education's Florida Education and Training Placement
3 Information Program.

4 4. An independent career and technical, trade, or
5 business school may not publish a placement rate unless the
6 placement rate was determined as provided by this section.

7 Section 392. Section 1008.43, Florida Statutes, is
8 created to read:

9 1008.43 Career and technical program reporting
10 requirements.--

11 (1)(a) The Department of Education shall develop a
12 system of performance measures in order to evaluate the career
13 and technical education programs as required in s. 1008.42.
14 This system must measure program enrollment, completion rates,
15 placement rates, and amount of earnings at the time of
16 placement. Placement and employment information, where
17 applicable, shall contain data relevant to job retention,
18 including retention rates. The State Board of Education shall
19 adopt by rule the specific measures and any definitions needed
20 to establish the system of performance measures.

21 (b) To measure and report program enrollment and
22 completion rates, the Department of Education shall use data
23 in the automated student databases generated by the public
24 schools and community colleges. To measure and report
25 placement rates and amount of earnings at the time of
26 placement, the department shall use data in the reports
27 produced by the Florida Education and Training Placement
28 Information Program as required in s. 1008.39. If any
29 placement information is not available from the Florida
30 Education and Training Placement Information Program, the
31 school district or the community college may provide placement

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1 information collected by the school district or the community
2 college. However, this supplemental information must be
3 verifiable by the department and must not be commingled with
4 the database maintained by the Florida Education and Training
5 Placement Information Program. The State Board of Education
6 shall specify by rule the statistically valid, verifiable,
7 uniform procedures by which school districts and community
8 colleges may collect and report placement information to
9 supplement the reports from the Florida Education and Training
10 Placement Information Program.

11 (c) The State Board of Education shall adopt standards
12 for the department, district school boards, and community
13 college district boards of trustees to use in program
14 planning, program review, and program evaluation. The
15 standards must include, at a minimum, the completion rates,
16 placement rates, and earnings from employment of former
17 students of career and technical education programs.

18 (2) The State Board of Education shall adopt
19 procedures for reviewing the career and technical education
20 programs administered by the district school boards and the
21 community college district boards of trustees when program
22 performance falls below the standards required by this
23 section.

24 (3) Annually the department shall compile the reports
25 submitted in compliance with the rules adopted under this
26 section and shall produce a statewide report that addresses
27 the extent to which school districts and community colleges
28 are meeting the standards established under paragraph (1)(c).

29 (4) The State Board of Education may adopt rules
30 necessary to administer this section.

31 Section 393. Section 1008.45, Florida Statutes, is

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1 created to read:

2 1008.45 Community college accountability process.--

3 (1) It is the intent of the Legislature that a
4 management and accountability process be implemented which
5 provides for the systematic, ongoing improvement and
6 assessment of the improvement of the quality and efficiency of
7 the Florida community colleges. Accordingly, the State Board
8 of Education and the community college boards of trustees
9 shall develop and implement an accountability plan to improve
10 and evaluate the instructional and administrative efficiency
11 and effectiveness of the Florida Community College System.
12 This plan shall be designed in consultation with staff of the
13 Governor and the Legislature and must address the following
14 issues:

15 (a) Graduation rates of A.A. and A.S. degree-seeking
16 students compared to first-time-enrolled students seeking the
17 associate degree.

18 (b) Minority student enrollment and retention rates.

19 (c) Student performance, including student performance
20 in college-level academic skills, mean grade point averages
21 for community college A.A. transfer students, and community
22 college student performance on state licensure examinations.

23 (d) Job placement rates of community college career
24 and technical students.

25 (e) Student progression by admission status and
26 program.

27 (f) Career and technical accountability standards
28 identified in s. 1008.42.

29 (g) Institutional assessment efforts related to the
30 requirements of s. III in the Criteria for Accreditation of
31 the Commission on Colleges of the Southern Association of

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1 Colleges and Schools.

2 (h) Other measures as identified by the Council for
3 Education Policy Research and Improvement and approved by the
4 State Board of Education.

5 (2) The State Board of Education shall submit an
6 annual report, to coincide with the submission of the agency
7 strategic plan required by law, providing the results of
8 initiatives taken during the prior year and the initiatives
9 and related objective performance measures proposed for the
10 next year.

11 (3) The State Board of Education shall address within
12 the annual evaluation of the performance of the executive
13 director, and the community college boards of trustees shall
14 address within the annual evaluation of the presidents, the
15 achievement of the performance goals established by the
16 accountability process.

17 Section 394. Section 1008.46, Florida Statutes, is
18 created to read:

19 1008.46 State university accountability process.--It
20 is the intent of the Legislature that an accountability
21 process be implemented that provides for the systematic,
22 ongoing evaluation of quality and effectiveness of state
23 universities. It is further the intent of the Legislature that
24 this accountability process monitor performance at the system
25 level in each of the major areas of instruction, research, and
26 public service, while recognizing the differing missions of
27 each of the state universities. The accountability process
28 shall provide for the adoption of systemwide performance
29 standards and performance goals for each standard identified
30 through a collaborative effort involving state universities,
31 the Legislature, and the Governor's Office. These standards

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1 and goals shall be consistent with s. 216.011(1) to maintain
2 congruity with the performance-based budgeting process. This
3 process requires that university accountability reports
4 reflect measures defined through performance-based budgeting.
5 The performance-based budgeting measures must also reflect the
6 elements of teaching, research, and service inherent in the
7 missions of the state universities.

8 (1) By December 31 of each year, the State Board of
9 Education shall submit an annual accountability report
10 providing information on the implementation of performance
11 standards, actions taken to improve university achievement of
12 performance goals, the achievement of performance goals during
13 the prior year, and initiatives to be undertaken during the
14 next year. The accountability reports shall be designed in
15 consultation with the Governor's Office, the Office of Program
16 Policy Analysis and Government Accountability, and the
17 Legislature.

18 (2) The State Board of Education shall recommend in
19 the annual accountability report any appropriate modifications
20 to this section.

21 Section 395. Part III of chapter 1008, Florida
22 Statutes, shall be entitled "Council for Education Policy
23 Research and Improvement (CEPRI)" and shall consist of s.
24 1008.51.

25 Section 396. Section 1008.51, Florida Statutes, is
26 created to read:

27 1008.51 Council for Education Policy Research and
28 Improvement.--The Council for Education Policy Research and
29 Improvement is created as an independent office under the
30 Office of Legislative Services, pursuant to s. 11.147. The
31 council shall conduct and review education research, provide

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1 independent analysis on education progress, and provide
2 independent evaluation of education issues of statewide
3 concern. The Office of Legislative Services shall provide
4 administrative functions of the council, pursuant to joint
5 policies of the Legislature.

6 (1) The council shall serve as a citizen board for
7 independent policy research and analysis. The council shall be
8 composed of five members appointed by the Governor, two
9 members appointed by the Speaker of the House of
10 Representatives, and two members appointed by the President of
11 the Senate. Each member shall be appointed for a term of 6
12 years. However, for purposes of continuity, the Governor shall
13 appoint two members, the Speaker of the House of
14 Representatives shall appoint one member, and the President of
15 the Senate shall appoint one member for a first term of 4
16 years. Members appointed for 4 years may be reappointed to one
17 additional term. Members shall not include elected officials
18 or employees of public or independent education entities.
19 Members who miss two consecutive meetings may be replaced by
20 the appointing officer.

21 (2) The council shall meet as often as it considers
22 necessary to carry out its duties and responsibilities.
23 Members shall be paid travel and per diem expenses as provided
24 in s. 112.061 while performing their duties under this
25 section.

26 (3) The council shall appoint an executive director,
27 who shall serve at the pleasure of the council and shall
28 perform the duties assigned to him or her by the council. The
29 executive director is the chief administrative officer of the
30 council and shall appoint all employees and staff members of
31 the council, who shall serve under the executive director's

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1 direction and control.

2 (4) The council shall:

3 (a) Provide state policymakers, educators, and the
4 public with objective and timely information that supports the
5 seamless K-20 education system and the K-20 education
6 accountability process designed to provide all students an
7 opportunity for a high-quality education, in accordance with
8 the policies and guiding principles of s. 1000.02 and the
9 performance accountability system in s. 1008.31.

10 (b) Explore national and state emerging educational
11 issues and examine how these issues should be addressed by
12 education institutions in Florida.

13 (c) Prepare and submit to the State Board of Education
14 a long-range master plan for education. The plan must include
15 consideration of the promotion of quality, fundamental
16 educational goals, programmatic access, needs for remedial
17 education, regional and state economic development,
18 international education programs, demographic patterns,
19 student demand for programs, needs of particular subgroups of
20 the population, implementation of innovative educational
21 techniques and technology, and requirements of the labor
22 market. The plan must evaluate the capacity of existing
23 programs in public and independent institutions to respond to
24 identified needs, and the council shall recommend efficient
25 alternatives to address unmet needs. The council shall update
26 the master plan at least every 5 years.

27 (d) Prepare and submit for approval by the State Board
28 of Education a long-range performance plan for K-20 education
29 in Florida, and annually review and recommend improvement in
30 the implementation of the plan.

31 (e) Annually report on the progress of public schools

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1 and postsecondary education institutions toward meeting
2 educational goals and standards as defined by s. 1008.31.

3 (f) Recommend to the Legislature and the State Board
4 of Education legislation and rules for the educational
5 accountability system that support the policies and guiding
6 principles of s. 1000.02.

7 (g) Recommend to the State Board of Education
8 revisions and new initiatives to further improve the K-20
9 education accountability system.

10 (h) Provide public education institutions and the
11 public with information on the K-20 education accountability
12 system, recommend refinements and improvements, and evaluate
13 issues pertaining to student learning gains.

14 (i) On its own initiative or in response to the
15 Governor, the Legislature, the State Board of Education, or
16 the Commissioner of Education, issue reports and
17 recommendations on matters relating to any education sector.

18 (j) By January 1, 2003, and on a 3-year cycle
19 thereafter, review and make recommendations to the Legislature
20 regarding the activities of research centers and institutes
21 supported with state funds to assess the return on the state's
22 investment in research conducted by public postsecondary
23 education institutions, in coordination with the Leadership
24 Board for Applied Research and Public Service, created
25 pursuant to s. 1004.58.

26 (k) Apply for and receive grants for the study of K-20
27 education system improvement consistent with its
28 responsibilities.

29 (l) Assist the State Board of Education in the conduct
30 of its educational responsibilities in such capacities as the
31 board considers appropriate.

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1 Section 397. Chapter 1009, Florida Statutes, shall be
2 entitled "Educational Scholarships, Fees, and Financial
3 Assistance" and shall consist of ss. 1009.01-1009.9994.

4 Section 398. Part I of chapter 1009, Florida Statutes,
5 shall be entitled "General Provisions" and shall consist of s.
6 1009.01.

7 Section 399. Section 1009.01, Florida Statutes, is
8 created to read:

9 1009.01 Definitions.--The term:

10 (1) "Tuition" means the basic fee charged to a student
11 for instruction provided by a public postsecondary educational
12 institution in this state. A charge for any other purpose
13 shall not be included within this fee.

14 (2) "Out-of-state fee" means the additional fee for
15 instruction provided by a public postsecondary educational
16 institution in this state, which fee is charged to a
17 non-Florida student as defined in rules of the State Board of
18 Education. A charge for any other purpose shall not be
19 included within this fee.

20 Section 400. Part II of chapter 1009, Florida
21 Statutes, shall be entitled "Postsecondary Student Fees" and
22 shall consist of ss. 1009.21-1009.29.

23 Section 401. Section 1009.21, Florida Statutes, is
24 created to read:

25 1009.21 Determination of resident status for tuition
26 purposes.--Students shall be classified as residents or
27 nonresidents for the purpose of assessing tuition in community
28 colleges and state universities.

29 (1) As used in this section:

30 (a) The term "dependent child" means any person,
31 whether or not living with his or her parent, who is eligible

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1 to be claimed by his or her parent as a dependent under the
2 federal income tax code.

3 (b) The term "institution of higher education" means
4 any public community college or state university.

5 (c) A "legal resident" or "resident" is a person who
6 has maintained his or her residence in this state for the
7 preceding year, has purchased a home which is occupied by him
8 or her as his or her residence, or has established a domicile
9 in this state pursuant to s. 222.17.

10 (d) The term "parent" means the natural or adoptive
11 parent or legal guardian of a dependent child.

12 (e) A "resident for tuition purposes" is a person who
13 qualifies as provided in subsection (2) for the in-state
14 tuition rate; a "nonresident for tuition purposes" is a person
15 who does not qualify for the in-state tuition rate.

16 (2)(a) To qualify as a resident for tuition purposes:

17 1. A person or, if that person is a dependent child,
18 his or her parent or parents must have established legal
19 residence in this state and must have maintained legal
20 residence in this state for at least 12 months immediately
21 prior to his or her qualification.

22 2. Every applicant for admission to an institution of
23 higher education shall be required to make a statement as to
24 his or her length of residence in the state and, further,
25 shall establish that his or her presence or, if the applicant
26 is a dependent child, the presence of his or her parent or
27 parents in the state currently is, and during the requisite
28 12-month qualifying period was, for the purpose of maintaining
29 a bona fide domicile, rather than for the purpose of
30 maintaining a mere temporary residence or abode incident to
31 enrollment in an institution of higher education.

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1 (b) However, with respect to a dependent child living
2 with an adult relative other than the child's parent, such
3 child may qualify as a resident for tuition purposes if the
4 adult relative is a legal resident who has maintained legal
5 residence in this state for at least 12 months immediately
6 prior to the child's qualification, provided the child has
7 resided continuously with such relative for the 5 years
8 immediately prior to the child's qualification, during which
9 time the adult relative has exercised day-to-day care,
10 supervision, and control of the child.

11 (c) The legal residence of a dependent child whose
12 parents are divorced, separated, or otherwise living apart
13 will be deemed to be this state if either parent is a legal
14 resident of this state, regardless of which parent is entitled
15 to claim, and does in fact claim, the minor as a dependent
16 pursuant to federal individual income tax provisions.

17 (3) An individual shall not be classified as a
18 resident for tuition purposes and, thus, shall not be eligible
19 to receive the in-state tuition rate until he or she has
20 provided such evidence related to legal residence and its
21 duration as may be required by officials of the institution of
22 higher education from which he or she seeks the in-state
23 tuition rate.

24 (4) With respect to a dependent child, the legal
25 residence of such individual's parent or parents is prima
26 facie evidence of the individual's legal residence, which
27 evidence may be reinforced or rebutted, relative to the age
28 and general circumstances of the individual, by the other
29 evidence of legal residence required of or presented by the
30 individual. However, the legal residence of an individual
31 whose parent or parents are domiciled outside this state is

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1 not prima facie evidence of the individual's legal residence
2 if that individual has lived in this state for 5 consecutive
3 years prior to enrolling or reregistering at the institution
4 of higher education at which resident status for tuition
5 purposes is sought.

6 (5) In making a domiciliary determination related to
7 the classification of a person as a resident or nonresident
8 for tuition purposes, the domicile of a married person,
9 irrespective of sex, shall be determined, as in the case of an
10 unmarried person, by reference to all relevant evidence of
11 domiciliary intent. For the purposes of this section:

12 (a) A person shall not be precluded from establishing
13 or maintaining legal residence in this state and subsequently
14 qualifying or continuing to qualify as a resident for tuition
15 purposes solely by reason of marriage to a person domiciled
16 outside this state, even when that person's spouse continues
17 to be domiciled outside of this state, provided such person
18 maintains his or her legal residence in this state.

19 (b) A person shall not be deemed to have established
20 or maintained a legal residence in this state and subsequently
21 to have qualified or continued to qualify as a resident for
22 tuition purposes solely by reason of marriage to a person
23 domiciled in this state.

24 (c) In determining the domicile of a married person,
25 irrespective of sex, the fact of the marriage and the place of
26 domicile of such person's spouse shall be deemed relevant
27 evidence to be considered in ascertaining domiciliary intent.

28 (6) Any nonresident person, irrespective of sex, who
29 marries a legal resident of this state or marries a person who
30 later becomes a legal resident may, upon becoming a legal
31 resident of this state, accede to the benefit of the spouse's

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1 immediately precedent duration as a legal resident for
2 purposes of satisfying the 12-month durational requirement of
3 this section.

4 (7) A person shall not lose his or her resident status
5 for tuition purposes solely by reason of serving, or, if such
6 person is a dependent child, by reason of his or her parent's
7 or parents' serving, in the Armed Forces outside this state.

8 (8) A person who has been properly classified as a
9 resident for tuition purposes but who, while enrolled in an
10 institution of higher education in this state, loses his or
11 her resident tuition status because the person or, if he or
12 she is a dependent child, the person's parent or parents
13 establish domicile or legal residence elsewhere shall continue
14 to enjoy the in-state tuition rate for a statutory grace
15 period, which period shall be measured from the date on which
16 the circumstances arose that culminated in the loss of
17 resident tuition status and shall continue for 12 months.
18 However, if the 12-month grace period ends during a semester
19 or academic term for which such former resident is enrolled,
20 such grace period shall be extended to the end of that
21 semester or academic term.

22 (9) Any person who ceases to be enrolled at or who
23 graduates from an institution of higher education while
24 classified as a resident for tuition purposes and who
25 subsequently abandons his or her domicile in this state shall
26 be permitted to reenroll at an institution of higher education
27 in this state as a resident for tuition purposes without the
28 necessity of meeting the 12-month durational requirement of
29 this section if that person has reestablished his or her
30 domicile in this state within 12 months of such abandonment
31 and continuously maintains the reestablished domicile during

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1 the period of enrollment. The benefit of this subsection shall
2 not be accorded more than once to any one person.

3 (10) The following persons shall be classified as
4 residents for tuition purposes:

5 (a) Active duty members of the Armed Services of the
6 United States residing or stationed in this state, their
7 spouses, and dependent children.

8 (b) Active duty members of the Armed Services of the
9 United States and their spouses attending a public community
10 college or state university within 50 miles of the military
11 establishment where they are stationed, if such military
12 establishment is within a county contiguous to Florida.

13 (c) United States citizens living on the Isthmus of
14 Panama, who have completed 12 consecutive months of college
15 work at the Florida State University Panama Canal Branch, and
16 their spouses and dependent children.

17 (d) Full-time instructional and administrative
18 personnel employed by state public schools, community
19 colleges, and institutions of higher education, as defined in
20 s. 1000.04, and their spouses and dependent children.

21 (e) Students from Latin America and the Caribbean who
22 receive scholarships from the federal or state government.
23 Any student classified pursuant to this paragraph shall
24 attend, on a full-time basis, a Florida institution of higher
25 education.

26 (f) Southern Regional Education Board's Academic
27 Common Market graduate students attending Florida's state
28 universities.

29 (g) Full-time employees of state agencies or political
30 subdivisions of the state when the student fees are paid by
31 the state agency or political subdivision for the purpose of

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1 job-related law enforcement or corrections training.

2 (h) McKnight Doctoral Fellows and Finalists who are
3 United States citizens.

4 (i) United States citizens living outside the United
5 States who are teaching at a Department of Defense Dependent
6 School or in an American International School and who enroll
7 in a graduate level education program which leads to a Florida
8 teaching certificate.

9 (j) Active duty members of the Canadian military
10 residing or stationed in this state under the North American
11 Air Defense (NORAD) agreement, and their spouses and dependent
12 children, attending a community college or state university
13 within 50 miles of the military establishment where they are
14 stationed.

15 (11) The State Board of Education shall by rule
16 designate classifications of students as residents or
17 nonresidents for tuition purposes at community colleges and
18 state universities.

19 Section 402. Section 1009.22, Florida Statutes, is
20 created to read:

21 1009.22 Workforce development postsecondary student
22 fees.--

23 (1) This section applies to students enrolled in
24 workforce development programs who are reported for funding
25 through the Workforce Development Education Fund, except that
26 college credit fees for the community colleges are governed by
27 s. 1009.23.

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

30 (3)(a) The Commissioner of Education shall provide to
31 the State Board of Education no later than December 31 of each

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1 year a schedule of fees for workforce development education,
2 excluding continuing workforce education, for school districts
3 and community colleges. The fee schedule shall be based on the
4 amount of student fees necessary to produce 25 percent of the
5 prior year's average cost of a course of study leading to a
6 certificate or diploma. Except as otherwise provided by law,
7 fees for students who are not residents for tuition purposes
8 must offset the full cost of instruction. Fee-nonexempt
9 students enrolled in vocational-preparatory instruction shall
10 be charged fees equal to the fees charged for certificate
11 career education instruction. Each community college that
12 conducts college-preparatory and vocational-preparatory
13 instruction in the same class section may charge a single fee
14 for both types of instruction.

15 (b) Fees for continuing workforce education shall be
16 locally determined by the district school board or community
17 college board. However, at least 50 percent of the
18 expenditures for the continuing workforce education program
19 provided by the community college or school district must be
20 derived from fees.

21 (c) The State Board of Education shall adopt a fee
22 schedule for school districts and community colleges that
23 produces the fee revenues calculated pursuant to paragraph
24 (a). The schedule so calculated shall take effect, unless
25 otherwise specified in the General Appropriations Act.

26 (d) The State Board of Education shall adopt, by rule,
27 the definitions and procedures that district school boards
28 shall use in the calculation of cost borne by students.

29 (4) A district school board or community college board
30 that has a service area that borders another state may
31 implement a plan for a differential out-of-state fee.

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1 (5) Each district school board and community college
2 board of trustees may establish a separate fee for financial
3 aid purposes in an additional amount of up to 10 percent of
4 the student fees collected for workforce development programs
5 funded through the Workforce Development Education Fund. All
6 fees collected shall be deposited into a separate workforce
7 development student financial aid fee trust fund of the school
8 district or community college to support students enrolled in
9 workforce development programs. Any undisbursed balance
10 remaining in the trust fund and interest income accruing to
11 investments from the trust fund shall increase the total funds
12 available for distribution to workforce development education
13 students. Awards shall be based on student financial need and
14 distributed in accordance with a nationally recognized system
15 of need analysis approved by the State Board of Education.
16 Fees collected pursuant to this subsection shall be allocated
17 in an expeditious manner.

18 (6) Each district school board and community college
19 board of trustees may establish a separate fee for capital
20 improvements, technology enhancements, or equipping buildings
21 which may not exceed 5 percent of tuition for resident
22 students or 5 percent of tuition and out-of-state fees for
23 nonresident students. Funds collected by community colleges
24 through these fees may be bonded only for the purpose of
25 financing or refinancing new construction and equipment,
26 renovation, or remodeling of educational facilities. The fee
27 shall be collected as a component part of the tuition and
28 fees, paid into a separate account, and expended only to
29 construct and equip, maintain, improve, or enhance the
30 certificate career education or adult education facilities of
31 the school district or community college. Projects funded

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1 through the use of the capital improvement fee must meet the
2 survey and construction requirements of chapter 1013. Pursuant
3 to s. 216.0158, each district school board and community
4 college board of trustees shall identify each project,
5 including maintenance projects, proposed to be funded in whole
6 or in part by such fee. Capital improvement fee revenues may
7 be pledged by a board of trustees as a dedicated revenue
8 source to the repayment of debt, including lease-purchase
9 agreements and revenue bonds, with a term not to exceed 20
10 years, and not to exceed the useful life of the asset being
11 financed, only for the new construction and equipment,
12 renovation, or remodeling of educational facilities. Community
13 colleges may use the services of the Division of Bond Finance
14 of the State Board of Administration to issue any bonds
15 authorized through the provisions of this subsection. Any such
16 bonds issued by the Division of Bond Finance shall be in
17 compliance with the provisions of the State Bond Act. Bonds
18 issued pursuant to the State Bond Act shall be validated in
19 the manner provided by chapter 75. The complaint for such
20 validation shall be filed in the circuit court of the county
21 where the seat of state government is situated, the notice
22 required to be published by s. 75.06 shall be published only
23 in the county where the complaint is filed, and the complaint
24 and order of the circuit court shall be served only on the
25 state attorney of the circuit in which the action is pending.
26 A maximum of 15 cents per credit hour may be allocated from
27 the capital improvement fee for child care centers conducted
28 by the district school board or community college board of
29 trustees.

30 (7) Each district school board and community college
31 board of trustees is authorized to establish a separate fee

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1 for technology, not to exceed \$1.80 per credit hour or
2 credit-hour equivalent for resident students and not more than
3 \$5.40 per credit hour or credit-hour equivalent for
4 nonresident students, or the equivalent, to be expended in
5 accordance with technology improvement plans. The technology
6 fee may apply only to associate degree programs and courses.
7 Fifty percent of technology fee revenues may be pledged by a
8 community college board of trustees as a dedicated revenue
9 source for the repayment of debt, including lease-purchase
10 agreements, not to exceed the useful life of the asset being
11 financed. Revenues generated from the technology fee may not
12 be bonded.

13 (8) Each district school board and community college
14 board of trustees is authorized to establish specific fees for
15 workforce development instruction not reported for state
16 funding purposes or for workforce development instruction not
17 reported as state funded full-time equivalent students.
18 District school boards and community college boards of
19 trustees are not required to charge any other fee specified in
20 this section for this type of instruction.

21 (9) Community college boards of trustees and district
22 school boards are not authorized to charge students enrolled
23 in workforce development programs any fee that is not
24 specifically authorized by statute. In addition to tuition,
25 out-of-state, financial aid, capital improvement, and
26 technology fees, as authorized in this section, community
27 college boards of trustees and district school boards are
28 authorized to establish fee schedules for the following user
29 fees and fines: laboratory fees; parking fees and fines;
30 library fees and fines; fees and fines relating to facilities
31 and equipment use or damage; access or identification card

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1 fees; duplicating, photocopying, binding, or microfilming
2 fees; standardized testing fees; diploma replacement fees;
3 transcript fees; application fees; graduation fees; and late
4 fees related to registration and payment. Such user fees and
5 finances shall not exceed the cost of the services provided and
6 shall only be charged to persons receiving the service.
7 Parking fee revenues may be pledged by a community college
8 board of trustees as a dedicated revenue source for the
9 repayment of debt, including lease-purchase agreements and
10 revenue bonds with terms not exceeding 20 years and not
11 exceeding the useful life of the asset being financed.
12 Community colleges shall use the services of the Division of
13 Bond Finance of the State Board of Administration to issue any
14 revenue bonds authorized by the provisions of this subsection.
15 Any such bonds issued by the Division of Bond Finance shall be
16 in compliance with the provisions of the State Bond Act. Bonds
17 issued pursuant to the State Bond Act shall be validated in
18 the manner established in chapter 75. The complaint for such
19 validation shall be filed in the circuit court of the county
20 where the seat of state government is situated, the notice
21 required to be published by s. 75.06 shall be published only
22 in the county where the complaint is filed, and the complaint
23 and order of the circuit court shall be served only on the
24 state attorney of the circuit in which the action is pending.
25 (10) Each year the State Board of Education shall
26 review and evaluate the percentage of the cost of adult
27 programs and certificate career education programs supported
28 through student fees. For students who are residents for
29 tuition purposes, the schedule adopted pursuant to subsection
30 (3) must produce revenues equal to 25 percent of the prior
31 year's average program cost for college-preparatory and

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1 certificate-level workforce development programs. Fees for
2 continuing workforce education shall be locally determined by
3 the district school board or community college board. However,
4 at least 50 percent of the expenditures for the continuing
5 workforce education program provided by the community college
6 or school district must be derived from fees. Except as
7 otherwise provided by law, fees for students who are not
8 residents for tuition purposes must offset the full cost of
9 instruction.

10 (11) Each school district and community college may
11 assess a service charge for the payment of tuition and fees in
12 installments. Such service charge must be approved by the
13 district school board or community college board of trustees.

14 (12) Any school district or community college that
15 reports students who have not paid fees in an approved manner
16 in calculations of full-time equivalent enrollments for state
17 funding purposes shall be penalized at a rate equal to 2 times
18 the value of such enrollments. Such penalty shall be charged
19 against the following year's allocation from the Florida
20 Workforce Development Education Fund or the Community College
21 Program Fund and shall revert to the General Revenue Fund.
22 The State Board of Education shall specify, in rule, approved
23 methods of student fee payment. Such methods must include,
24 but need not be limited to, student fee payment; payment
25 through federal, state, or institutional financial aid; and
26 employer fee payments.

27 (13) Each school district and community college shall
28 report only those students who have actually enrolled in
29 instruction provided or supervised by instructional personnel
30 under contract with the district or community college in
31 calculations of actual full-time enrollments for state funding

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1 purposes. A student who has been exempted from taking a
2 course or who has been granted academic or technical credit
3 through means other than actual coursework completed at the
4 granting institution may not be calculated for enrollment in
5 the course from which the student has been exempted or for
6 which the student has been granted credit. School districts
7 and community colleges that report enrollments in violation of
8 this subsection shall be penalized at a rate equal to 2 times
9 the value of such enrollments. Such penalty shall be charged
10 against the following year's allocation from the Workforce
11 Development Education Fund and shall revert to the General
12 Revenue Fund.

13 Section 403. Section 1009.23, Florida Statutes, is
14 created to read:

15 1009.23 Community college student fees.--

16 (1) Unless otherwise provided, the provisions of this
17 section apply only to fees charged for college credit
18 instruction leading to an associate in arts degree, an
19 associate in applied science degree, or an associate in
20 science degree and noncollege credit college-preparatory
21 courses defined in s. 1004.02.

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

24 (3) The State Board of Education shall adopt by
25 December 31 of each year a resident fee schedule for the
26 following fall for advanced and professional, associate in
27 science degree, and college-preparatory programs that produce
28 revenues in the amount of 25 percent of the full prior year's
29 cost of these programs. Fees for courses in
30 college-preparatory programs and associate in arts and
31 associate in science degree programs may be established at the

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1 same level. In the absence of a provision to the contrary in
2 an appropriations act, the fee schedule shall take effect and
3 the colleges shall expend the funds on instruction. If the
4 Legislature provides for an alternative fee schedule in an
5 appropriations act, the fee schedule shall take effect the
6 subsequent fall semester.

7 (4) Each community college board of trustees shall
8 establish tuition and out-of-state fees, which may vary no
9 more than 10 percent below and 15 percent above the combined
10 total of the fee schedule adopted by the State Board of
11 Education and the technology fee adopted by a board of
12 trustees, provided that any amount from 10 to 15 percent above
13 the fee schedule is used only to support safety and security
14 purposes. In order to assess an additional amount for safety
15 and security purposes, a community college board of trustees
16 must provide written justification to the State Board of
17 Education based on criteria approved by the board of trustees,
18 including, but not limited to, criteria such as local crime
19 data and information, and strategies for the implementation of
20 local safety plans. Should a college decide to increase the
21 tuition fee, the funds raised by increasing the tuition fee
22 must be expended solely for additional safety and security
23 purposes and shall not supplant funding expended in the
24 1998-1999 budget for safety and security purposes.

25 (5) Except as otherwise provided in law, the sum of
26 nonresident student tuition and out-of-state fees must be
27 sufficient to defray the full cost of each program.

28 (6) A community college board of trustees that has a
29 service area that borders another state may implement a plan
30 for a differential out-of-state fee.

31 (7) Each community college board of trustees may

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1 establish a separate activity and service fee not to exceed 10
2 percent of the tuition fee, according to rules of the State
3 Board of Education. The student activity and service fee shall
4 be collected as a component part of the tuition and fees. The
5 student activity and service fees shall be paid into a student
6 activity and service fund at the community college and shall
7 be expended for lawful purposes to benefit the student body in
8 general. These purposes include, but are not limited to,
9 student publications and grants to duly recognized student
10 organizations, the membership of which is open to all students
11 at the community college without regard to race, sex, or
12 religion.

13 (8)(a) Each community college board of trustees is
14 authorized to establish a separate fee for financial aid
15 purposes in an additional amount up to, but not to exceed, 5
16 percent of the total student tuition or out-of-state fees
17 collected. Each community college board of trustees may
18 collect up to an additional 2 percent if the amount generated
19 by the total financial aid fee is less than \$250,000. If the
20 amount generated is less than \$250,000, a community college
21 that charges tuition and out-of-state fees at least equal to
22 the average fees established by rule may transfer from the
23 general current fund to the scholarship fund an amount equal
24 to the difference between \$250,000 and the amount generated by
25 the total financial aid fee assessment. No other transfer from
26 the general current fund to the loan, endowment, or
27 scholarship fund, by whatever name known, is authorized.

28 (b) All funds collected under this program shall be
29 placed in the loan and endowment fund or scholarship fund of
30 the college, by whatever name known. Such funds shall be
31 disbursed to students as quickly as possible. An amount not

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1 greater than 40 percent of the fees collected in a fiscal year
2 may be carried forward unexpended to the following fiscal
3 year. However, funds collected prior to July 1, 1989, and
4 placed in an endowment fund may not be considered part of the
5 balance of funds carried forward unexpended to the following
6 fiscal year.

7 (c) Up to 25 percent or \$300,000, whichever is
8 greater, of the financial aid fees collected may be used to
9 assist students who demonstrate academic merit; who
10 participate in athletics, public service, cultural arts, and
11 other extracurricular programs as determined by the
12 institution; or who are identified as members of a targeted
13 gender or ethnic minority population. The financial aid fee
14 revenues allocated for athletic scholarships and fee
15 exemptions provided pursuant to s. 1009.25(3) for athletes
16 shall be distributed equitably as required by s.
17 1000.05(3)(d). A minimum of 75 percent of the balance of these
18 funds for new awards shall be used to provide financial aid
19 based on absolute need, and the remainder of the funds shall
20 be used for academic merit purposes and other purposes
21 approved by the boards of trustees. Such other purposes shall
22 include the payment of child care fees for students with
23 financial need. The State Board of Education shall develop
24 criteria for making financial aid awards. Each college shall
25 report annually to the Department of Education on the revenue
26 collected pursuant to this paragraph, the amount carried
27 forward, the criteria used to make awards, the amount and
28 number of awards for each criterion, and a delineation of the
29 distribution of such awards. The report shall include an
30 assessment by category of the financial need of every student
31 who receives an award, regardless of the purpose for which the

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1 award is received. Awards which are based on financial need
2 shall be distributed in accordance with a nationally
3 recognized system of need analysis approved by the State Board
4 of Education. An award for academic merit shall require a
5 minimum overall grade point average of 3.0 on a 4.0 scale or
6 the equivalent for both initial receipt of the award and
7 renewal of the award.

8 (d) These funds may not be used for direct or indirect
9 administrative purposes or salaries.

10 (9) Any community college that reports students who
11 have not paid fees in an approved manner in calculations of
12 full-time equivalent enrollments for state funding purposes
13 shall be penalized at a rate equal to two times the value of
14 such enrollments. Such penalty shall be charged against the
15 following year's allocation from the Community College Program
16 Fund and shall revert to the General Revenue Fund.

17 (10) Each community college board of trustees is
18 authorized to establish a separate fee for technology, which
19 may not exceed \$1.80 per credit hour or credit-hour equivalent
20 for resident students and not more than \$5.40 per credit hour
21 or credit-hour equivalent for nonresident students, to be
22 expended according to technology improvement plans. The
23 technology fee may apply to both college credit and
24 college-preparatory instruction. Fifty percent of technology
25 fee revenues may be pledged by a community college board of
26 trustees as a dedicated revenue source for the repayment of
27 debt, including lease-purchase agreements, not to exceed the
28 useful life of the asset being financed. Revenues generated
29 from the technology fee may not be bonded.

30 (11) Each community college board of trustees may
31 establish a separate fee for capital improvements, technology

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1 enhancements, or equipping student buildings which may not
2 exceed \$1 per credit hour or credit-hour equivalent for
3 residents and which equals or exceeds \$3 per credit hour for
4 nonresidents. Funds collected by community colleges through
5 these fees may be bonded only for the purpose of financing or
6 refinancing new construction and equipment, renovation, or
7 remodeling of educational facilities. The fee shall be
8 collected as a component part of the tuition and fees, paid
9 into a separate account, and expended only to construct and
10 equip, maintain, improve, or enhance the educational
11 facilities of the community college. Projects funded through
12 the use of the capital improvement fee shall meet the survey
13 and construction requirements of chapter 1013. Pursuant to s.
14 216.0158, each community college shall identify each project,
15 including maintenance projects, proposed to be funded in whole
16 or in part by such fee. Capital improvement fee revenues may
17 be pledged by a board of trustees as a dedicated revenue
18 source to the repayment of debt, including lease-purchase
19 agreements and revenue bonds, with a term not to exceed 20
20 years, and not to exceed the useful life of the asset being
21 financed, only for the new construction and equipment,
22 renovation, or remodeling of educational facilities. Community
23 colleges may use the services of the Division of Bond Finance
24 of the State Board of Administration to issue any bonds
25 authorized through the provisions of this subsection. Any such
26 bonds issued by the Division of Bond Finance shall be in
27 compliance with the provisions of the State Bond Act. Bonds
28 issued pursuant to the State Bond Act shall be validated in
29 the manner provided by chapter 75. The complaint for such
30 validation shall be filed in the circuit court of the county
31 where the seat of state government is situated, the notice

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1 required to be published by s. 75.06 shall be published only
2 in the county where the complaint is filed, and the complaint
3 and order of the circuit court shall be served only on the
4 state attorney of the circuit in which the action is pending.
5 A maximum of 15 cents per credit hour may be allocated from
6 the capital improvement fee for child care centers conducted
7 by the community college.

8 (12) In addition to tuition, out-of-state, financial
9 aid, capital improvement, student activity and service, and
10 technology fees authorized in this section, each community
11 college board of trustees is authorized to establish fee
12 schedules for the following user fees and fines: laboratory
13 fees; parking fees and fines; library fees and fines; fees and
14 fines relating to facilities and equipment use or damage;
15 access or identification card fees; duplicating, photocopying,
16 binding, or microfilming fees; standardized testing fees;
17 diploma replacement fees; transcript fees; application fees;
18 graduation fees; and late fees related to registration and
19 payment. Such user fees and fines shall not exceed the cost of
20 the services provided and shall only be charged to persons
21 receiving the service. A community college may not charge any
22 fee except as authorized by law or rules of the State Board of
23 Education. Parking fee revenues may be pledged by a community
24 college board of trustees as a dedicated revenue source for
25 the repayment of debt, including lease-purchase agreements and
26 revenue bonds with terms not exceeding 20 years and not
27 exceeding the useful life of the asset being financed.
28 Community colleges shall use the services of the Division of
29 Bond Finance of the State Board of Administration to issue any
30 revenue bonds authorized by the provisions of this subsection.
31 Any such bonds issued by the Division of Bond Finance shall be

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1 in compliance with the provisions of the State Bond Act. Bonds
2 issued pursuant to the State Bond Act shall be validated in
3 the manner established in chapter 75. The complaint for such
4 validation shall be filed in the circuit court of the county
5 where the seat of state government is situated, the notice
6 required to be published by s. 75.06 shall be published only
7 in the county where the complaint is filed, and the complaint
8 and order of the circuit court shall be served only on the
9 state attorney of the circuit in which the action is pending.

10 (13) The State Board of Education shall specify, as
11 necessary, by rule, approved methods of student fee payment.
12 Such methods shall include, but not be limited to, student fee
13 payment; payment through federal, state, or institutional
14 financial aid; and employer fee payments.

15 (14) Each community college board of trustees shall
16 report only those students who have actually enrolled in
17 instruction provided or supervised by instructional personnel
18 under contract with the community college in calculations of
19 actual full-time equivalent enrollments for state funding
20 purposes. No student who has been exempted from taking a
21 course or who has been granted academic or technical credit
22 through means other than actual coursework completed at the
23 granting institution shall be calculated for enrollment in the
24 course from which he or she has been exempted or granted
25 credit. Community colleges that report enrollments in
26 violation of this subsection shall be penalized at a rate
27 equal to two times the value of such enrollments. Such penalty
28 shall be charged against the following year's allocation from
29 the Community College Program Fund and shall revert to the
30 General Revenue Fund.

31 (15) Each community college may assess a service

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1 charge for the payment of tuition and fees in installments.
2 Such service charge must be approved by the community college
3 board of trustees.

4 (16) The State Board of Education shall adopt a rule
5 specifying the definitions and procedures to be used in the
6 calculation of the percentage of cost paid by students. The
7 rule must provide for the calculation of the full cost of
8 educational programs based on the allocation of all funds
9 provided through the general current fund to programs of
10 instruction, and other activities as provided in the annual
11 expenditure analysis. The rule shall be developed in
12 consultation with the Legislature.

13 Section 404. Section 1009.24, Florida Statutes, is
14 created to read:

15 1009.24 State university student fees.--

16 (1) This section applies to students enrolled in
17 college credit programs at state universities.

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

20 (3) Within proviso in the General Appropriations Act
21 and law, each board of trustees shall set university tuition
22 and fees. The sum of the activity and service, health, and
23 athletic fees a student is required to pay to register for a
24 course shall not exceed 40 percent of the tuition established
25 in law or in the General Appropriations Act. No university
26 shall be required to lower any fee in effect on the effective
27 date of this act in order to comply with this subsection.
28 Within the 40 percent cap, universities may not increase the
29 aggregate sum of activity and service, health, and athletic
30 fees more than 5 percent per year unless specifically
31 authorized in law or in the General Appropriations Act. This

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1 subsection does not prohibit a university from increasing or
2 assessing optional fees related to specific activities if
3 payment of such fees is not required as a part of registration
4 for courses.

5 (4) A university that has a service area that borders
6 another state may implement a plan for a differential
7 out-of-state fee.

8 (5) Students who are enrolled in Programs in Medical
9 Sciences are considered graduate students for the purpose of
10 enrollment and student fees.

11 (6) A university board of trustees is authorized to
12 collect for financial aid purposes an amount not to exceed 5
13 percent of the tuition and out-of-state fee. The revenues from
14 fees are to remain at each campus and replace existing
15 financial aid fees. Such funds shall be disbursed to students
16 as quickly as possible. A minimum of 75 percent of funds from
17 the student financial aid fee for new financial aid awards
18 shall be used to provide financial aid based on absolute need.
19 A student who has received an award prior to July 1, 1984,
20 shall have his or her eligibility assessed on the same
21 criteria that were used at the time of his or her original
22 award. The State Board of Education shall develop criteria for
23 making financial aid awards. Each university shall report
24 annually to the Department of Education on the revenue
25 collected pursuant to this subsection, the amount carried
26 forward, the criteria used to make awards, the amount and
27 number of awards for each criterion, and a delineation of the
28 distribution of such awards. The report shall include an
29 assessment by category of the financial need of every student
30 who receives an award, regardless of the purpose for which the
31 award is received. Awards which are based on financial need

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1 shall be distributed in accordance with a nationally
2 recognized system of need analysis approved by the State Board
3 of Education. An award for academic merit shall require a
4 minimum overall grade point average of 3.0 on a 4.0 scale or
5 the equivalent for both initial receipt of the award and
6 renewal of the award.

7 (7) The Capital Improvement Trust Fund fee is
8 established as \$2.44 per credit hour per semester. The
9 building fee is established as \$2.32 per credit hour per
10 semester.

11 (8) Each university board of trustees is authorized to
12 establish separate activity and service, health, and athletic
13 fees. When duly established, the fees shall be collected as
14 component parts of tuition and fees and shall be retained by
15 the university and paid into the separate activity and
16 service, health, and athletic funds.

17 (9)(a) Each university board of trustees shall
18 establish a student activity and service fee on the main
19 campus of the university. The university board may also
20 establish a student activity and service fee on any branch
21 campus or center. Any subsequent increase in the activity and
22 service fee must be recommended by an activity and service fee
23 committee, at least one-half of whom are students appointed by
24 the student body president. The remainder of the committee
25 shall be appointed by the university president. A chairperson,
26 appointed jointly by the university president and the student
27 body president, shall vote only in the case of a tie. The
28 recommendations of the committee shall take effect only after
29 approval by the university president, after consultation with
30 the student body president, with final approval by the
31 university board of trustees. An increase in the activity and

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1 service fee may occur only once each fiscal year and must be
2 implemented beginning with the fall term. The State Board of
3 Education is responsible for promulgating the rules and
4 timetables necessary to implement this fee.
5 (b) The student activity and service fees shall be
6 expended for lawful purposes to benefit the student body in
7 general. This shall include, but shall not be limited to,
8 student publications and grants to duly recognized student
9 organizations, the membership of which is open to all students
10 at the university without regard to race, sex, or religion.
11 The fund may not benefit activities for which an admission fee
12 is charged to students, except for
13 student-government-association-sponsored concerts. The
14 allocation and expenditure of the fund shall be determined by
15 the student government association of the university, except
16 that the president of the university may veto any line item or
17 portion thereof within the budget when submitted by the
18 student government association legislative body. The
19 university president shall have 15 school days from the date
20 of presentation of the budget to act on the allocation and
21 expenditure recommendations, which shall be deemed approved if
22 no action is taken within the 15 school days. If any line item
23 or portion thereof within the budget is vetoed, the student
24 government association legislative body shall within 15 school
25 days make new budget recommendations for expenditure of the
26 vetoed portion of the fund. If the university president vetoes
27 any line item or portion thereof within the new budget
28 revisions, the university president may reallocate by line
29 item that vetoed portion to bond obligations guaranteed by
30 activity and service fees. Unexpended funds and undisbursed
31 funds remaining at the end of a fiscal year shall be carried

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1 over and remain in the student activity and service fund and
2 be available for allocation and expenditure during the next
3 fiscal year.

4 (10) Each university board of trustees shall establish
5 a student health fee on the main campus of the university. The
6 university board of trustees may also establish a student
7 health fee on any branch campus or center. Any subsequent
8 increase in the health fee must be recommended by a health
9 committee, at least one-half of whom are students appointed by
10 the student body president. The remainder of the committee
11 shall be appointed by the university president. A chairperson,
12 appointed jointly by the university president and the student
13 body president, shall vote only in the case of a tie. The
14 recommendations of the committee shall take effect only after
15 approval by the university president, after consultation with
16 the student body president, with final approval by the
17 university board of trustees. An increase in the health fee
18 may occur only once each fiscal year and must be implemented
19 beginning with the fall term. The State Board of Education is
20 responsible for promulgating the rules and timetables
21 necessary to implement this fee.

22 (11) Each university board of trustees shall establish
23 a separate athletic fee on the main campus of the university.
24 The university board may also establish a separate athletic
25 fee on any branch campus or center. Any subsequent increase in
26 the athletic fee must be recommended by an athletic fee
27 committee, at least one-half of whom are students appointed by
28 the student body president. The remainder of the committee
29 shall be appointed by the university president. A chairperson,
30 appointed jointly by the university president and the student
31 body president, shall vote only in the case of a tie. The

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1 recommendations of the committee shall take effect only after
2 approval by the university president, after consultation with
3 the student body president, with final approval by the
4 university board of trustees. An increase in the athletic fee
5 may occur only once each fiscal year and must be implemented
6 beginning with the fall term. The State Board of Education is
7 responsible for promulgating the rules and timetables
8 necessary to implement this fee.

9 (12) Each university board of trustees is authorized
10 to establish the following fees:

11 (a) A nonrefundable application fee in an amount not
12 to exceed \$30.

13 (b) An orientation fee in an amount not to exceed \$35.

14 (c) A fee for security, access, or identification
15 cards. The annual fee for such a card may not exceed \$10 per
16 card. The maximum amount charged for a replacement card may
17 not exceed \$15.

18 (d) Registration fees for audit and zero-hours
19 registration; a service charge, which may not exceed \$15, for
20 the payment of tuition in installments; and a
21 late-registration fee in an amount not less than \$50 nor more
22 than \$100 to be imposed on students who fail to initiate
23 registration during the regular registration period.

24 (e) A late-payment fee in an amount not less than \$50
25 nor more than \$100 to be imposed on students who fail to pay
26 or fail to make appropriate arrangements to pay (by means of
27 installment payment, deferment, or third-party billing)
28 tuition by the deadline set by each university. Each
29 university may adopt specific procedures or policies for
30 waiving the late-payment fee for minor underpayments.

31 (f) A fee for miscellaneous health-related charges for

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1 services provided at cost by the university health center
2 which are not covered by the health fee set under subsection
3 (10).

4 (g) Materials and supplies fees to offset the cost of
5 materials or supplies that are consumed in the course of the
6 student's instructional activities, excluding the cost of
7 equipment replacement, repairs, and maintenance.

8 (h) Housing rental rates and miscellaneous housing
9 charges for services provided by the university at the request
10 of the student.

11 (i) A charge representing the reasonable cost of
12 efforts to collect payment of overdue accounts.

13 (j) A service charge on university loans in lieu of
14 interest and administrative handling charges.

15 (k) A fee for off-campus course offerings when the
16 location results in specific, identifiable increased costs to
17 the university.

18 (l) Library fees and fines, including charges for
19 damaged and lost library materials, overdue reserve library
20 books, interlibrary loans, and literature searches.

21 (m) Fees relating to duplicating, photocopying,
22 binding, and microfilming; copyright services; and
23 standardized testing. These fees may be charged only to those
24 who receive the services.

25 (n) Fees and fines relating to the use, late return,
26 and loss and damage of facilities and equipment.

27 (o) A returned-check fee as authorized by s. 832.07(1)
28 for unpaid checks returned to the university.

29 (p) Traffic and parking fines, charges for parking
30 decals, and transportation access fees.

31 (q) An Educational Research Center for Child

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1 Development fee for child care and services offered by the
2 center.

3 (r) Fees for transcripts and diploma replacement, not
4 to exceed \$10 per item.

5 (13) The board of trustees of the University of
6 Florida is authorized to establish an admissions deposit fee
7 for the University of Florida College of Dentistry in an
8 amount not to exceed \$200.

9 (14) Each university may assess a service charge for
10 the payment of tuition and fees in installments. Such service
11 charge must be approved by the university board of trustees.

12 Section 405. Section 1009.25, Florida Statutes, is
13 created to read:

14 1009.25 Fee exemptions.--

15 (1) The following students are exempt from any
16 requirement for the payment of tuition and fees, including lab
17 fees, for adult basic, adult secondary, or
18 vocational-preparatory instruction:

19 (a) A student who does not have a high school diploma
20 or its equivalent.

21 (b) A student who has a high school diploma or its
22 equivalent and who has academic skills at or below the eighth
23 grade level pursuant to state board rule. A student is
24 eligible for this exemption from fees if the student's skills
25 are at or below the eighth grade level as measured by a test
26 administered in the English language and approved by the
27 Department of Education, even if the student has skills above
28 that level when tested in the student's native language.

29 (2) The following students are exempt from the payment
30 of tuition and fees, including lab fees, at a school district
31 that provides postsecondary career and technical programs,

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1 community college, or state university:

2 (a) A student enrolled in a dual enrollment or early
3 admission program pursuant to s. 1007.27 or s. 1007.271.

4 (b) A student enrolled in an approved apprenticeship
5 program, as defined in s. 446.021.

6 (c) A student for whom the state is paying a foster
7 care board payment pursuant to s. 409.145(3) or pursuant to
8 parts II and III of chapter 39, for whom the permanency
9 planning goal pursuant to part III of chapter 39 is long-term
10 foster care or independent living, or who is adopted from the
11 Department of Children and Family Services after May 5, 1997.
12 Such exemption includes fees associated with enrollment in
13 vocational-preparatory instruction and completion of the
14 college-level communication and computation skills testing
15 program. Such exemption shall be available to any student
16 adopted from the Department of Children and Family Services
17 after May 5, 1997; however, the exemption shall be valid for
18 no more than 4 years after the date of graduation from high
19 school.

20 (d) A student enrolled in an employment and training
21 program under the welfare transition program. The regional
22 workforce board shall pay the state university, community
23 college, or school district for costs incurred for welfare
24 transition program participants.

25 (e) A student who lacks a fixed, regular, and adequate
26 nighttime residence or whose primary nighttime residence is a
27 public or private shelter designed to provide temporary
28 residence for individuals intended to be institutionalized, or
29 a public or private place not designed for, or ordinarily used
30 as, a regular sleeping accommodation for human beings.

31 (f) A student who is a proprietor, owner, or worker of

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1 a company whose business has been at least 50 percent
2 negatively financially impacted by the buy-out of property
3 around Lake Apopka by the State of Florida. Such a student may
4 receive a fee exemption only if the student has not received
5 compensation because of the buy-out, the student is designated
6 a Florida resident for tuition purposes, pursuant to s.
7 1009.21, and the student has applied for and been denied
8 financial aid, pursuant to s. 1009.40, which would have
9 provided, at a minimum, payment of all student fees. The
10 student is responsible for providing evidence to the
11 postsecondary education institution verifying that the
12 conditions of this paragraph have been met, including support
13 documentation provided by the Department of Revenue. The
14 student must be currently enrolled in, or begin coursework
15 within, a program area by fall semester 2000. The exemption
16 is valid for a period of 4 years from the date that the
17 postsecondary education institution confirms that the
18 conditions of this paragraph have been met.

19 (3) Each community college is authorized to grant
20 student fee exemptions from all fees adopted by the State
21 Board of Education and the community college board of trustees
22 for up to 40 full-time equivalent students at each
23 institution.

24 Section 406. Section 1009.26, Florida Statutes, is
25 created to read:

26 1009.26 Fee waivers.--

27 (1) School districts and community colleges may waive
28 fees for any fee-nonexempt student. The total value of fee
29 waivers granted by the school district or community college
30 may not exceed the amount established annually in the General
31 Appropriations Act. Any student whose fees are waived in

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1 excess of the authorized amount may not be reported for state
2 funding purposes. Any school district or community college
3 that waives fees and requests state funding for a student in
4 violation of the provisions of this section shall be penalized
5 at a rate equal to 2 times the value of the full-time student
6 enrollment reported.

7 (2) A state university may waive any or all
8 application, tuition, and related fees for persons who
9 supervise student interns for a state university.

10 (3) A university board of trustees is authorized to
11 permit full-time university employees who meet academic
12 requirements to enroll for up to 6 credit hours of
13 tuition-free courses per term on a space-available basis.

14 (4) A state university may waive any or all
15 application, tuition, and related fees for persons 60 years of
16 age or older who are residents of this state and who attend
17 classes for credit. No academic credit shall be awarded for
18 attendance in classes for which fees are waived under this
19 subsection. This privilege may be granted only on a
20 space-available basis, if such classes are not filled as of
21 the close of registration. A university may limit or deny the
22 privilege for courses which are in programs for which the
23 State Board of Education has established selective admissions
24 criteria. Persons paying full fees and state employees taking
25 courses on a space-available basis shall have priority over
26 those persons whose fees are waived in all cases where
27 classroom spaces are limited.

28 (5) Any graduate student enrolled in a state-approved
29 school psychology training program shall be entitled to a
30 waiver of registration fees for internship credit hours
31 applicable to an internship in the public school system under

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1 the supervision of a Department of Education certified school
2 psychologist employed by the school system.

3 (6) The State Board of Education may establish rules
4 to allow for the waiver of out-of-state fees for
5 nondegree-seeking students enrolled at a state university if
6 the earned student credit hours generated by such students are
7 nonfundable and the direct cost for the program of study is
8 recovered from the fees charged to all students.

9 (7) The spouse of a deceased state employee is
10 entitled, when eligible for the payment of student fees by the
11 state as employer pursuant to s. 440.16, in lieu of such
12 payment, to a full waiver of student fees for up to 80
13 semester hours in any community college.

14 (8) Fees shall be waived for certain members of the
15 active Florida National Guard pursuant to s. 250.10(8).

16 Section 407. Section 1009.265, Florida Statutes, is
17 created to read:

18 1009.265 State employee fee waivers.--

19 (1) As a benefit to the employer and employees of the
20 state, subject to approval by an employee's agency head or the
21 equivalent, each state university and community college shall
22 waive tuition and fees for state employees to enroll for up to
23 6 credit hours of courses per term on a space-available basis.

24 (2) The Comptroller, in cooperation with the community
25 colleges and state universities, shall identify and implement
26 ways to ease the administrative burden to community colleges
27 and state universities, including, but not limited to,
28 providing easier access to verify state employment.

29 (3) From funds appropriated by the Legislature for
30 implementation of this section, community colleges and state
31 universities shall be reimbursed for administrative costs on a

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1 pro rata basis according to the cost assessment data developed
2 by the Department of Education.

3 (4) The Auditor General shall include a review of the
4 cost assessment data in conjunction with his or her audit
5 responsibilities for community colleges, state universities,
6 and the Department of Education.

7 (5) For purposes of this section, employees of the
8 state include employees of the executive, legislative, and
9 judicial branches of state government.

10 Section 408. Section 1009.27, Florida Statutes, is
11 created to read:

12 1009.27 Deferral of fees.--

13 (1) The State Board of Education shall adopt rules to
14 allow the deferral of tuition and registration fees for
15 students receiving financial aid from a federal or state
16 assistance program when the aid is delayed in being
17 transmitted to the student through circumstances beyond the
18 control of the student. The failure to make timely application
19 for the aid is an insufficient reason to receive a deferral of
20 fees. The rules must provide for the enforcement and
21 collection or other settlement of delinquent accounts.

22 (2) Any veteran or other eligible student who receives
23 benefits under chapter 30, chapter 31, chapter 32, chapter 34,
24 or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10,
25 U.S.C., is entitled to one deferment each academic year and an
26 additional deferment each time there is a delay in the receipt
27 of benefits.

28 (3) Each school district, community college, and state
29 university is responsible for collecting all deferred fees. If
30 a school district, community college, or state university has
31 not collected a deferred fee, the student may not earn state

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1 funding for any course for which the student subsequently
2 registers until the fee has been paid.

3 Section 409. Section 1009.28, Florida Statutes, is
4 created to read:

5 1009.28 Fees for repeated enrollment in
6 college-preparatory classes.--A student enrolled in the same
7 college-preparatory class more than twice shall pay 100
8 percent of the full cost of instruction to support continuous
9 enrollment of that student in the same class, and the student
10 shall not be included in calculations of full-time equivalent
11 enrollments for state funding purposes; however, students who
12 withdraw or fail a class due to extenuating circumstances may
13 be granted an exception only once for each class, provided
14 approval is granted according to policy established by the
15 board of trustees. Each community college may review and
16 reduce fees paid by students due to continued enrollment in a
17 college-preparatory class on an individual basis contingent
18 upon the student's financial hardship, pursuant to definitions
19 and fee levels established by the State Board of Education.

20 Section 410. Section 1009.285, Florida Statutes, is
21 created to read:

22 1009.285 Fees for repeated enrollment in
23 college-credit courses.--A student enrolled in the same
24 undergraduate college-credit course more than twice shall pay
25 tuition at 100 percent of the full cost of instruction and
26 shall not be included in calculations of full-time equivalent
27 enrollments for state funding purposes. However, students who
28 withdraw or fail a class due to extenuating circumstances may
29 be granted an exception only once for each class, provided
30 that approval is granted according to policy established by
31 the community college board of trustees or the university

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1 board of trustees. Each community college and state university
2 may review and reduce fees paid by students due to continued
3 enrollment in a college-credit class on an individual basis
4 contingent upon the student's financial hardship, pursuant to
5 definitions and fee levels established by the State Board of
6 Education. For purposes of this section, first-time enrollment
7 in a class shall mean enrollment in a class beginning fall
8 semester 1997, and calculations of the full cost of
9 instruction shall be based on the systemwide average of the
10 prior year's cost of undergraduate programs for the community
11 colleges and the state universities. Boards of trustees may
12 make exceptions to this section for individualized study,
13 elective coursework, courses that are repeated as a
14 requirement of a major, and courses that are intended as
15 continuing over multiple semesters, excluding the repeat of
16 coursework more than two times to increase grade point average
17 or meet minimum course grade requirements.

18 Section 411. Section 1009.29, Florida Statutes, is
19 created to read:

20 1009.29 Increased fees for funding financial aid
21 program.--

22 (1) Student tuition and registration fees at each
23 state university and community college shall include up to
24 \$4.68 per quarter, or \$7.02 per semester, per full-time
25 student, or the per-student credit hour equivalents of such
26 amounts. The fees provided for by this section shall be
27 adjusted from time to time, as necessary, to comply with the
28 debt service coverage requirements of the student loan revenue
29 bonds issued pursuant to s. 1009.79. If the Division of Bond
30 Finance of the State Board of Education and the Commissioner
31 of Education determine that such fees are no longer required

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1 as security for revenue bonds issued pursuant to ss.
2 1009.78-1009.88, moneys previously collected pursuant to this
3 section which are held in escrow, after administrative
4 expenses have been met and up to \$150,000 has been used to
5 establish a financial aid data processing system for the state
6 universities incorporating the necessary features to meet the
7 needs of all nine universities for application through
8 disbursement processing, shall be reallocated to the
9 generating institutions to be used for student financial aid
10 programs, including, but not limited to, scholarships and
11 grants for educational purposes. Upon such determination, such
12 fees shall no longer be assessed and collected.

13 (2) The Department of Education may, in accordance
14 with rules established by the State Board of Administration,
15 receive and administer grants and donations from any source
16 and, in its discretion, establish criteria, select recipients,
17 and award scholarships and loans from the fees provided for by
18 this section, and fix the interest rates and terms of
19 repayment.

20 Section 412. Part III of chapter 1009, Florida
21 Statutes, shall be entitled "Financial Assistance" and shall
22 consist of ss. 1009.40-1009.96.

23 Section 413. Part III.a. of chapter 1009, Florida
24 Statutes, shall be entitled "General Provisions" and shall
25 consist of ss. 1009.40-1009.44.

26 Section 414. Section 1009.40, Florida Statutes, is
27 created to read:

28 1009.40 General requirements for student eligibility
29 for state financial aid.--

30 (1)(a) The general requirements for eligibility of
31 students for state financial aid awards consist of the

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1 following:

2 1. Achievement of the academic requirements of and
3 acceptance at a state university or community college; a
4 nursing diploma school approved by the Florida Board of
5 Nursing; a Florida college, university, or community college
6 which is accredited by an accrediting agency recognized by the
7 State Board of Education; any Florida institution the credits
8 of which are acceptable for transfer to state universities;
9 any technical center; or any private technical institution
10 accredited by an accrediting agency recognized by the State
11 Board of Education.

12 2. Residency in this state for no less than 1 year
13 preceding the award of aid for a program established pursuant
14 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.56, s. 1009.53,
15 s. 1009.54, s. 1009.57, s. 1009.60, s. 1009.60, s. 1009.62, s.
16 1009.63, s. 1009.76, s. 1009.72, s. 1009.73, s. 1009.77, or s.
17 1009.89. Residency in this state must be for purposes other
18 than to obtain an education. Resident status for purposes of
19 receiving state financial aid awards shall be determined in
20 the same manner as resident status for tuition purposes
21 pursuant to s. 1009.21 and rules of the State Board of
22 Education.

23 3. Submission of certification attesting to the
24 accuracy, completeness, and correctness of information
25 provided to demonstrate a student's eligibility to receive
26 state financial aid awards. Falsification of such information
27 shall result in the denial of any pending application and
28 revocation of any award currently held to the extent that no
29 further payments shall be made. Additionally, students who
30 knowingly make false statements in order to receive state
31 financial aid awards shall be guilty of a misdemeanor of the

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1 second degree subject to the provisions of s. 837.06 and shall
2 be required to return all state financial aid awards
3 wrongfully obtained.

4 (b)1. Eligibility for the renewal of undergraduate
5 financial aid awards shall be evaluated at the end of the
6 second semester or third quarter of each academic year. As a
7 condition for renewal, a student shall:

8 a. Have earned a minimum cumulative grade point
9 average of 2.0 on a 4.0 scale; and

10 b. Have earned, for full-time study, 12 credits per
11 term or the equivalent for the number of terms for which aid
12 was received.

13 2. A student who earns the minimum number of credits
14 required for renewal, but who fails to meet the minimum 2.0
15 cumulative grade point average, may be granted a probationary
16 award for up to the equivalent of 1 academic year and shall be
17 required to earn a cumulative grade point average of 2.0 on a
18 4.0 scale by the end of the probationary period to be eligible
19 for subsequent renewal. A student who receives a probationary
20 award and who fails to meet the conditions for renewal by the
21 end of his or her probationary period shall be ineligible to
22 receive additional awards for the equivalent of 1 academic
23 year following his or her probationary period. Each such
24 student may, however, reapply for assistance during a
25 subsequent application period and may be eligible for an award
26 if he or she has earned a cumulative grade point average of
27 2.0 on a 4.0 scale.

28 3. A student who fails to earn the minimum number of
29 credits required for renewal shall lose his or her eligibility
30 for renewal for a period equivalent to 1 academic year.
31 However, the student may reapply during a subsequent

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1 application period and may be eligible for an award if he or
2 she has earned a minimum cumulative grade point average of 2.0
3 on a 4.0 scale.

4 4. Students who receive state student aid and
5 subsequently fail to meet state academic progress requirements
6 due to verifiable illness or other emergencies may be granted
7 an exception from the academic requirements. Such students
8 shall make a written appeal to the institution. The appeal
9 shall include a description and verification of the
10 circumstances. Verification of illness or other emergencies
11 may include but not be limited to a physician's statement or
12 written statement of a parent or college official. The
13 institution shall recommend exceptions with necessary
14 documentation to the department. The department may accept or
15 deny such recommendations for exception from the institution.

16 (2) These requirements do not preclude higher
17 standards specified in other sections of this part, in rules
18 of the state board, or in rules of a participating
19 institution.

20 (3) Undergraduate students are be eligible to receive
21 financial aid for a maximum of 8 semesters or 12 quarters.
22 However, undergraduate students participating in
23 college-preparatory instruction, students requiring additional
24 time to complete the college-level communication and
25 computation skills testing programs, or students enrolled in a
26 5-year undergraduate degree program are eligible to receive
27 financial aid for a maximum of 10 semesters or 15 quarters.

28 (4) No student is eligible to receive more than one
29 state scholarship that is based on academic merit. Students
30 who qualify for more than one such scholarship shall be
31 notified of all awards for which they qualify and shall be

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1 provided the opportunity to accept one of their choosing.

2 Section 415. Section 1009.41, Florida Statutes, is
3 created to read:

4 1009.41 State financial aid; students with a
5 disability.--Notwithstanding the provisions of s.
6 1009.40(1)(b)1.b. regarding the number of credits earned per
7 term, or other financial aid eligibility requirements related
8 to the number of required credits earned per term, a student
9 with a documented disability, as defined by the Americans with
10 Disabilities Act, shall be eligible to be considered for state
11 financial aid while attending an eligible postsecondary
12 institution on a part-time basis. The State Board of Education
13 shall establish the necessary criteria for documentation of
14 the student's disability and the postsecondary institution
15 shall make the determination as to whether or not the
16 disability is such that part-time status is a necessary
17 accommodation. For the purposes of this section, financial aid
18 funds may be prorated based on the number of credit hours
19 taken.

20 Section 416. Section 1009.42, Florida Statutes, is
21 created to read:

22 1009.42 Financial aid appeal process.--

23 (1) The State Board of Education shall adopt, by rule,
24 a procedure for the appeal of errors in eligibility
25 determinations, or failure to transfer awards between eligible
26 institutions, made by the Office of Student Financial
27 Assistance of the Department of Education, regarding
28 applicants' eligibility for receiving state student financial
29 aid awards. The procedure must provide for establishment of a
30 committee to consider appeals that are not resolved by other
31 administrative action. Each committee must be comprised of

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1 four members appointed by the Commissioner of Education,
2 including one representative of the Office of Student
3 Financial Assistance; two practicing financial aid
4 administrators from public or private postsecondary
5 institutions in this state, one of whom must be from an
6 institution other than one to which the applicant is seeking
7 admission; and one student enrolled in a public postsecondary
8 institution in this state, nominated by the Florida Student
9 Association. An applicant for state student financial aid who
10 believes an error has been made in determining eligibility for
11 student financial assistance or who believes the department
12 has failed to transfer an award between eligible institutions
13 may appeal the decision in writing to the Office of Student
14 Financial Assistance. The Office of Student Financial
15 Assistance shall investigate the complaint and take
16 appropriate action within 30 days after its receipt of the
17 appeal. If the student wishes further review of the appeal,
18 the Office of Student Financial Assistance shall forward the
19 appeal to the committee. Within 30 days after the receipt of a
20 request for a hearing, a final decision shall be rendered by
21 the committee established under this section, and a copy of
22 the decision shall be provided to the applicant. The decision
23 rendered by the committee constitutes final agency action. A
24 description of the financial aid appeals process shall be
25 included in the application form for each state student
26 financial aid program.

27 (2) The president of each state university and each
28 community college shall establish a procedure for appeal, by
29 students, of grievances related to the award or administration
30 of financial aid at the institution.

31 (3) A student involved in a financial aid appeal

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1 proceeding is eligible for a deferral of registration and fee
2 payments pursuant to s. 1009.27.

3 Section 417. Section 1009.43, Florida Statutes, is
4 created to read:

5 1009.43 State student financial assistance;
6 authorization for use in program of study in another state or
7 foreign country.--A student who is enrolled in a public or
8 private postsecondary educational institution in this state
9 may apply state student financial assistance towards the cost
10 of a program of study in another state or a foreign country
11 for a period of up to 1 year, if the program of study is
12 offered or promoted by the Florida institution as an integral
13 part of the academic studies of that degree-seeking student or
14 as a program that would enhance the student's academic
15 experience. This program must be approved by the president of
16 the institution in this state or by his or her designee;
17 however, private, postsecondary Florida institutions with
18 out-of-state subsidiary institutions are not authorized to
19 make Florida residents attending their out-of-state subsidiary
20 institutions eligible for Florida financial assistance.

21 Section 418. Section 1009.44, Florida Statutes, is
22 created to read:

23 1009.44 Need-based financial aid; no preference to
24 students receiving other aid.--From the funds collected by
25 state universities and community colleges as a financial aid
26 fee and from other funds appropriated by the Legislature for
27 financial aid from the Educational Enhancement Trust Fund,
28 institutions shall expend those moneys designated as
29 need-based financial aid with no preference given to students
30 who also qualify for merit-based or other financial aid
31 awards.

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1 Section 419. Part III.b. of chapter 1009, Florida
2 Statutes, shall be entitled "Scholarships, Grants, and Other
3 Aid" and shall consist of ss. 1009.50-1009.89.

4 Section 420. Section 1009.50, Florida Statutes, is
5 created to read:

6 1009.50 Florida Public Student Assistance Grant
7 Program; eligibility for grants.--

8 (1) There is hereby created a Florida Public Student
9 Assistance Grant Program. The program shall be administered by
10 the participating institutions in accordance with rules of the
11 state board.

12 (2)(a) State student assistance grants through the
13 program may be made only to full-time degree-seeking students
14 who meet the general requirements for student eligibility as
15 provided in s. 1009.40, except as otherwise provided in this
16 section. The grants shall be awarded annually for the amount
17 of demonstrated unmet need for the cost of education and may
18 not exceed an amount equal to the average prior academic year
19 cost of tuition fees and other registration fees for 30 credit
20 hours at state universities or such other amount as specified
21 in the General Appropriations Act, to any recipient. A
22 demonstrated unmet need of less than \$200 shall render the
23 applicant ineligible for a state student assistance grant.
24 Recipients of the grants must have been accepted at a state
25 university or community college authorized by Florida law. No
26 student may receive an award for more than the equivalent of 9
27 semesters or 14 quarters of full-time enrollment, except as
28 otherwise provided in s. 1009.40(3).

29 (b) A student applying for a Florida public student
30 assistance grant shall be required to apply for the Pell
31 Grant. The Pell Grant entitlement shall be considered when

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1 conducting an assessment of the financial resources available
2 to each student.

3 (c) Priority in the distribution of grant moneys shall
4 be given to students with the lowest total family resources,
5 in accordance with a nationally recognized system of need
6 analysis. Using the system of need analysis, the department
7 shall establish a maximum expected family contribution. An
8 institution may not make a grant from this program to a
9 student whose expected family contribution exceeds the level
10 established by the department. An institution may not impose
11 additional criteria to determine a student's eligibility to
12 receive a grant award.

13 (d) Each participating institution shall report, to
14 the department by the established date, the eligible students
15 to whom grant moneys are disbursed each academic term. Each
16 institution shall also report to the department necessary
17 demographic and eligibility data for such students.

18 (3) Based on the unmet financial need of an eligible
19 applicant, the amount of a Florida public student assistance
20 grant must be between \$200 and the weighted average of the
21 cost of tuition and other registration fees for 30 credit
22 hours at state universities per academic year or the amount
23 specified in the General Appropriations Act.

24 (4)(a) The funds appropriated for the Florida Public
25 Student Assistance Grant shall be distributed to eligible
26 institutions in accordance with a formula approved by the
27 State Board of Education. The formula shall consider at least
28 the prior year's distribution of funds, the number of
29 full-time eligible applicants who did not receive awards, the
30 standardization of the expected family contribution, and
31 provisions for unused funds.

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1 (b) Payment of Florida public student assistance
2 grants shall be transmitted to the president of the state
3 university or community college, or to his or her
4 representative, in advance of the registration period.
5 Institutions shall notify students of the amount of their
6 awards.

7 (c) The eligibility status of each student to receive
8 a disbursement shall be determined by each institution as of
9 the end of its regular registration period, inclusive of a
10 drop-add period. Institutions shall not be required to
11 reevaluate a student's eligibility status after this date for
12 purposes of changing eligibility determinations previously
13 made.

14 (d) Institutions shall certify to the department the
15 amount of funds disbursed to each student and shall remit to
16 the department any undisbursed advances by June 1 of each
17 year.

18 (5) Funds appropriated by the Legislature for state
19 student assistance grants shall be deposited in the State
20 Student Financial Assistance Trust Fund. Notwithstanding the
21 provisions of s. 216.301 and pursuant to s. 216.351, any
22 balance in the trust fund at the end of any fiscal year that
23 has been allocated to the Florida Public Student Assistance
24 Grant Program shall remain therein and shall be available for
25 carrying out the purposes of this section.

26 (6) The State Board of Education shall establish rules
27 necessary to implement this section.

28 Section 421. Section 1009.51, Florida Statutes, is
29 created to read:

30 1009.51 Florida Private Student Assistance Grant
31 Program; eligibility for grants.--

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

1 (1) There is created a Florida Private Student
2 Assistance Grant Program. The program shall be administered by
3 the participating institutions in accordance with rules of the
4 State Board of Education.

5 (2)(a) Florida private student assistance grants from
6 the State Student Financial Assistance Trust Fund may be made
7 only to full-time degree-seeking students who meet the general
8 requirements for student eligibility as provided in s.
9 1009.40, except as otherwise provided in this section. Such
10 grants shall be awarded for the amount of demonstrated unmet
11 need for tuition and fees and may not exceed an amount equal
12 to the average tuition and other registration fees for 30
13 credit hours at state universities plus \$1,000 per academic
14 year, or as specified in the General Appropriations Act, to
15 any applicant. A demonstrated unmet need of less than \$200
16 shall render the applicant ineligible for a Florida private
17 student assistance grant. Recipients of such grants must have
18 been accepted at a baccalaureate-degree-granting independent
19 nonprofit college or university, which is accredited by the
20 Commission on Colleges of the Southern Association of Colleges
21 and Schools and which is located in and chartered as a
22 domestic corporation by the state. No student may receive an
23 award for more than the equivalent of 9 semesters or 14
24 quarters of full-time enrollment, except as otherwise provided
25 in s. 1009.40(3).

26 (b) A student applying for a Florida private student
27 assistance grant shall be required to apply for the Pell
28 Grant. The Pell Grant entitlement shall be considered when
29 conducting an assessment of the financial resources available
30 to each student.

31 (c) Priority in the distribution of grant moneys shall

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1 be given to students with the lowest total family resources,
2 in accordance with a nationally recognized system of need
3 analysis. Using the system of need analysis, the department
4 shall establish a maximum expected family contribution. An
5 institution may not make a grant from this program to a
6 student whose expected family contribution exceeds the level
7 established by the department. An institution may not impose
8 additional criteria to determine a student's eligibility to
9 receive a grant award.

10 (d) Each participating institution shall report, to
11 the department by the established date, the eligible students
12 to whom grant moneys are disbursed each academic term. Each
13 institution shall also report to the department necessary
14 demographic and eligibility data for such students.

15 (3) Based on the unmet financial need of an eligible
16 applicant, the amount of a Florida private student assistance
17 grant must be between \$200 and the average cost of tuition and
18 other registration fees for 30 credit hours at state
19 universities plus \$1,000 per academic year or the amount
20 specified in the General Appropriations Act.

21 (4)(a) The funds appropriated for the Florida Private
22 Student Assistance Grant shall be distributed to eligible
23 institutions in accordance with a formula approved by the
24 State Board of Education. The formula shall consider at least
25 the prior year's distribution of funds, the number of
26 full-time eligible applicants who did not receive awards, the
27 standardization of the expected family contribution, and
28 provisions for unused funds.

29 (b) Payment of Florida private student assistance
30 grants shall be transmitted to the president of the college or
31 university, or to his or her representative, in advance of the

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1 registration period. Institutions shall notify students of the
2 amount of their awards.

3 (c) The eligibility status of each student to receive
4 a disbursement shall be determined by each institution as of
5 the end of its regular registration period, inclusive of a
6 drop-add period. Institutions shall not be required to
7 reevaluate a student's eligibility status after this date for
8 purposes of changing eligibility determinations previously
9 made.

10 (d) Institutions shall certify to the department the
11 amount of funds disbursed to each student and shall remit to
12 the department any undisbursed advances by June 1 of each
13 year.

14 (e) Each institution that receives moneys through the
15 Florida Private Student Assistance Grant Program shall prepare
16 a biennial report that includes a financial audit, conducted
17 by an independent certified public accountant, of the
18 institution's administration of the program and a complete
19 accounting of moneys in the State Student Financial Assistance
20 Trust Fund allocated to the institution for the program. Such
21 report shall be submitted to the department by March 1 every
22 other year. The department may conduct its own annual or
23 biennial audit of an institution's administration of the
24 program and its allocated funds in lieu of the required
25 biennial report and financial audit report. The department may
26 suspend or revoke an institution's eligibility to receive
27 future moneys from the trust fund for the program or request a
28 refund of any moneys overpaid to the institution through the
29 trust fund for the program if the department finds that an
30 institution has not complied with the provisions of this
31 section. Any refund requested pursuant to this paragraph shall

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1 be remitted within 60 days.

2 (5) Funds appropriated by the Legislature for Florida
3 private student assistance grants shall be deposited in the
4 State Student Financial Assistance Trust Fund. Notwithstanding
5 the provisions of s. 216.301 and pursuant to s. 216.351, any
6 balance in the trust fund at the end of any fiscal year that
7 has been allocated to the Florida Private Student Assistance
8 Grant Program shall remain therein and shall be available for
9 carrying out the purposes of this section and as otherwise
10 provided by law.

11 (6) The State Board of Education shall adopt rules
12 necessary to implement this section.

13 Section 422. Section 1009.52, Florida Statutes, is
14 created to read:

15 1009.52 Florida Postsecondary Student Assistance Grant
16 Program; eligibility for grants.--

17 (1) There is created a Florida Postsecondary Student
18 Assistance Grant Program. The program shall be administered by
19 the participating institutions in accordance with rules of the
20 State Board of Education.

21 (2)(a) Florida postsecondary student assistance grants
22 through the State Student Financial Assistance Trust Fund may
23 be made only to full-time degree-seeking students who meet the
24 general requirements for student eligibility as provided in s.
25 1009.40, except as otherwise provided in this section. Such
26 grants shall be awarded for the amount of demonstrated unmet
27 need for tuition and fees and may not exceed an amount equal
28 to the average prior academic year cost of tuition and other
29 registration fees for 30 credit hours at state universities
30 plus \$1,000 per academic year, or as specified in the General
31 Appropriations Act, to any applicant. A demonstrated unmet

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1 need of less than \$200 shall render the applicant ineligible
2 for a Florida postsecondary student assistance grant.
3 Recipients of such grants must have been accepted at a
4 postsecondary institution that is located in the state and
5 that is:

6 1. A private nursing diploma school approved by the
7 Florida Board of Nursing; or

8 2. A college or university licensed by the Commission
9 for Independent Education, excluding those institutions the
10 students of which are eligible to receive a Florida private
11 student assistance grant pursuant to s. 1009.51.

12
13 No student may receive an award for more than the equivalent
14 of 9 semesters or 14 quarters of full-time enrollment, except
15 as otherwise provided in s. 1009.40(3).

16 (b) A student applying for a Florida postsecondary
17 student assistance grant shall be required to apply for the
18 Pell Grant. The Pell Grant entitlement shall be considered
19 when conducting an assessment of the financial resources
20 available to each student.

21 (c) Priority in the distribution of grant moneys shall
22 be given to students with the lowest total family resources,
23 in accordance with a nationally recognized system of need
24 analysis. Using the system of need analysis, the department
25 shall establish a maximum expected family contribution. An
26 institution may not make a grant from this program to a
27 student whose expected family contribution exceeds the level
28 established by the department. An institution may not impose
29 additional criteria to determine a student's eligibility to
30 receive a grant award.

31 (d) Each participating institution shall report, to

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1 the department by the established date, the eligible students
2 to whom grant moneys are disbursed each academic term. Each
3 institution shall also report to the department necessary
4 demographic and eligibility data for such students.

5 (3) Based on the unmet financial need of an eligible
6 applicant, the amount of a Florida postsecondary student
7 assistance grant must be between \$200 and the average cost of
8 tuition and other registration fees for 30 credit hours at
9 state universities plus \$1,000 per academic year or the amount
10 specified in the General Appropriations Act.

11 (4)(a) The funds appropriated for the Florida
12 Postsecondary Student Assistance Grant shall be distributed to
13 eligible institutions in accordance with a formula approved by
14 the State Board of Education. The formula shall consider at
15 least the prior year's distribution of funds, the number of
16 full-time eligible applicants who did not receive awards, the
17 standardization of the expected family contribution, and
18 provisions for unused funds.

19 (b) Payment of Florida postsecondary student
20 assistance grants shall be transmitted to the president of the
21 eligible institution, or to his or her representative, in
22 advance of the registration period. Institutions shall notify
23 students of the amount of their awards.

24 (c) The eligibility status of each student to receive
25 a disbursement shall be determined by each institution as of
26 the end of its regular registration period, inclusive of a
27 drop-add period. Institutions shall not be required to
28 reevaluate a student's eligibility status after this date for
29 purposes of changing eligibility determinations previously
30 made.

31 (d) Institutions shall certify to the department the

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1 amount of funds disbursed to each student and shall remit to
2 the department any undisbursed advances by June 1 of each
3 year.

4 (e) Each institution that receives moneys through the
5 Florida Postsecondary Student Assistance Grant Program shall
6 prepare a biennial report that includes a financial audit,
7 conducted by an independent certified public accountant, of
8 the institution's administration of the program and a complete
9 accounting of moneys in the State Student Financial Assistance
10 Trust Fund allocated to the institution for the program. Such
11 report shall be submitted to the department by March 1 every
12 other year. The department may conduct its own annual or
13 biennial audit of an institution's administration of the
14 program and its allocated funds in lieu of the required
15 biennial report and financial audit report. The department may
16 suspend or revoke an institution's eligibility to receive
17 future moneys from the trust fund for the program or request a
18 refund of any moneys overpaid to the institution through the
19 trust fund for the program if the department finds that an
20 institution has not complied with the provisions of this
21 section. Any refund requested pursuant to this paragraph
22 shall be remitted within 60 days.

23 (5) Any institution that was eligible to receive state
24 student assistance grants on January 1, 1989, and that is not
25 eligible to receive grants pursuant to s. 1009.51 is eligible
26 to receive grants pursuant to this section.

27 (6) Funds appropriated by the Legislature for Florida
28 postsecondary student assistance grants shall be deposited in
29 the State Student Financial Assistance Trust Fund.
30 Notwithstanding the provisions of s. 216.301 and pursuant to
31 s. 216.351, any balance in the trust fund at the end of any

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1 fiscal year that has been allocated to the Florida
2 Postsecondary Student Assistance Grant Program shall remain
3 therein and shall be available for carrying out the purposes
4 of this section and as otherwise provided by law.

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

7 Section 423. Section 1009.53, Florida Statutes, is
8 created to read:

9 1009.53 Florida Bright Futures Scholarship Program.--

10 (1) The Florida Bright Futures Scholarship Program is
11 created to establish a lottery-funded scholarship program to
12 reward any Florida high school graduate who merits recognition
13 of high academic achievement and who enrolls in a degree
14 program, certificate program, or applied technology program at
15 an eligible Florida public or private postsecondary education
16 institution within 3 years of graduation from high school.

17 (2) The Bright Futures Scholarship Program consists of
18 three types of awards: the Florida Academic Scholarship, the
19 Florida Medallion Scholarship, and the Florida Gold Seal
20 Vocational Scholarship.

21 (3) The Department of Education shall administer the
22 Bright Futures Scholarship Program according to rules and
23 procedures established by the State Board of Education. A
24 single application must be sufficient for a student to apply
25 for any of the three types of awards. The department must
26 advertise the availability of the scholarship program and must
27 notify students, teachers, parents, guidance counselors, and
28 principals or other relevant school administrators of the
29 criteria and application procedures. The department must begin
30 this process of notification no later than January 1 of each
31 year.

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1 (4) Funding for the Bright Futures Scholarship Program
2 must be allocated from the Education Enhancement Trust Fund
3 and must be provided before allocations from that fund are
4 calculated for disbursement to other educational entities.

5 (a) If funds appropriated are not adequate to provide
6 the maximum allowable award to each eligible applicant, awards
7 in all three components of the program must be prorated using
8 the same percentage reduction.

9 (b) Notwithstanding s. 216.301, if all funds allocated
10 to the Bright Futures Scholarship Program are not used in any
11 fiscal year, up to 10 percent of the total allocation may be
12 carried forward and used for awards in the following year.

13 (5) The department shall issue awards from the
14 scholarship program annually. Annual awards may be for up to
15 45 semester credit hours or the equivalent. Before the
16 registration period each semester, the department shall
17 transmit payment for each award to the president or director
18 of the postsecondary education institution, or his or her
19 representative, except that the department may withhold
20 payment if the receiving institution fails to report or to
21 make refunds to the department as required in this section.

22 (a) Within 30 days after the end of regular
23 registration each semester, the educational institution shall
24 certify to the department the eligibility status of each
25 student who receives an award. After the end of the drop and
26 add period, an institution is not required to reevaluate or
27 revise a student's eligibility status, but must make a refund
28 to the department if a student who receives an award
29 disbursement terminates enrollment for any reason during an
30 academic term and a refund is permitted by the institution's
31 refund policy.

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1 (b) An institution that receives funds from the
2 program shall certify to the department the amount of funds
3 disbursed to each student and shall remit to the department
4 any undisbursed advances within 60 days after the end of
5 regular registration.

6 (c) Each institution that receives moneys through this
7 program shall prepare an annual report that includes an annual
8 financial audit, conducted by an independent certified public
9 accountant or the Auditor General. The report shall include an
10 audit of the institution's administration of the program and a
11 complete accounting of the moneys for the program. This report
12 must be submitted to the department annually by March 1. The
13 department may conduct its own annual audit of an
14 institution's administration of the program. The department
15 may request a refund of any moneys overpaid to the institution
16 for the program. The department may suspend or revoke an
17 institution's eligibility to receive future moneys for the
18 program if the department finds that an institution has not
19 complied with this section. The institution must remit within
20 60 days any refund requested in accordance with this
21 subsection.

22 (6) A student enrolled in 6 to 8 semester credit hours
23 may receive up to one-half of the maximum award; a student
24 enrolled in 9 to 11 credit hours may receive up to
25 three-fourths of the maximum award; and a student enrolled in
26 12 or more credit hours may receive up to the full award.

27 (7) A student may receive only one type of award from
28 the Florida Bright Futures Scholarship Program at a time, but
29 may transfer from one type of award to another through the
30 renewal application process, if the student's eligibility
31 status changes. However, a student is not eligible to transfer

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1 from a Florida Medallion Scholarship or a Florida Gold Seal
2 Vocational Scholarship to a Florida Academic Scholarship. A
3 student who receives an award from the program may also
4 receive a federal family education loan or a federal direct
5 loan, and the value of the award must be considered in the
6 certification or calculation of the student's loan
7 eligibility.

8 (8) If a recipient transfers from one eligible
9 institution to another and continues to meet eligibility
10 requirements, the award must be transferred with the student.

11 (9) A student may use an award for summer term
12 enrollment if funds are available.

13 (10) Funds from any scholarship within the Florida
14 Bright Futures Scholarship Program may not be used to pay for
15 remedial or college-preparatory coursework.

16 Section 424. Section 1009.531, Florida Statutes, is
17 created to read:

18 1009.531 Florida Bright Futures Scholarship Program;
19 student eligibility requirements for initial awards.--

20 (1) To be eligible for an initial award from any of
21 the three types of scholarships under the Florida Bright
22 Futures Scholarship Program, a student must:

23 (a) Be a Florida resident as defined in s. 1009.40 and
24 rules of the State Board of Education.

25 (b) Earn a standard Florida high school diploma or its
26 equivalent as described in s. 1003.43 or s. 1003.45 unless:

27 1. The student is enrolled full time in the early
28 admission program of an eligible postsecondary education
29 institution or completes a home education program according to
30 s. 1002.41; or

31 2. The student earns a high school diploma from a

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1 non-Florida school while living with a parent or guardian who
2 is on military or public service assignment away from Florida.

3 (c) Be accepted by and enroll in an eligible Florida
4 public or independent postsecondary education institution.

5 (d) Be enrolled for at least 6 semester credit hours
6 or the equivalent in quarter hours or clock hours.

7 (e) Not have been found guilty of, or plead nolo
8 contendere to, a felony charge, unless the student has been
9 granted clemency by the Governor and Cabinet sitting as the
10 Executive Office of Clemency.

11 (f) Apply for a scholarship from the program by high
12 school graduation.

13 (2) A student is eligible to accept an initial award
14 for 3 years following high school graduation and to accept a
15 renewal award for 7 years following high school graduation. A
16 student who applies for an award by high school graduation and
17 who meets all other eligibility requirements, but who does not
18 accept his or her award, may reapply during subsequent
19 application periods up to 3 years after high school
20 graduation.

21 (3) For purposes of calculating the grade point
22 average to be used in determining initial eligibility for a
23 Florida Bright Futures scholarship, the department shall
24 assign additional weights to grades earned in the following
25 courses:

26 (a) Courses identified in the course code directory as
27 Advanced Placement, pre-International Baccalaureate, or
28 International Baccalaureate.

29 (b) Courses designated as academic dual enrollment
30 courses in the statewide course numbering system.

31

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1 The department may assign additional weights to courses, other
2 than those described in paragraphs (a) and (b), that are
3 identified by the Department of Education as containing
4 rigorous academic curriculum and performance standards. The
5 additional weight assigned to a course pursuant to this
6 subsection shall not exceed 0.5 per course. The weighted
7 system shall be developed and distributed to all high schools
8 in the state prior to January 1, 1998. The department may
9 determine a student's eligibility status during the senior
10 year before graduation and may inform the student of the award
11 at that time.

12 (4) A student who wishes to qualify for a particular
13 award within the Florida Bright Futures Scholarship Program,
14 but who does not meet all of the requirements for that level
15 of award, may, nevertheless, receive the award if the
16 principal of the student's school or the district
17 superintendent verifies that the deficiency is caused by the
18 fact that school district personnel provided inaccurate or
19 incomplete information to the student. The school district
20 must provide a means for the student to correct the
21 deficiencies and the student must correct them, either by
22 completing comparable work at the postsecondary institution or
23 by completing a directed individualized study program
24 developed and administered by the school district. If the
25 student does not complete the requirements by December 31
26 immediately following high school graduation, the student is
27 ineligible to participate in the program.

28 Section 425. Section 1009.532, Florida Statutes, is
29 created to read:

30 1009.532 Florida Bright Futures Scholarship Program;
31 student eligibility requirements for renewal awards.--

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1 (1) To be eligible to renew a scholarship from any of
2 the three types of scholarships under the Florida Bright
3 Futures Scholarship Program, a student must:

4 (a) Complete at least 12 semester credit hours or the
5 equivalent in the last academic year in which the student
6 earned a scholarship.

7 (b) Maintain the cumulative grade point average
8 required by the scholarship program, except that:

9 1. If a recipient's grades fall beneath the average
10 required to renew a Florida Academic Scholarship, but are
11 sufficient to renew a Florida Medallion Scholarship or a
12 Florida Gold Seal Vocational Scholarship, the Department of
13 Education may grant a renewal from one of those other
14 scholarship programs, if the student meets the renewal
15 eligibility requirements; or

16 2. If, at any time during the eligibility period, a
17 student's grades are insufficient to renew the scholarship,
18 the student may restore eligibility by improving the grade
19 point average to the required level. A student is eligible for
20 such a reinstatement only once. The Legislature encourages
21 education institutions to assist students to calculate whether
22 or not it is possible to raise the grade point average during
23 the summer term. If the institution determines that it is
24 possible, the education institution may so inform the
25 department, which may reserve the student's award if funds are
26 available. The renewal, however, must not be granted until the
27 student achieves the required cumulative grade point average.
28 If the summer term is not sufficient to raise the grade point
29 average to the required renewal level, the student's next
30 opportunity for renewal is the fall semester of the following
31 academic year.

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1 (2) A student who is enrolled in a program that
2 terminates in an associate degree or a baccalaureate degree
3 may receive an award for a maximum of 110 percent of the
4 number of credit hours required to complete the program. A
5 student who is enrolled in a program that terminates in a
6 technical certificate may receive an award for a maximum of
7 110 percent of the credit hours or clock hours required to
8 complete the program up to 90 credit hours. A student who
9 transfers from one of these program levels to another becomes
10 eligible for the higher of the two credit hour limits.

11 Section 426. Section 1009.533, Florida Statutes, is
12 created to read:

13 1009.533 Florida Bright Futures Scholarship Program;
14 eligible postsecondary education institutions.--A student is
15 eligible for an award or the renewal of an award from the
16 Florida Bright Futures Scholarship Program if the student
17 meets the requirements for the program as described in this
18 act and is enrolled in a postsecondary education institution
19 that meets the description in any one of the following
20 subsections:

21 (1) A Florida public university, community college, or
22 technical center.

23 (2) An independent Florida college or university that
24 is accredited by an accrediting association whose standards
25 are comparable to the minimum standards required to operate an
26 institution at that level in Florida, as determined by rules
27 of the Commission for Independent Education, and which has
28 operated in the state for at least 3 years.

29 (3) An independent Florida postsecondary education
30 institution that is licensed by the Commission for Independent
31 Education and that:

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1 (a) Is authorized to grant degrees;
2 (b) Shows evidence of sound financial condition; and
3 (c) Has operated in the state for at least 3 years
4 without having its approval, accreditation, or license placed
5 on probation.

6 (4) A Florida independent postsecondary education
7 institution that offers a nursing diploma approved by the
8 Board of Nursing.

9 (5) A Florida independent postsecondary education
10 institution that is licensed by the Commission for Independent
11 Education and which:

12 (a) Is authorized to award certificates, diplomas, or
13 credentials other than degrees;

14 (b) Has a program completion and placement rate of at
15 least the rate required by the current Florida Statutes, the
16 Florida Administrative Code, or the Department of Education
17 for an institution at its level; and

18 (c) Shows evidence of sound financial condition; and
19 either:

20 1. Is accredited at the institutional level by an
21 accrediting agency recognized by the United States Department
22 of Education and has operated in the state for at least 3
23 years during which there has been no complaint for which
24 probable cause has been found; or

25 2. Has operated in Florida for 5 years during which
26 there has been no complaint for which probable cause has been
27 found.

28 Section 427. Section 1009.534, Florida Statutes, is
29 created to read:

30 1009.534 Florida Academic Scholars award.--

31 (1) A student is eligible for a Florida Academic

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- 1 Scholars award if the student meets the general eligibility
- 2 requirements for the Florida Bright Futures Scholarship
- 3 Program and the student:
- 4 (a) Has achieved a 3.5 weighted grade point average as
- 5 calculated pursuant to s. 1009.531, or its equivalent, in high
- 6 school courses that are designated by the State Board of
- 7 Education as college-preparatory academic courses; and has
- 8 attained at least the score identified by rules of the State
- 9 Board of Education on the combined verbal and quantitative
- 10 parts of the Scholastic Aptitude Test, the Scholastic
- 11 Assessment Test, or the recentered Scholastic Assessment Test
- 12 of the College Entrance Examination, or an equivalent score on
- 13 the ACT Assessment Program; or
- 14 (b) Has attended a home education program according to
- 15 s. 1002.41 during grades 11 and 12 or has completed the
- 16 International Baccalaureate curriculum but failed to earn the
- 17 International Baccalaureate Diploma, and has attained at least
- 18 the score identified by rules of the Department of Education
- 19 on the combined verbal and quantitative parts of the
- 20 Scholastic Aptitude Test, the Scholastic Assessment Test, or
- 21 the recentered Scholastic Assessment Test of the College
- 22 Entrance Examination, or an equivalent score on the ACT
- 23 Assessment Program; or
- 24 (c) Has been awarded an International Baccalaureate
- 25 Diploma from the International Baccalaureate Office; or
- 26 (d) Has been recognized by the merit or achievement
- 27 programs of the National Merit Scholarship Corporation as a
- 28 scholar or finalist; or
- 29 (e) Has been recognized by the National Hispanic
- 30 Recognition Program as a scholar recipient.
- 31

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1 A student must complete a program of community service work,
2 as approved by the district school board or the administrators
3 of a nonpublic school, which shall include a minimum of 75
4 hours of service work and require the student to identify a
5 social problem that interests him or her, develop a plan for
6 his or her personal involvement in addressing the problem,
7 and, through papers or other presentations, evaluate and
8 reflect upon his or her experience.

9 (2) A Florida Academic Scholar who is enrolled in a
10 public postsecondary education institution is eligible for an
11 award equal to the amount required to pay tuition, fees, and
12 \$600 for college-related expenses annually. A student who is
13 enrolled in a nonpublic postsecondary education institution is
14 eligible for an award equal to the amount that would be
15 required to pay for the average tuition and fees of a public
16 postsecondary education institution at the comparable level,
17 plus the annual \$600.

18 (3) To be eligible for a renewal award as a Florida
19 Academic Scholar, a student must maintain the equivalent of a
20 cumulative grade point average of 3.0 on a 4.0 scale with an
21 opportunity for one reinstatement as provided in this chapter.

22 (4) In each school district, the Florida Academic
23 Scholar with the highest academic ranking shall receive an
24 additional award of \$1,500 for college-related expenses. This
25 award must be funded from the Florida Bright Futures
26 Scholarship Program.

27 Section 428. Section 1009.535, Florida Statutes, is
28 created to read:

29 1009.535 Florida Medallion Scholars award.--

30 (1) A student is eligible for a Florida Medallion
31 Scholars award if the student meets the general eligibility

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1 requirements for the Florida Bright Futures Scholarship
2 Program and the student:

3 (a) Has achieved a weighted grade point average of 3.0
4 as calculated pursuant to s. 1009.531, or the equivalent, in
5 high school courses that are designated by the State Board of
6 Education as college-preparatory academic courses; and has
7 attained at least the score identified by rules of the State
8 Board of Education on the combined verbal and quantitative
9 parts of the Scholastic Aptitude Test, the Scholastic
10 Assessment Test, or the recentered Scholastic Assessment Test
11 of the College Entrance Examination, or an equivalent score on
12 the ACT Assessment Program; or

13 (b) Has attended a home education program according to
14 s. 1002.41 during grades 11 and 12 or has completed the
15 International Baccalaureate curriculum but failed to earn the
16 International Baccalaureate Diploma, and has attained at least
17 the score identified by rules of the Department of Education
18 on the combined verbal and quantitative parts of the
19 Scholastic Aptitude Test, the Scholastic Assessment Test, or
20 the recentered Scholastic Assessment Test of the College
21 Entrance Examination, or an equivalent score on the ACT
22 Assessment Program; or

23 (c) Has been recognized by the merit or achievement
24 program of the National Merit Scholarship Corporation as a
25 scholar or finalist but has not completed a program of
26 community service as provided in s. 1009.534; or

27 (d) Has been recognized by the National Hispanic
28 Recognition Program as a scholar, but has not completed a
29 program of community service as provided in s. 1009.534.

30 (2) A Florida Medallion Scholar is eligible for an
31 award equal to the amount required to pay 75 percent of

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1 tuition and fees, if the student is enrolled in a public
2 postsecondary education institution. A student who is enrolled
3 in a nonpublic postsecondary education institution is eligible
4 for an award equal to the amount that would be required to pay
5 75 percent of the tuition and fees of a public postsecondary
6 education institution at the comparable level.

7 (3) To be eligible for a renewal award as a Florida
8 Medallion Scholar, a student must maintain the equivalent of a
9 cumulative grade point average of 2.75 on a 4.0 scale with an
10 opportunity for reinstatement one time as provided in this
11 chapter.

12 Section 429. Section 1009.536, Florida Statutes, is
13 created to read:

14 1009.536 Florida Gold Seal Vocational Scholars
15 award.--The Florida Gold Seal Vocational Scholars award is
16 created within the Florida Bright Futures Scholarship Program
17 to recognize and reward academic achievement and career and
18 technical preparation by high school students who wish to
19 continue their education.

20 (1) A student is eligible for a Florida Gold Seal
21 Vocational Scholars award if the student meets the general
22 eligibility requirements for the Florida Bright Futures
23 Scholarship Program and the student:

24 (a) Completes the secondary school portion of a
25 sequential program of studies that requires at least three
26 secondary school career and technical credits taken over at
27 least 2 academic years, and is continued in a planned, related
28 postsecondary education program. If the student's school does
29 not offer such a two-plus-two or tech-prep program, the
30 student must complete a job-preparatory career education
31 program selected by the Workforce Estimating Conference or

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1 Workforce Florida, Inc., for its ability to provide high-wage
2 employment in an occupation with high potential for employment
3 opportunities. On-the-job training may not be substituted for
4 any of the three required career and technical credits.

5 (b) Demonstrates readiness for postsecondary education
6 by earning a passing score on the Florida College Entry Level
7 Placement Test or its equivalent as identified by the
8 Department of Education.

9 (c) Earns a minimum cumulative weighted grade point
10 average of 3.0, as calculated pursuant to s. 1009.531, on all
11 subjects required for a standard high school diploma,
12 excluding elective courses.

13 (d) Earns a minimum unweighted grade point average of
14 3.5 on a 4.0 scale for secondary career and technical courses
15 comprising the career and technical program.

16 (2) A Florida Gold Seal Vocational Scholar is eligible
17 for an award equal to the amount required to pay 75 percent of
18 tuition and fees, if the student is enrolled in a public
19 postsecondary education institution. A student who is enrolled
20 in a nonpublic postsecondary education institution is eligible
21 for an award equal to the amount that would be required to pay
22 75 percent of the tuition and mandatory fees of a public
23 postsecondary education institution at the comparable level.

24 (3) To be eligible for a renewal award as a Florida
25 Gold Seal Vocational Scholar, a student must maintain the
26 equivalent of a cumulative grade point average of 2.75 on a
27 4.0 scale with an opportunity for reinstatement one time as
28 provided in this chapter.

29 (4) A student may earn a Florida Gold Seal Vocational
30 Scholarship for 110 percent of the number of credit hours
31 required to complete the program, up to 90 credit hours or the

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1 equivalent. A Florida Gold Seal Scholar who has a cumulative
2 grade point average of 2.75 in all postsecondary education
3 work attempted may apply for a Florida Medallion Scholars
4 award at any renewal period. All other provisions of that
5 program apply, and the credit-hour limitation must be
6 calculated by subtracting from the student's total eligibility
7 the number of credit hours the student attempted while earning
8 the Gold Seal Vocational Scholarship.

9 Section 430. Section 1009.537, Florida Statutes, is
10 created to read:

11 1009.537 Eligibility for the Florida Bright Futures
12 Scholarship Program; transition.--

13 (1) A student who graduates from high school in 1997
14 or earlier and who is eligible for the Florida Undergraduate
15 Scholar's Program pursuant to former s. 240.402 is eligible
16 for the Florida Academic Scholars award as provided in this
17 act. A student who graduates from high school in 1998 or 1999
18 is eligible for the Florida Academic Scholars award if the
19 student meets the criteria in s. 1009.534. However, in lieu of
20 satisfying the requirements set forth in s. 1009.534(1)(a), a
21 student may meet the following criteria:

22 (a) Complete a program of at least 24 credits in
23 advanced-level studies as prescribed by the State Board of
24 Education, including as a minimum:

25 1. Four years of progressively advanced instruction in
26 language arts, including courses in English composition and
27 literature.

28 2. Four years of progressively advanced instruction in
29 science, including laboratory courses in biology, chemistry,
30 and physics where laboratory facilities are available.

31 3. Four years of progressively advanced instruction in

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1 mathematics, including courses in algebra, geometry, and
2 calculus or trigonometry.

3 4. Two years of sequential foreign language.

4 5. One year of instruction in art and music or in
5 either art or music.

6 6. Three years of instruction in social studies,
7 including courses in American history and government, world
8 history, and comparative political and economic systems.

9 7. One year of instruction in health and physical
10 education to include assessment, improvement, and maintenance
11 of personal fitness.

12 (b) Obtain at least the equivalent of an unweighted
13 grade point average of 3.0 on a 4.0 scale for all courses
14 taken for which high school credit may be granted.

15 (c) Achieve a score of 1180 on the combined verbal and
16 quantitative parts of the Scholastic Aptitude Test, the
17 Scholastic Assessment Test, or the recentered Scholastic
18 Assessment Test of the College Entrance Examination, or an
19 equivalent score on the ACT Assessment Program or an
20 equivalent program.

21 (d) Complete a program of community service work, as
22 approved by the district school board or the administrators of
23 a nonpublic school, which shall include a minimum of 75 hours
24 of service work and require the student to identify a social
25 problem that interests him or her, develop a plan for his or
26 her personal involvement in addressing the problem, and,
27 through papers or other presentations, evaluate and reflect
28 upon his or her experience.

29
30 Students who graduate from high school after 1999 must meet
31 the eligibility criteria pursuant to s. 1009.534.

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1 (2) A student who graduates from high school in 1997
2 or earlier and who is eligible for the Florida Vocational Gold
3 Seal Endorsement Scholarship award pursuant to former s.
4 240.4021 is eligible for the Florida Gold Seal Vocational
5 Scholars award as provided in this act. A student who
6 graduates from high school in 1998 or 1999 is eligible for the
7 Florida Gold Seal Vocational Scholars award if the student
8 meets the criteria in s. 1009.536. However, in lieu of
9 satisfying the grade point average requirement set forth in s.
10 1009.536(1)(c), a student may earn a minimum cumulative
11 unweighted grade point average of 3.0 on a 4.0 scale on all
12 subjects required for a standard high school diploma. Students
13 who graduate from high school after 1999 must meet the
14 eligibility criteria pursuant to s. 1009.536.

15 (3) Effective for the 1997-1998 academic year, a
16 student is eligible for an initial award of a Florida Merit
17 Scholarship if the student:

18 (a)1. Is scheduled to graduate from high school in
19 1997;

20 2. Completes, or is enrolled in all courses required
21 to complete, the high school college-preparatory coursework
22 required in this act;

23 3. Achieves an unweighted grade point average of 3.0
24 on a 4.0 scale, or the equivalent, in high school courses that
25 are adopted by the Board of Regents and recommended by the
26 State Board of Community Colleges as college-preparatory
27 academic courses; and

28 4. Earns a score of 970 or above on the combined
29 verbal and quantitative parts of the recentered Scholastic
30 Assessment Test of the College Entrance Examination, or an
31 equivalent score on the ACT Assessment Program; or

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1 (b) Has completed a college-preparatory curriculum in
2 1997 through an approved home school program and has attained
3 a score of 970 on the combined verbal and quantitative parts
4 of the recentered Scholastic Assessment Test of the College
5 Entrance Examination, or an equivalent score on the ACT
6 Assessment Program. Eligibility shall be determined in the
7 same manner as for public school students. For students whose
8 parents are unable to document a college-preparatory
9 curriculum, a score of 1070 on the SAT, or equivalent score on
10 the ACT, shall be required for award eligibility.

11 Section 431. Section 1009.538, Florida Statutes, is
12 created to read:

13 1009.538 Bright Futures Scholarship recipients
14 attending nonpublic institutions; calculation of
15 awards.--Notwithstanding ss. 1009.53, 1009.534, 1009.535, and
16 1009.536, a student who receives any award under the Florida
17 Bright Futures Scholarship Program, who is enrolled in a
18 nonpublic postsecondary education institution, and who is
19 assessed tuition and fees that are the same as those of a
20 full-time student at that institution, shall receive a fixed
21 award calculated by using the average tuition and fee
22 calculation as prescribed by the Department of Education for
23 full-time attendance at a public postsecondary education
24 institution at the comparable level. If the student is
25 enrolled part-time and is assessed tuition and fees at a
26 reduced level, the award shall be either one-half of the
27 maximum award or three-fourths of the maximum award, depending
28 on the level of fees assessed.

29 Section 1009.5385, Florida Statutes, is created to
30 read:

31 1009.5385 Use of certain scholarship funds by children

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1 of deceased or disabled veterans.--The criteria for the use of
2 scholarship funds which apply to students under the Florida
3 Bright Futures Scholarship Program shall also apply to the
4 children of deceased or disabled veterans who receive
5 scholarships under chapter 295.

6 Section 432. Section 1009.539, Florida Statutes, is
7 created to read:

8 1009.539 Florida Bright Futures Scholarship Testing
9 Program.--

10 (1) The State Board of Education shall identify the
11 minimum scores, maximum credit, and course or courses for
12 which credit is to be awarded for each College Level
13 Examination Program (CLEP) general examination, CLEP subject
14 examination, College Board Advanced Placement Program
15 examination, and International Baccalaureate examination. In
16 addition, the State Board of Education shall identify such
17 courses in the general education core curriculum of each state
18 university and community college.

19 (2) Each community college and state university must
20 award credit for specific courses for which competency has
21 been demonstrated by successful passage of one of these
22 examinations unless the award of credit duplicates credit
23 already awarded. Community colleges and universities may not
24 exempt students from courses without the award of credit if
25 competencies have been so demonstrated. If a student achieves
26 a passing score as identified by the State Board of Education
27 on an examination required by this section, the student shall
28 receive credit equivalent to successfully completing the
29 equivalent course as identified by the State Board of
30 Education in a state university or community college, provided
31 that such credit is not duplicative of credit already earned

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1 by the student.

2 (3) Students eligible for a Florida Academic Scholars
3 award or a Florida Medallion Scholars award who are admitted
4 to and enroll in a community college or state university
5 shall, prior to registering for courses that may be earned
6 through a CLEP examination and no later than registration for
7 their second term, complete at least five examinations from
8 those specified in subsection (1) in the following areas:
9 English; humanities; mathematics; natural sciences; and social
10 sciences. Successful completion of dual enrollment courses,
11 Advanced Placement examinations, and International
12 Baccalaureate examinations taken prior to high school
13 graduation satisfy this requirement. The State Board of
14 Education shall identify the examinations that satisfy each
15 component of this requirement.

16 (4) Each community college and state university shall
17 pay for the CLEP examinations required pursuant to this
18 section from the funds appropriated from the Educational
19 Enhancement Trust Fund. Institutions shall pay no more than
20 \$46 per examination for the program, which shall include
21 access to a student guide to prepare for the test. The
22 Department of Education shall negotiate with the College Board
23 for a reduced rate for the examinations. The institution shall
24 not charge the student for preparation and administration of
25 the test, access to a student guide to prepare for the test,
26 or recordkeeping and reporting of each student's test results
27 to the department.

28 (5) The credit awarded pursuant to this section shall
29 apply toward the 120 hours of college credit required pursuant
30 to s. 1007.25(7).

31 (6) The Department of Education shall track and

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1 annually report on the effectiveness of the program, and
2 include information on the number of students participating in
3 the program; the CLEP examinations taken and the passage rate
4 of Florida Academic Scholars and Florida Medallion Scholars
5 award recipients; the use of Advanced Placement and
6 International Baccalaureate examinations and dual enrollment
7 courses to satisfy the requirements of the program; and the
8 course credit provided.

9 Section 433. Section 1009.54, Florida Statutes, is
10 created to read:

11 1009.54 Critical Teacher Shortage Program.--There is
12 created the Critical Teacher Shortage Program. Funds
13 appropriated by the Legislature for the program shall be
14 deposited in the State Student Financial Assistance Trust
15 Fund. The Comptroller shall authorize expenditures from the
16 trust fund upon receipt of vouchers approved by the Department
17 of Education for the critical teacher shortage programs
18 established in s. 1009.57, s. 1009.58, or s. 1009.59. The
19 Comptroller shall also authorize expenditures from the trust
20 fund for the "Chappie" James Most Promising Teacher
21 Scholarship Loan Program and the Critical Teacher Shortage
22 Scholarship Loan Program recipients who participated in these
23 programs prior to July 1, 1993, provided that such students
24 continue to meet the renewal eligibility requirements that
25 were in effect at the time that their original awards were
26 made. Students who participated in the "Chappie" James Most
27 Promising Teacher Scholarship Loan Program prior to July 1,
28 1993, shall not have their awards reduced as a result of the
29 addition of new students to the program. All scholarship loan
30 repayments pursuant to s. 1009.57 shall be deposited into the
31 State Student Financial Assistance Trust Fund. Any remaining

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1 balance at the end of any fiscal year that has been allocated
2 to the program shall remain in the trust fund and be available
3 for the individual programs in future years.

4 Section 434. Section 1009.55, Florida Statutes, is
5 created to read:

6 1009.55 Rosewood Family Scholarship Program.--

7 (1) There is created a Rosewood Family Scholarship
8 Program for minority persons with preference given to the
9 direct descendants of the Rosewood families, not to exceed 25
10 scholarships per year. Funds appropriated by the Legislature
11 for the program shall be deposited in the State Student
12 Financial Assistance Trust Fund.

13 (2) The Rosewood Family Scholarship Program shall be
14 administered by the Department of Education. The State Board
15 of Education shall adopt rules for administering this program
16 which shall at a minimum provide for the following:

17 (a) The annual award to a student shall be up to
18 \$4,000 but should not exceed an amount in excess of tuition
19 and registration fees.

20 (b) If funds are insufficient to provide a full
21 scholarship to each eligible applicant, the department may
22 prorate available funds and make a partial award to each
23 eligible applicant.

24 (c) The department shall rank eligible initial
25 applicants for the purposes of awarding scholarships with
26 preference being given to the direct descendants of the
27 Rosewood families. The remaining applicants shall be ranked
28 based on need as determined by the Department of Education.

29 (d) Payment of an award shall be transmitted in
30 advance of the registration period each semester on behalf of
31 the student to the president of the university or community

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1 college, or his or her representative, or to the director of
2 the technical school which the recipient is attending.

3 (3) Beginning with the 1994-1995 academic year, the
4 department is authorized to make awards for undergraduate
5 study to students who:

6 (a) Meet the general requirements for student
7 eligibility as provided in s. 1009.40, except as otherwise
8 provided in this section.

9 (b) File an application for the scholarship within the
10 established time limits.

11 (c) Enroll as certificate-seeking or degree-seeking
12 students at a state university, community college, or
13 technical school authorized by law.

14 Section 435. Section 1009.56, Florida Statutes, is
15 created to read:

16 1009.56 Seminole and Miccosukee Indian Scholarships.--

17 (1) There is created a Seminole and Miccosukee Indian
18 Scholarship Program to be administered by the Department of
19 Education in accordance with rules established by the State
20 Board of Education. The Seminole Tribe of Florida and the
21 Miccosukee Tribe of Indians of Florida shall act in an
22 advisory capacity in the development of the rules.

23 (2) The department shall award scholarships to
24 students who:

25 (a) Have graduated from high school, have earned an
26 equivalency diploma issued by the Department of Education
27 pursuant to s. 1003.435, have earned an equivalency diploma
28 issued by the United States Armed Forces Institute, or have
29 been accepted through an early admission program;

30 (b) Are enrolled at a state university or community
31 college authorized by Florida law; a nursing diploma school

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1 approved by the Board of Nursing; any Florida college,
2 university, or community college which is accredited by an
3 accrediting association whose standards are comparable to the
4 minimum standards required to operate an institution at that
5 level in Florida, as determined by rules of the Commission for
6 Independent Education; or any Florida institution the credits
7 of which are acceptable for transfer to state universities;

8 (c) Are enrolled as either full-time or part-time
9 undergraduate or graduate students and make satisfactory
10 academic progress as defined by the college or university;

11 (d) Have been recommended by the Seminole Tribe of
12 Florida or the Miccosukee Tribe of Indians of Florida; and

13 (e) Meet the general requirements for student
14 eligibility as provided in s. 1009.40, except as otherwise
15 provided in this section.

16 (3) Recommendation by the Seminole Tribe of Florida or
17 the Miccosukee Tribe of Indians of Florida shall:

18 (a) Be based upon established standards of financial
19 need as determined by the respective tribe and the department;

20 (b) Be based upon such other eligibility requirements
21 for student financial assistance as are adopted by the
22 respective tribe; and

23 (c) Include certification of membership or eligibility
24 for membership in the Seminole Tribe of Florida or the
25 Miccosukee Tribe of Indians of Florida.

26 (4) The amount of the scholarship shall be determined
27 by the Seminole Tribe of Florida or the Miccosukee Tribe of
28 Indians of Florida, for its respective applicants, within the
29 amount of funds appropriated for this purpose. The amount
30 shall be prorated accordingly for part-time students. At the
31 beginning of each semester or quarter, the department shall

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1 certify the name of each scholarship holder eligible to
2 receive funds for that registration period to the Comptroller,
3 who shall draw a warrant in favor of each scholarship
4 recipient. Each recipient shall be eligible to have the
5 scholarship renewed from year to year, provided all academic
6 and other requirements of the college or university and rules
7 established by the State Board of Education are met.

8 (5) The Commissioner of Education shall include
9 amounts sufficient for continuation of this program in the
10 legislative budget requests of the department.

11 (6) Funds appropriated by the Legislature for the
12 program shall be deposited in the State Student Financial
13 Assistance Trust Fund.

14 Section 436. Section 1009.57, Florida Statutes, is
15 created to read:

16 1009.57 Florida Teacher Scholarship and Forgivable
17 Loan Program.--

18 (1) There is created the Florida Teacher Scholarship
19 and Forgivable Loan Program to be administered by the
20 Department of Education. The program shall provide scholarship
21 assistance to eligible students for lower-division
22 undergraduate study and loan assistance to eligible students
23 for upper-division undergraduate and graduate study. The
24 primary purpose of the program is to attract capable and
25 promising students to the teaching profession, attract
26 teachers to areas of projected or current critical teacher
27 shortage, attract liberal arts and science graduates to
28 teaching, and provide opportunity for persons making midcareer
29 decisions to enter the teaching profession. The State Board
30 of Education shall adopt rules necessary to administer the
31 program and shall annually identify critical teacher shortage

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1 areas.

2 (2) Within the Florida Teacher Scholarship and
3 Forgivable Loan Program shall be established the "Chappie"
4 James Most Promising Teacher Scholarship which shall be
5 offered to a top graduating senior from each public secondary
6 school in the state. An additional number of "Chappie" James
7 Most Promising Teacher Scholarship awards shall be offered
8 annually to graduating seniors from private secondary schools
9 in the state which are listed with the Department of Education
10 and accredited by the Southern Association of Colleges and
11 Schools or any other private statewide accrediting agency
12 which makes public its standards, procedures, and member
13 schools. The private secondary schools shall be in compliance
14 with regulations of the Office for Civil Rights. The number
15 of awards to private secondary school students shall be
16 proportional to the number of awards available to public
17 secondary school students and shall be calculated as the ratio
18 of the number of private to public secondary school seniors in
19 the state multiplied by the number of public secondary schools
20 in the state.

21 (a) The scholarship may be used for attendance at a
22 state university, a community college, or an independent
23 institution as defined in s. 1009.89.

24 (b) The amount of the scholarship is \$1,500 and may be
25 renewed for 1 year if the student earns a 2.5 cumulative grade
26 point average and 12 credit hours per term and meets the
27 eligibility requirements for renewal of the award.

28 (c) To be eligible for the scholarship, a student
29 shall: be ranked within the top quartile of the senior class;
30 have been an active member of a high school future teacher
31 organization, if such organization exists in the student's

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1 school; have earned a minimum unweighted cumulative grade
2 point average of 3.0 on a 4.0 scale; file an application
3 within the application period; meet the general requirements
4 for student eligibility as provided in s. 1009.40, except as
5 otherwise provided in this section; and have the intent to
6 enter the public teaching profession in Florida.

7 (d) Three candidates from each public secondary school
8 and one candidate from each nonpublic secondary school in the
9 state shall be nominated by the principal and a committee of
10 teachers, based on criteria which shall include, but need not
11 be limited to, rank in class, standardized test scores,
12 cumulative grade point average, extracurricular activities,
13 letters of recommendation, an essay, and a declaration of
14 intention to teach in a public school in the state.

15 (e) From public secondary school nominees, the
16 Commissioner of Education shall select a graduating senior
17 from each public high school to receive a scholarship.
18 Selection of recipients from nonpublic secondary schools shall
19 be made by a committee appointed by the Commissioner of
20 Education comprised of representatives from nonpublic
21 secondary schools and the Department of Education.

22 (f) Fifteen percent of scholarships awarded shall be
23 to minority students. However, in the event that fewer than
24 15 percent of the total eligible nominees are minority
25 students, the commissioner may allocate all award funds as
26 long as a scholarship is reserved for each eligible minority
27 nominee.

28 (3)(a) Within the Florida Teacher Scholarship and
29 Forgivable Loan Program shall be established the Florida
30 Critical Teacher Shortage Forgivable Loan Program which shall
31 make undergraduate and graduate forgivable loans available to

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1 eligible students entering programs of study that lead to a
2 degree in a teaching program in a critical teacher shortage
3 area. To be eligible for a program loan, a candidate shall:
4 1. Be a full-time student at the upper-division
5 undergraduate or graduate level in a teacher training program
6 approved by the department pursuant to s. 1004.04 leading to
7 certification in a critical teacher shortage subject area.
8 2. Have declared an intent to teach, for at least the
9 number of years for which a forgivable loan is received, in
10 publicly funded elementary or secondary schools of Florida in
11 a critical teacher shortage area identified by the State Board
12 of Education. For purposes of this subsection, a school is
13 publicly funded if it receives at least 75 percent of its
14 operating costs from governmental agencies and operates its
15 educational program under contract with a public school
16 district or the Department of Education.
17 3. Meet the general requirements for student
18 eligibility as provided in s. 1009.40, except as otherwise
19 provided in this section.
20 4. If applying for an undergraduate forgivable loan,
21 have maintained a minimum cumulative grade point average of
22 2.5 on a 4.0 scale for all undergraduate work. Renewal
23 applicants for undergraduate loans shall maintain a minimum
24 cumulative grade point average of at least a 2.5 on a 4.0
25 scale for all undergraduate work and have earned at least 12
26 semester credits per term, or the equivalent.
27 5. If applying for a graduate forgivable loan, have
28 maintained an undergraduate cumulative grade point average of
29 at least a 3.0 on a 4.0 scale or have attained a Graduate
30 Record Examination score of at least 1,000. Renewal applicants
31 for graduate loans shall maintain a minimum cumulative grade

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1 point average of at least a 3.0 on a 4.0 scale for all
2 graduate work and have earned at least 9 semester credits per
3 term, or the equivalent.

4 (b) An undergraduate forgivable loan may be awarded
5 for 2 undergraduate years, not to exceed \$4,000 per year, or
6 for a maximum of 3 years for programs requiring a fifth year
7 of instruction to obtain initial teaching certification.

8 (c) A graduate forgivable loan may be awarded for 2
9 graduate years, not to exceed \$8,000 per year. In addition to
10 meeting criteria specified in paragraph (a), a loan recipient
11 at the graduate level shall:

12 1. Hold a bachelor's degree from any college or
13 university accredited by a regional accrediting association as
14 defined by State Board of Education rule.

15 2. Not already hold a teaching certificate resulting
16 from an undergraduate degree in education in an area of
17 critical teacher shortage as designated by the State Board of
18 Education.

19 3. Not have received an undergraduate forgivable loan
20 as provided for in paragraph (b).

21 (d) Recipients of the Paul Douglas Teacher Scholarship
22 Loan Program as authorized under title IV, part D, subpart 1
23 of the Higher Education Act of 1965, as amended, shall not be
24 eligible to participate in the Florida Critical Teacher
25 Shortage Forgivable Loan Program.

26 (e) The State Board of Education shall adopt by rule
27 repayment schedules and applicable interest rates under ss.
28 1009.82 and 1009.95. A forgivable loan must be repaid within
29 10 years of completion of a program of studies.

30 1. Credit for repayment of an undergraduate or
31 graduate forgivable loan shall be in an amount not to exceed

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1 \$4,000 in loan principal plus applicable accrued interest for
2 each full year of eligible teaching service. However, credit
3 in an amount not to exceed \$8,000 in loan principal plus
4 applicable accrued interest shall be given for each full year
5 of eligible teaching service completed at a high-density,
6 low-economic urban school or at a low-density, low-economic
7 rural school, as identified by the State Board of Education.

8 2. Any forgivable loan recipient who fails to teach in
9 a publicly funded elementary or secondary school in this state
10 as specified in this subsection is responsible for repaying
11 the loan plus accrued interest at 8 percent annually.

12 3. Forgivable loan recipients may receive loan
13 repayment credit for teaching service rendered at any time
14 during the scheduled repayment period. However, such repayment
15 credit shall be applicable only to the current principal and
16 accrued interest balance that remains at the time the
17 repayment credit is earned. No loan recipient shall be
18 reimbursed for previous cash payments of principal and
19 interest.

20 (f) Funds appropriated by the Legislature for the
21 program shall be deposited in the State Student Financial
22 Assistance Trust Fund.

23 Section 437. Section 1009.58, Florida Statutes, is
24 created to read:

25 1009.58 Critical teacher shortage tuition
26 reimbursement program.--

27 (1) A critical teacher shortage tuition reimbursement
28 program shall be established for the purpose of improving the
29 skills and knowledge of current teachers or persons preparing
30 to teach in critical teacher shortage areas.

31 (2) The State Board of Education shall adopt rules to

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1 implement the critical teacher shortage tuition reimbursement
2 program. Any full-time public school employee or
3 developmental research school employee certified to teach in
4 this state is eligible for the program. For the purposes of
5 this program, tuition reimbursement shall be limited to
6 courses in critical teacher shortage areas as determined by
7 the State Board of Education. Such courses shall be:

8 (a) Graduate-level courses leading to a master's,
9 specialist, or doctoral degree;

10 (b) Graduate-level courses leading to a new
11 certification area; or

12 (c) State-approved undergraduate courses leading to an
13 advanced degree or new certification area.

14 (3) Participants may receive tuition reimbursement
15 payments for up to 9 semester hours, or the equivalent in
16 quarter hours, per year, at a rate not to exceed \$78 per
17 semester hour, up to a total of 36 semester hours. All tuition
18 reimbursements shall be contingent on passing an approved
19 course with a minimum grade of 3.0 or its equivalent.

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

22 Section 438. Section 1009.59, Florida Statutes, is
23 created to read:

24 1009.59 Critical Teacher Shortage Student Loan
25 Forgiveness Program.--

26 (1) The Critical Teacher Shortage Student Loan
27 Forgiveness Program is established to encourage qualified
28 personnel to seek employment in subject areas in which
29 critical teacher shortages exist, as identified annually by
30 the State Board of Education. The primary function of the
31 program is to make repayments towards loans received by

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1 students from federal programs or commercial lending
2 institutions for the support of postsecondary education study.
3 Repayments are intended to be made to qualified applicants who
4 begin teaching for the first time in designated subject areas,
5 and who apply during their first year of teaching as certified
6 teachers in these subject areas.

7 (2) From the funds available, the Department of
8 Education may make loan principal repayments as follows:

9 (a) Up to \$2,500 a year for up to 4 years on behalf of
10 selected graduates of state-approved undergraduate
11 postsecondary teacher preparation programs, persons certified
12 to teach pursuant to any applicable teacher certification
13 requirements, or selected teacher preparation graduates from
14 any state participating in the Interstate Agreement on the
15 Qualification of Educational Personnel.

16 (b) Up to \$5,000 a year for up to 2 years on behalf of
17 selected graduates of state-approved graduate postsecondary
18 teacher preparation programs, persons with graduate degrees
19 certified to teach pursuant to any applicable teacher
20 certification requirements, or selected teacher preparation
21 graduates from any state participating in the Interstate
22 Agreement on the Qualification of Educational Personnel.

23 (c) All repayments shall be contingent on continued
24 proof of employment in the designated subject areas in this
25 state and shall be made directly to the holder of the loan.
26 The state shall not bear responsibility for the collection of
27 any interest charges or other remaining balance. In the event
28 that designated critical teacher shortage subject areas are
29 changed by the State Board of Education, a teacher shall
30 continue to be eligible for loan forgiveness as long as he or
31 she continues to teach in the subject area for which the

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1 original loan repayment was made and otherwise meets all
2 conditions of eligibility.

3 (3) Students receiving a scholarship loan or a
4 fellowship loan are not eligible to participate in the
5 Critical Teacher Shortage Student Loan Forgiveness Program.

6 (4) The State Board of Education may adopt rules
7 pursuant to ss. 120.536(1) and 120.54, necessary for the
8 administration of this program.

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

11 Section 439. Section 1009.60, Florida Statutes, is
12 created to read:

13 1009.60 Minority teacher education scholars
14 program.--There is created the minority teacher education
15 scholars program, which is a collaborative performance-based
16 scholarship program for African-American, Hispanic-American,
17 Asian-American, and Native American students. The participants
18 in the program include Florida's community colleges and its
19 public and private universities that have teacher education
20 programs.

21 (1) The minority teacher education scholars program
22 shall provide an annual scholarship of \$4,000 for each
23 approved minority teacher education scholar who is enrolled in
24 one of Florida's public or private universities in the junior
25 year and is admitted into a teacher education program.

26 (2) To assist each participating education institution
27 in the recruitment and retention of minority teacher scholars,
28 the administrators of the Florida Fund for Minority Teachers,
29 Inc., shall implement a systemwide training program. The
30 training program must include an annual conference or series
31 of conferences for students who are in the program or who are

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1 identified by a high school or a community college as likely
2 candidates for the program. The training program must also
3 include research about and dissemination concerning successful
4 activities or programs that recruit minority students for
5 teacher education and retain them through graduation,
6 certification, and employment. Staff employed by the
7 corporation may work with each participating education
8 institution to assure that local faculty and administrators
9 receive the benefit of all available research and resources to
10 increase retention of their minority teacher education
11 scholars.

12 (3) The total amount appropriated annually for new
13 scholarships in the program must be divided by \$4,000 and by
14 the number of participating colleges and universities. Each
15 participating institution has access to the same number of
16 scholarships and may award all of them to eligible minority
17 students. If a college or university does not award all of its
18 scholarships by the date set by the program administration at
19 the Florida Fund for Minority Teachers, Inc., the remaining
20 scholarships must be transferred to another institution that
21 has eligible students.

22 (4) A student may receive a scholarship from the
23 program for 3 consecutive years if the student remains
24 enrolled full-time in the program and makes satisfactory
25 progress toward a baccalaureate degree with a major in
26 education.

27 (5) If a minority teacher education scholar graduates
28 and is employed as a teacher by a Florida district school
29 board, the scholar is not required to repay the scholarship
30 amount so long as the scholar teaches in a Florida public
31 school. A scholar may repay the entire scholarship amount by

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1 remaining employed as a Florida public school teacher for 1
2 year for each year he or she received the scholarship.

3 (6) If a minority teacher education scholar does not
4 graduate within 3 years, or if the scholar graduates but does
5 not teach in a Florida public school, the scholar must repay
6 the total amount awarded, plus annual interest of 8 percent.

7 (a) Interest begins accruing the first day of the 13th
8 month after the month in which the recipient completes an
9 approved teacher education program or after the month in which
10 enrollment as a full-time student is terminated. Interest does
11 not accrue during any period of deferment or eligible teaching
12 service.

13 (b) The repayment period begins the first day of the
14 13th month after the month in which the recipient completes an
15 approved teacher education program or after the month in which
16 enrollment as a full-time student is terminated.

17 (c) The terms and conditions of the scholarship
18 repayment must be contained in a promissory note and a
19 repayment schedule. The loan must be paid within 10 years
20 after the date of graduation or termination of full-time
21 enrollment, including any periods of deferment. A shorter
22 repayment period may be granted. The minimum monthly repayment
23 is \$50 or the unpaid balance, unless otherwise approved,
24 except that the monthly payment may not be less than the
25 accruing interest. The recipient may prepay any part of the
26 scholarship without penalty.

27 (d) The holder of the promissory note may grant a
28 deferment of repayment for a recipient who is a full-time
29 student, who is unable to secure a teaching position that
30 would qualify as repayment, who becomes disabled, or who
31 experiences other hardships. Such a deferment may be granted

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1 for a total of 24 months.

2 (e) If a student defaults on the scholarship, the
3 entire unpaid balance, including interest accrued, becomes due
4 and payable at the option of the holder of the promissory
5 note, or when the recipient is no longer able to pay or no
6 longer intends to pay. The recipient is responsible for paying
7 all reasonable attorney's fees and other costs and charges
8 necessary for administration of the collection process.

9 Section 440. Section 1009.605, Florida Statutes, is
10 created to read:

11 1009.605 Florida Fund for Minority Teachers, Inc.--

12 (1) There is created the Florida Fund for Minority
13 Teachers, Inc., which is a not-for-profit statutory
14 corporation housed in the College of Education at the
15 University of Florida. The corporation shall administer and
16 manage the minority teacher education scholars program.

17 (2) The corporation shall submit an annual budget
18 projection to the Department of Education to be included in
19 the annual legislative budget request. The projection must be
20 based on a 7-year plan that would be capable of awarding the
21 following schedule of scholarships:

22 (a) In the initial year, 700 scholarships of \$4,000
23 each to scholars in the junior year of college.

24 (b) In the second year, 350 scholarships to new
25 scholars in their junior year and 700 renewal scholarships to
26 the rising seniors.

27 (c) In each succeeding year, 350 scholarships to new
28 scholars in the junior year and renewal scholarships to the
29 350 rising seniors.

30 (3) A board of directors shall administer the
31 corporation. The Governor shall appoint to the board at least

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1 15 but not more than 25 members, who shall serve terms of 3
2 years, except that 4 of the initial members shall serve 1-year
3 terms and 4 shall serve 2-year terms. At least 4 members must
4 be employed by public community colleges and at least 11
5 members must be employed by public or private postsecondary
6 institutions that operate colleges of education. At least one
7 member must be a financial aid officer employed by a
8 postsecondary education institution operating in Florida.
9 Administrative costs for support of the Board of Directors and
10 the Florida Fund for Minority Teachers may not exceed 5
11 percent of funds allocated for the program. The board shall:
12 (a) Hold meetings to implement this section.
13 (b) Select a chairperson annually.
14 (c) Make rules for its own government.
15 (d) Appoint an executive director to serve at its
16 pleasure. The executive director shall be the chief
17 administrative officer and agent of the board.
18 (e) Maintain a record of its proceedings.
19 (f) Delegate to the chairperson the responsibility for
20 signing final orders.
21 (g) Carry out the training program as required for the
22 minority teacher education scholars program. No more than 5
23 percent of the funds appropriated for the minority teacher
24 education scholars program may be expended for administration,
25 including administration of the required training program.
26 Section 441. Section 1009.61, Florida Statutes, is
27 created to read:
28 1009.61 Teacher/Quest Scholarship Program.--The
29 Teacher/Quest Scholarship Program is created for the purpose
30 of providing teachers with the opportunity to enhance their
31 knowledge of science, mathematics, and computer applications

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1 in business, industry, and government. A school district or
2 developmental research school may propose that one or more
3 teachers be granted a Teacher/Quest Scholarship by submitting
4 to the Department of Education:

5 (1) A project proposal specifying activities a teacher
6 will carry out to improve his or her:

7 (a) Understanding of mathematical, scientific, or
8 computing concepts;

9 (b) Ability to apply and demonstrate such concepts
10 through instruction;

11 (c) Knowledge of career and technical requirements for
12 competency in mathematics, science, and computing; and

13 (d) Ability to integrate and apply technological
14 concepts from all three fields; and

15 (2) A contractual agreement with a private corporation
16 or governmental agency that implements the project proposal
17 and guarantees employment to the teacher during a summer or
18 other period when schools are out of session. The agreement
19 must stipulate a salary rate that does not exceed regular
20 rates of pay and a gross salary amount consistent with
21 applicable statutory and contractual provisions for the
22 teacher's employment. The teacher's compensation shall be
23 provided for on an equally matched basis by funds from the
24 employing corporation or agency.

25 Section 442. Section 1009.62, Florida Statutes, is
26 created to read:

27 1009.62 Grants for teachers for special training in
28 exceptional student education.--

29 (1) The Department of Education may make grants to
30 teachers for special training in exceptional student education
31 to meet professional requirements with respect thereto, and

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1 the department is responsible for the administration of such
2 program.

3 (2) These grants are limited to teachers who:

4 (a) Hold a full-time contract to teach in a district
5 school system, a state-operated or state-supported program, or
6 an agency or organization under contract with the Department
7 of Education;

8 (b) Hold a valid Florida educator's certificate that
9 does not reflect an exceptional-student-education coverage or
10 endorsement that is appropriate for the teacher's assignment;
11 and

12 (c) Satisfactorily complete the eligible courses.

13 (3) Grant amounts are to be determined on the basis of
14 rates established by the Department of Education.

15 (4) The Department of Education shall administer this
16 program under rules established by the State Board of
17 Education.

18 Section 443. Section 1009.63, Florida Statutes, is
19 created to read:

20 1009.63 Occupational therapist or physical therapist
21 critical shortage program; definitions.--For the purposes of
22 ss. 1009.63-1009.634:

23 (1) "Critical shortage area" applies to licensed
24 occupational therapists and physical therapists and
25 occupational therapy assistants and physical therapist
26 assistants employed by the public schools of this state.

27 (2) "Therapist" means occupational therapist or
28 physical therapist.

29 Section 444. Section 1009.631, Florida Statutes, is
30 created to read:

31 1009.631 Occupational therapist or physical therapist

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1 critical shortage program; establishment.--

2 (1) The occupational therapist or physical therapist
3 critical shortage program is established in the Department of
4 Education for the purpose of attracting capable and promising
5 applicants in the occupational therapy or physical therapy
6 profession to employment in the public schools of this state.
7 The program shall include the Critical Occupational Therapist
8 or Physical Therapist Shortage Student Loan Forgiveness
9 Program, the Critical Occupational Therapist or Physical
10 Therapist Shortage Scholarship Loan Program, and the Critical
11 Occupational Therapist or Physical Therapist Shortage Tuition
12 Reimbursement Program.

13 (2) Funds appropriated by the Legislature for the
14 program shall be deposited in the State Student Financial
15 Assistance Trust Fund. Any balance in the trust fund at the
16 end of any fiscal year that has been allocated to the program
17 shall remain therein and shall be available for carrying out
18 the purposes of this section. Funds contained in the trust
19 fund for the program shall be used for the programs specified
20 in subsection (1) for those licensed therapists and therapy
21 assistants employed by the public schools of this state.

22 (3) The State Board of Education shall annually review
23 the designation of critical shortage areas and shall adopt
24 rules necessary for the implementation of the program.

25 Section 445. Section 1009.632, Florida Statutes, is
26 created to read:

27 1009.632 Critical Occupational Therapist or Physical
28 Therapist Shortage Student Loan Forgiveness Program.--

29 (1) There is established the Critical Occupational
30 Therapist or Physical Therapist Shortage Student Loan
31 Forgiveness Program. The primary function of the program is

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1 to make repayments toward loans received by students from
2 institutions for the support of postsecondary study of
3 occupational therapy or physical therapy. Repayments shall be
4 made to qualified applicants who initiate employment in the
5 public schools of this state and who apply during their first
6 year of employment in a public school setting.

7 (2) From the funds available, the Department of
8 Education is authorized to make loan principal repayments as
9 follows:

10 (a) Up to \$2,500 a year for up to 4 years on behalf of
11 selected graduates of accredited undergraduate postsecondary
12 occupational therapist or physical therapist preparation
13 programs.

14 (b) Up to \$2,500 a year for up to 2 years on behalf of
15 selected graduates of accredited undergraduate postsecondary
16 occupational therapy or physical therapist assistant
17 preparation programs.

18 (c) Up to \$5,000 a year for up to 2 years on behalf of
19 selected graduates of accredited postbaccalaureate entry level
20 occupational therapist or physical therapist preparation
21 programs.

22 (d) All repayments shall be contingent on continued
23 proof of employment for 3 years as a therapist or therapy
24 assistant by the public schools in this state and shall be
25 made directly to the holder of the loan. The state shall not
26 bear the responsibility for the collection of any interest
27 charges or other remaining balance. In the event that a
28 critical shortage is no longer verified, a therapist or
29 therapy assistant shall continue to be eligible for loan
30 forgiveness as long as the therapist or therapy assistant
31 continues to be employed by the public schools of this state

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1 and otherwise meets all conditions of eligibility.

2 (3) Recipients under this program shall not be
3 eligible to participate in the Critical Occupational Therapist
4 or Physical Therapist Shortage Scholarship Loan Program or the
5 Critical Occupational Therapist or Physical Therapist Shortage
6 Tuition Reimbursement Program.

7 (4) This section shall be implemented only to the
8 extent as specifically funded by law.

9 Section 446. Section 1009.633, Florida Statutes, is
10 created to read:

11 1009.633 Critical Occupational Therapist or Physical
12 Therapist Shortage Scholarship Loan Program.--

13 (1) There is established the Critical Occupational
14 Therapist or Physical Therapist Shortage Scholarship Loan
15 Program.

16 (2) To be eligible, a candidate shall:

17 (a) Be a full-time student in a therapy assistant
18 program or in the upper division or higher level in an
19 occupational therapist or physical therapist educational
20 program. Occupational therapist and occupational therapy
21 assistant programs must be accredited by the American Medical
22 Association in collaboration with the American Occupational
23 Therapy Association. Physical therapist and physical therapist
24 assistant programs must be accredited by the American Physical
25 Therapy Association.

26 (b) Have declared an intention to be employed by the
27 public schools of this state for 3 years following completion
28 of the requirements. In the event critical shortage areas are
29 changed by the State Board of Education, a student shall
30 continue to be eligible for an award as long as the student
31 continues in the therapist educational program for which the

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1 initial award was made and the student otherwise meets all
2 other conditions of eligibility.

3 (c) Meet the general requirements for student
4 eligibility as provided in s. 1009.40, except as otherwise
5 provided in this section.

6 (d) Maintain a grade point average of 2.0 on a 4.0
7 scale for undergraduate college work or a grade point average
8 of 3.0 on a 4.0 scale for graduate college work.

9 (3) A scholarship loan may be awarded for no more than
10 2 years and may not exceed \$4,000 a year.

11 (4) The State Board of Education shall adopt by rule
12 repayment schedules and applicable interest rates under ss.
13 1009.82 and 1009.95. A scholarship loan must be paid back
14 within 10 years of completion of a program of studies.

15 (a) Credit for repayment of a scholarship loan shall
16 be in an amount not to exceed \$2,000 plus applicable accrued
17 interest for each full year of employment by the public
18 schools of this state.

19 (b) Any therapist or therapy assistant who fails to be
20 employed by a public school in this state as specified in this
21 subsection is responsible for repaying the loan plus interest.
22 Repayment schedules and applicable interest rates shall be
23 determined by the rules of the State Board of Education under
24 ss. 1009.82 and 1009.95.

25 (5) Recipients under this program shall not be
26 eligible to participate in the Critical Occupational Therapist
27 or Physical Therapist Shortage Student Loan Forgiveness
28 Program or the Critical Occupational Therapist or Physical
29 Therapist Shortage Tuition Reimbursement Program.

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

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 Section 447. Section 1009.634, Florida Statutes, is
2 created to read:

3 1009.634 Critical Occupational Therapist or Physical
4 Therapist Shortage Tuition Reimbursement Program.--

5 (1) There is established the Critical Occupational
6 Therapist or Physical Therapist Shortage Tuition Reimbursement
7 Program to improve the skills and knowledge of current
8 therapists and therapy assistants who are employed by the
9 public school system.

10 (2) Any full-time public school employee licensed to
11 practice occupational therapy or physical therapy in this
12 state is eligible for the program.

13 (3) Participants may receive tuition reimbursement
14 payments for up to 9 semester hours, or the equivalent in
15 quarter hours, per year, at a rate not to exceed \$78 per
16 semester hour, up to a total of 36 semester hours. All tuition
17 reimbursements shall be contingent on the participant passing
18 an approved course with a minimum grade of 3.0 or its
19 equivalent.

20 (4) The participant shall be employed by the public
21 schools of this state for 3 years following completion of the
22 requirements.

23 (5) Recipients under this program shall not be
24 eligible to participate in the Critical Occupational Therapist
25 or Physical Therapist Shortage Student Loan Forgiveness
26 Program or the Critical Occupational Therapist or Physical
27 Therapist Shortage Scholarship Loan Program.

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

30 Section 448. Section 1009.64, Florida Statutes, is
31 created to read:

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Bill No. CS for CS for SB 1564, 1st Eng.

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

1 1009.64 Certified Education Paraprofessional Welfare
2 Transition Program.--

3 (1) There is created the Certified Education
4 Paraprofessional Welfare Transition Program to provide
5 education and employment for recipients of public assistance
6 who are certified to work in schools that, because of the high
7 proportion of economically disadvantaged children enrolled,
8 are at risk of poor performance on traditional measures of
9 achievement. The program is designed to enable such schools
10 to increase the number of adults working with the school
11 children. However, the increase in personnel working at
12 certain schools is intended to supplement and not to supplant
13 the school staff and should not affect current school board
14 employment and staffing policies, including those contained in
15 collective bargaining agreements. The program is intended to
16 be supported by local, state, and federal program funds for
17 which the participants may be eligible. Further, the program
18 is designed to provide its participants not only with
19 entry-level employment but also with a marketable credential,
20 a career option, and encouragement to advance.

21 (2) The Commissioner of Education, the secretary of
22 the Department of Children and Family Services, and the
23 director of the Agency for Workforce Innovation have joint
24 responsibility for planning and conducting the program.

25 (3) The agencies responsible may make recommendations
26 to the State Board of Education and the Legislature if they
27 find that implementation or operation of the program would
28 benefit from the adoption or waiver of state or federal
29 policy, rule, or law, including recommendations regarding
30 program budgeting.

31 (4) The agencies shall complete an implementation plan

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1 that addresses at least the following recommended components
2 of the program:

3 (a) A method of selecting participants. The method
4 must not duplicate services provided by those assigned to
5 screen participants of the welfare transition program, but
6 must assure that screening personnel are trained to identify
7 recipients of public assistance whose personal aptitudes and
8 motivation make them most likely to succeed in the program and
9 advance in a career related to the school community.

10 (b) A budget for use of incentive funding to provide
11 motivation to participants to succeed and excel. The budget
12 for incentive funding includes:

13 1. Funds allocated by the Legislature directly for the
14 program.

15 2. Funds that may be made available from the federal
16 Workforce Investment Act based on client eligibility or
17 requested waivers to make the clients eligible.

18 3. Funds made available by implementation strategies
19 that would make maximum use of work supplementation funds
20 authorized by federal law.

21 4. Funds authorized by strategies to lengthen
22 participants' eligibility for federal programs such as
23 Medicaid, subsidized child care, and transportation.

24
25 Incentives may include a stipend during periods of college
26 classroom training, a bonus and recognition for a high
27 grade-point average, child care and prekindergarten services
28 for children of participants, and services to increase a
29 participant's ability to advance to higher levels of
30 employment. Nonfinancial incentives should include providing a
31 mentor or tutor, and service incentives should continue and

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1 increase for any participant who plans to complete the
2 baccalaureate degree and become a certified teacher. Services
3 may be provided in accordance with family choice by community
4 colleges and school district technical centers, through family
5 service centers and full-service schools, or under contract
6 with providers through central agencies.

7 (5) The agencies shall select Department of Children
8 and Family Services districts to participate in the program. A
9 district that wishes to participate must demonstrate that a
10 district school board, a community college board of trustees,
11 an economic services program administrator, and a regional
12 workforce board are willing to coordinate to provide the
13 educational program, support services, employment
14 opportunities, and incentives required to fulfill the intent
15 of this section.

16 (6)(a) A community college or school district
17 technical center is eligible to participate if it provides a
18 technical certificate program in Child Development Early
19 Intervention as approved by Workforce Florida, Inc. Priority
20 programs provide an option and incentives to articulate with
21 an associate in science degree program or a baccalaureate
22 degree program.

23 (b) A participating educational agency may earn funds
24 appropriated for performance-based incentive funding for
25 successful outcomes of enrollment and placement of recipients
26 of public assistance who are in the program. In addition, an
27 educational agency is eligible for an incentive award
28 determined by Workforce Florida, Inc., for each recipient of
29 public assistance who successfully completes a program leading
30 to the award of a General Education Development credential.

31 (c) Historically black colleges or universities that

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1 have established programs that serve participants in the
2 welfare transition program are eligible to participate in the
3 Performance Based Incentive Funding Program and may earn an
4 incentive award determined by Workforce Florida, Inc., for
5 successful placement of program completers in jobs as
6 education paraprofessionals in at-risk schools.

7 (7)(a) A participating school district shall identify
8 at-risk schools in which the program participants will work
9 during the practicum part of their education. For purposes of
10 this act, an at-risk school is a school with grades K-3 in
11 which 50 percent or more of the students enrolled at the
12 school are eligible for free lunches or reduced-price lunches.
13 Priority schools are schools whose service zones include the
14 participants' own communities.

15 (b) A participating school district may use funds
16 appropriated by the Legislature from Agency for Workforce
17 Innovation regional workforce board allotments to provide at
18 least 6 months of on-the-job training to participants in the
19 Certified Education Paraprofessional Welfare Transition
20 Program. Participating school districts may also use funds
21 provided by grant diversion of funds from the welfare
22 transition program for the participants during the practicum
23 portion of their training to earn the certificate required for
24 their employment.

25 (8) The agencies shall give priority for funding to
26 those programs that provide maximum security for the
27 long-range employment and career opportunities of the program
28 participants. Security is enhanced if employment is provided
29 through a governmental or nongovernmental agency other than
30 the school board, or if the plans assure in another way that
31 the participants will supplement, rather than supplant, the

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1 workforce available to the school board. It is the intent of
2 the Legislature that, when a program participant succeeds in
3 becoming a certified education paraprofessional after working
4 successfully in a school during the practicum or on-the-job
5 training supported by the program, the participant shall have
6 the opportunity to continue in full-time employment at the
7 school that provided the training or at another school in the
8 district.

9 Section 449. Section 1009.65, Florida Statutes, is
10 created to read:

11 1009.65 Medical Education Reimbursement and Loan
12 Repayment Program.--

13 (1) To encourage qualified medical professionals to
14 practice in underserved locations where there are shortages of
15 such personnel, there is established the Medical Education
16 Reimbursement and Loan Repayment Program. The function of the
17 program is to make payments that offset loans and educational
18 expenses incurred by students for studies leading to a medical
19 or nursing degree, medical or nursing licensure, or advanced
20 registered nurse practitioner certification or physician
21 assistant licensure. The following licensed or certified
22 health care professionals are eligible to participate in this
23 program: medical doctors with primary care specialties,
24 doctors of osteopathic medicine with primary care specialties,
25 physician's assistants, licensed practical nurses and
26 registered nurses, and advanced registered nurse practitioners
27 with primary care specialties such as certified nurse
28 midwives. Primary care medical specialties for physicians
29 include obstetrics, gynecology, general and family practice,
30 internal medicine, pediatrics, and other specialties which may
31 be identified by the Department of Health.

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1 (2) From the funds available, the Department of Health
2 shall make payments to selected medical professionals as
3 follows:

4 (a) Up to \$4,000 per year for licensed practical
5 nurses and registered nurses, up to \$10,000 per year for
6 advanced registered nurse practitioners and physician's
7 assistants, and up to \$20,000 per year for physicians.
8 Penalties for noncompliance shall be the same as those in the
9 National Health Services Corps Loan Repayment Program.
10 Educational expenses include costs for tuition, matriculation,
11 registration, books, laboratory and other fees, other
12 educational costs, and reasonable living expenses as
13 determined by the Department of Health.

14 (b) All payments shall be contingent on continued
15 proof of primary care practice in an area defined in s.
16 395.602(2)(e), or an underserved area designated by the
17 Department of Health, provided the practitioner accepts
18 Medicaid reimbursement if eligible for such reimbursement.
19 Correctional facilities, state hospitals, and other state
20 institutions that employ medical personnel shall be designated
21 by the Department of Health as underserved locations.
22 Locations with high incidences of infant mortality, high
23 morbidity, or low Medicaid participation by health care
24 professionals may be designated as underserved.

25 (c) The Department of Health may use funds
26 appropriated for the Medical Education Reimbursement and Loan
27 Repayment Program as matching funds for federal loan repayment
28 programs such as the National Health Service Corps State Loan
29 Repayment Program.

30 (3) The Department of Health may adopt any rules
31 necessary for the administration of the Medical Education

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1 Reimbursement and Loan Repayment Program. The department may
2 also solicit technical advice regarding conduct of the program
3 from the Department of Education and Florida universities and
4 community colleges. The Department of Health shall submit a
5 budget request for an amount sufficient to fund medical
6 education reimbursement, loan repayments, and program
7 administration.

8 Section 450. Section 1009.66, Florida Statutes, is
9 created to read:

10 1009.66 Nursing Student Loan Forgiveness Program.--

11 (1) To encourage qualified personnel to seek
12 employment in areas of this state in which critical nursing
13 shortages exist, there is established the Nursing Student Loan
14 Forgiveness Program. The primary function of the program is
15 to increase employment and retention of registered nurses and
16 licensed practical nurses in nursing homes and hospitals in
17 the state and in state-operated medical and health care
18 facilities, public schools, birth centers, federally sponsored
19 community health centers, family practice teaching hospitals,
20 and specialty children's hospitals by making repayments toward
21 loans received by students from federal or state programs or
22 commercial lending institutions for the support of
23 postsecondary study in accredited or approved nursing
24 programs.

25 (2) To be eligible, a candidate must have graduated
26 from an accredited or approved nursing program and have
27 received a Florida license as a licensed practical nurse or a
28 registered nurse or a Florida certificate as an advanced
29 registered nurse practitioner.

30 (3) Only loans to pay the costs of tuition, books, and
31 living expenses shall be covered, at an amount not to exceed

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1 \$4,000 for each year of education towards the degree obtained.

2 (4) Receipt of funds pursuant to this program shall be
3 contingent upon continued proof of employment in the
4 designated facilities in this state. Loan principal payments
5 shall be made by the Department of Health directly to the
6 federal or state programs or commercial lending institutions
7 holding the loan as follows:

8 (a) Twenty-five percent of the loan principal and
9 accrued interest shall be retired after the first year of
10 nursing;

11 (b) Fifty percent of the loan principal and accrued
12 interest shall be retired after the second year of nursing;

13 (c) Seventy-five percent of the loan principal and
14 accrued interest shall be retired after the third year of
15 nursing; and

16 (d) The remaining loan principal and accrued interest
17 shall be retired after the fourth year of nursing.

18
19 In no case may payment for any nurse exceed \$4,000 in any
20 12-month period.

21 (5) There is created the Nursing Student Loan
22 Forgiveness Trust Fund to be administered by the Department of
23 Health pursuant to this section and s. 1009.67 and department
24 rules. The Comptroller shall authorize expenditures from the
25 trust fund upon receipt of vouchers approved by the Department
26 of Health. All moneys collected from the private health care
27 industry and other private sources for the purposes of this
28 section shall be deposited into the Nursing Student Loan
29 Forgiveness Trust Fund. Any balance in the trust fund at the
30 end of any fiscal year shall remain therein and shall be
31 available for carrying out the purposes of this section and s.

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1 1009.67.

2 (6) In addition to licensing fees imposed under part I
3 of chapter 464, there is hereby levied and imposed an
4 additional fee of \$5, which fee shall be paid upon licensure
5 or renewal of nursing licensure. Revenues collected from the
6 fee imposed in this subsection shall be deposited in the
7 Nursing Student Loan Forgiveness Trust Fund of the Department
8 of Health and will be used solely for the purpose of carrying
9 out the provisions of this section and s. 1009.67. Up to 50
10 percent of the revenues appropriated to implement this
11 subsection may be used for the nursing scholarship program
12 established pursuant to s. 1009.67.

13 (7)(a) Funds contained in the Nursing Student Loan
14 Forgiveness Trust Fund which are to be used for loan
15 forgiveness for those nurses employed by hospitals, birth
16 centers, and nursing homes must be matched on a
17 dollar-for-dollar basis by contributions from the employing
18 institutions, except that this provision shall not apply to
19 state-operated medical and health care facilities, public
20 schools, county health departments, federally sponsored
21 community health centers, teaching hospitals as defined in s.
22 408.07, family practice teaching hospitals as defined in s.
23 395.805, or specialty hospitals for children as used in s.
24 409.9119. If in any given fiscal quarter there are
25 insufficient funds in the trust fund to grant all eligible
26 applicant requests, awards shall be based on the following
27 priority of employer: county health departments; federally
28 sponsored community health centers; state-operated medical and
29 health care facilities; public schools; teaching hospitals as
30 defined in s. 408.07; family practice teaching hospitals as
31 defined in s. 395.805; specialty hospitals for children as

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1 used in s. 409.9119; and other hospitals, birth centers, and
2 nursing homes.

3 (b) All Nursing Student Loan Forgiveness Trust Fund
4 moneys shall be invested pursuant to s. 18.125. Interest
5 income accruing to that portion of the trust fund not matched
6 shall increase the total funds available for loan forgiveness
7 and scholarships. Pledged contributions shall not be eligible
8 for matching prior to the actual collection of the total
9 private contribution for the year.

10 (8) The Department of Health may solicit technical
11 assistance relating to the conduct of this program from the
12 Department of Education.

13 (9) The Department of Health is authorized to recover
14 from the Nursing Student Loan Forgiveness Trust Fund its costs
15 for administering the Nursing Student Loan Forgiveness
16 Program.

17 (10) The Department of Health may adopt rules
18 necessary to administer this program.

19 (11) This section shall be implemented only as
20 specifically funded.

21 Section 451. Section 1009.67, Florida Statutes, is
22 created to read:

23 1009.67 Nursing scholarship program.--

24 (1) There is established within the Department of
25 Health a scholarship program for the purpose of attracting
26 capable and promising students to the nursing profession.

27 (2) A scholarship applicant shall be enrolled as a
28 full-time or part-time student in the upper division of an
29 approved nursing program leading to the award of a
30 baccalaureate degree or graduate degree to qualify for a
31 nursing faculty position or as an advanced registered nurse

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1 practitioner or be enrolled as a full-time or part-time
2 student in an approved program leading to the award of an
3 associate degree in nursing.

4 (3) A scholarship may be awarded for no more than 2
5 years, in an amount not to exceed \$8,000 per year. However,
6 registered nurses pursuing a graduate degree for a faculty
7 position or to practice as an advanced registered nurse
8 practitioner may receive up to \$12,000 per year. Beginning
9 July 1, 1998, these amounts shall be adjusted by the amount of
10 increase or decrease in the consumer price index for urban
11 consumers published by the United States Department of
12 Commerce.

13 (4) Credit for repayment of a scholarship shall be as
14 follows:

15 (a) For each full year of scholarship assistance, the
16 recipient agrees to work for 12 months in a faculty position
17 in a college of nursing or community college nursing program
18 in this state or at a health care facility in a medically
19 underserved area as approved by the Department of Health.
20 Scholarship recipients who attend school on a part-time basis
21 shall have their employment service obligation prorated in
22 proportion to the amount of scholarship payments received.

23 (b) Eligible health care facilities include nursing
24 homes and hospitals in this state, state-operated medical or
25 health care facilities, public schools, county health
26 departments, federally sponsored community health centers,
27 colleges of nursing in universities in this state, and
28 community college nursing programs in this state, family
29 practice teaching hospitals as defined in s. 395.805, or
30 specialty children's hospitals as described in s. 409.9119.
31 The recipient shall be encouraged to complete the service

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1 obligation at a single employment site. If continuous
2 employment at the same site is not feasible, the recipient may
3 apply to the department for a transfer to another approved
4 health care facility.

5 (c) Any recipient who does not complete an appropriate
6 program of studies or who does not become licensed shall repay
7 to the Department of Health, on a schedule to be determined by
8 the department, the entire amount of the scholarship plus 18
9 percent interest accruing from the date of the scholarship
10 payment. Moneys repaid shall be deposited into the Nursing
11 Student Loan Forgiveness Trust Fund established in s. 1009.66.
12 However, the department may provide additional time for
13 repayment if the department finds that circumstances beyond
14 the control of the recipient caused or contributed to the
15 default.

16 (d) Any recipient who does not accept employment as a
17 nurse at an approved health care facility or who does not
18 complete 12 months of approved employment for each year of
19 scholarship assistance received shall repay to the Department
20 of Health an amount equal to two times the entire amount of
21 the scholarship plus interest accruing from the date of the
22 scholarship payment at the maximum allowable interest rate
23 permitted by law. Repayment shall be made within 1 year of
24 notice that the recipient is considered to be in default.
25 However, the department may provide additional time for
26 repayment if the department finds that circumstances beyond
27 the control of the recipient caused or contributed to the
28 default.

29 (5) Scholarship payments shall be transmitted to the
30 recipient upon receipt of documentation that the recipient is
31 enrolled in an approved nursing program. The Department of

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1 Health shall develop a formula to prorate payments to
2 scholarship recipients so as not to exceed the maximum amount
3 per academic year.

4 (6) The Department of Health shall adopt rules,
5 including rules to address extraordinary circumstances that
6 may cause a recipient to default on either the school
7 enrollment or employment contractual agreement, to implement
8 this section and may solicit technical assistance relating to
9 the conduct of this program from the Department of Health.

10 (7) The Department of Health may recover from the
11 Nursing Student Loan Forgiveness Trust Fund its costs for
12 administering the nursing scholarship program.

13 Section 452. Section 1009.68, Florida Statutes, is
14 created to read:

15 1009.68 Florida Minority Medical Education Program.--

16 (1) There is created a Florida Minority Medical
17 Education Program to be administered by the Department of
18 Education in accordance with rules established by the State
19 Board of Education. The program shall provide scholarships to
20 enable minority students to pursue a medical education at the
21 University of Florida, the University of South Florida,
22 Florida State University, the University of Miami, or
23 Southeastern University of the Health Sciences, for the
24 purpose of addressing the primary health care needs of
25 underserved groups.

26 (2) In order to be eligible to receive a scholarship
27 pursuant to this section, an applicant shall:

28 (a) Be a racial or ethnic minority student.

29 (b) Be a citizen of the United States and meet the
30 general eligibility requirements as provided in s. 1009.40,
31 except as otherwise provided in this section.

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1 (c) Have maintained residency in this state for no
2 less than 1 year preceding the award.

3 (d) Be accepted by, and enroll as a full-time student
4 in, a Florida medical school.

5 (e) Have an undergraduate grade point average
6 established by rule.

7 (f) Have received scores on selected examinations
8 established by rule.

9 (g) Meet financial need requirements established by
10 rule.

11 (h) Agree to serve in a medical corps for a period of
12 not less than 2 years for the purpose of providing health care
13 to underserved individuals in the State of Florida.

14 (3) In order to renew a scholarship awarded pursuant
15 to this section, a student shall maintain full-time student
16 status and a cumulative grade point average established by
17 rule.

18 (4) The number of scholarships annually awarded shall
19 be three per school. Priority in the distribution of
20 scholarships shall be given to students with the lowest total
21 family resources.

22 (5) Funds appropriated by the Legislature for the
23 program shall be deposited in the State Student Financial
24 Assistance Trust Fund. Interest income accruing to the program
25 from funds of the program in the trust fund not allocated
26 shall increase the funds available for scholarships. Any
27 balance in the trust fund at the end of any fiscal year that
28 has been allocated to the program shall remain in the trust
29 fund and shall be available for carrying out the purposes of
30 this section.

31 (6) A scholarship recipient who, upon graduation,

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1 defaults on the commitment to serve in the medical corps for
2 the full 2 years shall be required to repay all scholarship
3 money plus interest.

4 (7) The State Board of Education shall adopt rules
5 necessary to implement the provisions of this section.

6 Section 453. Section 1009.69, Florida Statutes, is
7 created to read:

8 1009.69 Virgil Hawkins Fellows Assistance Program.--

9 (1) The Virgil Hawkins Fellows Assistance Program
10 shall provide financial assistance for study in law to
11 minority students in the colleges of law at the Florida State
12 University, the University of Florida, the Florida
13 Agricultural and Mechanical University, and the Florida
14 International University. For the purposes of this section, a
15 minority student qualified to receive assistance from the
16 Virgil Hawkins Fellows Assistance Program shall be identified
17 pursuant to policies adopted by the State Board of Education.

18 (2) Each student who is awarded a fellowship shall be
19 entitled to receive an award under this act for each academic
20 term that the student is in good standing as approved by the
21 law school pursuant to guidelines of the State Board of
22 Education.

23 (3) If a fellowship vacancy occurs, that slot shall be
24 reassigned and funded as a continuing fellowship for the
25 remainder of the period for which the award was originally
26 designated.

27 (4) The State Board of Education shall adopt policies,
28 and the Department of Education shall administer the Virgil
29 Hawkins Fellows Assistance Program.

30 Section 454. Section 1009.70, Florida Statutes, is
31 created to read:

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1 1009.70 Florida Education Fund.--

2 (1) This section shall be known and may be cited as
3 the "Florida Education Fund Act."

4 (2)(a) The Florida Education Fund, a not-for-profit
5 statutory corporation, is created from a challenge endowment
6 grant from the McKnight Foundation and operates on income
7 derived from the investment of endowment gifts and other gifts
8 as provided by state statute and appropriate matching funds as
9 provided by the state.

10 (b) The amount appropriated to the fund shall be on
11 the basis of \$1 for each \$2 contributed by private sources.
12 The Florida Education Fund shall certify to the Legislature
13 the amount of donations contributed between July 1, 1990, and
14 June 30, 1991. Only the new donations above the certified base
15 shall be calculated for state matching funds during the first
16 year of the program. In subsequent years, only the new
17 donations above the certified prior year base shall be
18 calculated for state matching funds.

19 (3) The Florida Education Fund shall use the income of
20 the fund to provide for programs which seek to:

21 (a) Enhance the quality of higher educational
22 opportunity in this state;

23 (b) Enhance equality by providing access to effective
24 higher education programs by minority and economically
25 deprived individuals in this state, with particular
26 consideration to be given to the needs of both blacks and
27 women; and

28 (c) Increase the representation of minorities in
29 faculty and administrative positions in higher education in
30 this state and to provide more highly educated minority
31 leadership in business and professional enterprises in this

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1 state.

2 (4) The Florida Education Fund shall be administered
3 by a board of directors, which is hereby established.

4 (a) The board of directors shall consist of 12
5 members, to be appointed as follows:

6 1. Two laypersons appointed by the Governor;

7 2. Two laypersons appointed by the President of the
8 Senate;

9 3. Two laypersons appointed by the Speaker of the
10 House of Representatives; and

11 4. Two representatives of state universities, two
12 representatives of public community colleges, and two
13 representatives of independent colleges or universities
14 appointed by the State Board of Education.

15
16 The board of directors may appoint to the board an additional
17 five members from the private sector for the purpose of
18 assisting in the procurement of private contributions. Such
19 members shall serve as voting members of the board.

20 (b) Each of the educational sectors in paragraph (a)
21 shall be represented by a president and a faculty member of
22 the corresponding institutions.

23 (c) Each director shall hold office for a term of 3
24 years or until resignation or removal for cause. A director
25 may resign at any time by filing his or her written
26 resignation with the executive secretary for the board. The
27 terms of the directors shall be staggered so that the terms of
28 one-third of the directors will expire annually.

29 (d) In the event of a vacancy on the board caused by
30 other than the expiration of a term, a new member shall be
31 appointed by the appointing entity in the sector of which the

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1 vacancy occurs.

2 (e) Each member is accountable to the Governor for the
3 proper performance of the duties of his or her office. The
4 Governor shall cause any complaint or unfavorable report
5 received concerning an action of the board or any of its
6 members to be investigated and shall take appropriate action
7 thereon. The Governor may remove any member from office for
8 malfeasance, misfeasance, neglect of duty, incompetence, or
9 permanent inability to perform his or her official duties or
10 for pleading nolo contendere to, or being found guilty of, a
11 crime.

12 (5) The Board of Directors of the Florida Education
13 Fund shall review and evaluate initial programs created by the
14 McKnight Foundation and continue funding the Black Doctorate
15 Fellowship Program and the Junior Fellowship Program if the
16 evaluation is positive, and the board shall identify,
17 initiate, and fund new and creative programs and monitor,
18 review, and evaluate those programs. The purpose of this
19 commitment is to broaden the participation and funding
20 potential for further significant support of higher education
21 in this state. In addition, the board shall:

22 (a) Hold such meetings as are necessary to implement
23 the provisions of this section.

24 (b) Select a chairperson annually.

25 (c) Adopt and use an official seal in the
26 authentication of its acts.

27 (d) Make rules for its own government.

28 (e) Administer this section.

29 (f) Appoint an executive director to serve at its
30 pleasure and perform all duties assigned by the board. The
31 executive director shall be the chief administrative officer

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1 and agent of the board.

2 (g) Maintain a record of its proceedings.

3 (h) Delegate to the chairperson of the board the
4 responsibility for signing final orders.

5 (i) Utilize existing higher education organizations,
6 associations, and agencies to carry out its educational
7 programs and purposes with minimal staff employment.

8 (j) Be empowered to enter into contracts with the
9 Federal Government, state agencies, or individuals.

10 (k) Receive bequests, gifts, grants, donations, and
11 other valued goods and services. Such bequests and gifts
12 shall be used only for the purpose or purposes stated by the
13 donor.

14 (6) The board of directors is authorized to establish
15 a trust fund from the proceeds of the Florida Education Fund.
16 All funds deposited into the trust fund shall be invested
17 pursuant to the provisions of s. 215.47. Interest income
18 accruing to the unused portion of the trust fund shall
19 increase the total funds available for endowments. The
20 Department of Education may, at the request of the board of
21 directors, administer the fund for investment purposes.

22 (7) It is the intent of the Legislature that the Board
23 of Directors of the Florida Education Fund recruit eligible
24 residents of the state before it extends its search to
25 eligible nonresidents. However, for the purposes of subsection
26 (8), the board of directors shall recruit eligible residents
27 only. It is further the intent of the Legislature that the
28 board of directors establish service terms, if any, that
29 accompany the award of moneys from the fund.

30 (8) There is created a legal education component of
31 the Florida Education Fund to provide the opportunity for

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1 minorities to attain representation within the legal
2 profession proportionate to their representation within the
3 general population. The legal education component of the
4 Florida Education Fund includes a law school program and a
5 pre-law program.

6 (a) The law school scholarship program of the Florida
7 Education Fund is to be administered by the Board of Directors
8 of the Florida Education Fund for the purpose of increasing by
9 200 the number of minority students enrolled in law schools in
10 this state. Implementation of this program is to be phased in
11 over a 3-year period.

12 1. The board of directors shall provide financial,
13 academic, and other support to students selected for
14 participation in this program from funds appropriated by the
15 Legislature.

16 2. Student selection must be made in accordance with
17 rules adopted by the board of directors for that purpose and
18 must be based, at least in part, on an assessment of potential
19 for success, merit, and financial need.

20 3. Support must be made available to students who
21 enroll in private, as well as public, law schools in this
22 state which are accredited by the American Bar Association.

23 4. Scholarships must be paid directly to the
24 participating students.

25 5. Students who participate in this program must agree
26 in writing to sit for The Florida Bar examination and, upon
27 successful admission to The Florida Bar, to either practice
28 law in the state for a period of time equal to the amount of
29 time for which the student received aid, up to 3 years, or
30 repay the amount of aid received.

31 6. Annually the board of directors shall compile a

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1 report that includes a description of the selection process,
2 an analysis of the academic progress of all scholarship
3 recipients, and an analysis of expenditures. This report must
4 be submitted to the President of the Senate, the Speaker of
5 the House of Representatives, and the Governor.

6 (b) The minority pre-law scholarship loan program of
7 the Florida Education Fund is to be administered by the Board
8 of Directors of the Florida Education Fund for the purpose of
9 increasing the opportunity of minority students to prepare for
10 law school.

11 1. From funds appropriated by the Legislature, the
12 board of directors shall provide for student fees, room,
13 board, books, supplies, and academic and other support to
14 selected minority undergraduate students matriculating at
15 eligible public and independent colleges and universities in
16 Florida.

17 2. Student selection must be made in accordance with
18 rules adopted by the board of directors for that purpose and
19 must be based, at least in part, on an assessment of potential
20 for success, merit, and financial need.

21 3. To be eligible, a student must make a written
22 agreement to enter or be accepted to enter a law school in
23 this state within 2 years after graduation or repay the
24 scholarship loan amount plus interest at the prevailing rate.

25 4. Recipients who fail to gain admission to a law
26 school within the specified period of time, may, upon
27 admission to law school, be eligible to have their loans
28 canceled.

29 5. Minority pre-law scholarship loans shall be
30 provided to 34 minority students per year for up to 4 years
31 each, for a total of 136 scholarship loans. To continue

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1 receipt of scholarship loans, recipients must maintain a 2.75
2 grade point average for the freshman year and a 3.25 grade
3 point average thereafter. Participants must also take
4 specialized courses to enhance competencies in English and
5 logic.

6 6. The board of directors shall maintain records on
7 all scholarship loan recipients. Participating institutions
8 shall submit academic progress reports to the board of
9 directors following each academic term. Annually, the board
10 of directors shall compile a report that includes a
11 description of the selection process, an analysis of the
12 academic progress of all scholarship loan recipients, and an
13 analysis of expenditures. This report must be submitted to
14 the President of the Senate, the Speaker of the House of
15 Representatives, and the Governor.

16 Section 455. Section 1009.72, Florida Statutes, is
17 created to read:

18 1009.72 Jose Marti Scholarship Challenge Grant
19 Program.--

20 (1) There is hereby established a Jose Marti
21 Scholarship Challenge Grant Program to be administered by the
22 Department of Education pursuant to this section and rules of
23 the State Board of Education. The program shall provide
24 matching grants for private sources that raise money for
25 scholarships to be awarded to Hispanic-American students.

26 (2) Funds appropriated by the Legislature for the
27 program shall be deposited in the State Student Financial
28 Assistance Trust Fund. The Comptroller shall authorize
29 expenditures from the trust fund upon receipt of vouchers
30 approved by the Department of Education. All moneys collected
31 from private sources for the purposes of this section shall be

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1 deposited into the trust fund. Any balance in the trust fund
2 at the end of any fiscal year that has been allocated to the
3 program shall remain therein and shall be available for
4 carrying out the purposes of the program.

5 (3) The Legislature shall designate funds to be
6 transferred to the trust fund for the program from the General
7 Revenue Fund. Such funds shall be divided into challenge
8 grants to be administered by the Department of Education. All
9 appropriated funds deposited into the trust fund for the
10 program shall be invested pursuant to the provisions of s.
11 18.125. Interest income accruing to that portion of the funds
12 that are allocated to the program in the trust fund and not
13 matched shall increase the total funds available for the
14 program.

15 (4) The amount appropriated to the trust fund for the
16 program shall be allocated by the department on the basis of
17 one \$5,000 challenge grant for each \$2,500 raised from private
18 sources. Matching funds shall be generated through
19 contributions made after July 1, 1986, and pledged for the
20 purposes of this section. Pledged contributions shall not be
21 eligible for matching prior to the actual collection of the
22 total funds.

23 (5)(a) In order to be eligible to receive a
24 scholarship pursuant to this section, an applicant shall:

25 1. Be a Hispanic-American, or a person of Spanish
26 culture with origins in Mexico, South America, Central
27 America, or the Caribbean, regardless of race.

28 2. Be a citizen of the United States and meet the
29 general requirements for student eligibility as provided in s.
30 1009.40, except as otherwise provided in this section.

31 3. Be accepted at a state university or community

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1 college or any Florida college or university that is
2 accredited by an association whose standards are comparable to
3 the minimum standards required to operate a postsecondary
4 education institution at that level in Florida.

5 4. Enroll as a full-time undergraduate or graduate
6 student.

7 5. Earn a 3.0 unweighted grade point average on a 4.0
8 scale, or the equivalent for high school subjects creditable
9 toward a diploma. If an applicant applies as a graduate
10 student, he or she shall have earned a 3.0 cumulative grade
11 point average for undergraduate college-level courses.

12 (b) In order to renew a scholarship awarded pursuant
13 to this section, a student must:

14 1. Earn a grade point average of at least 3.0 on a 4.0
15 scale for the previous term, maintain at least a 3.0 average
16 for college work, or have an average below 3.0 only for the
17 previous term and be eligible for continued enrollment at the
18 institution.

19 2. Maintain full-time enrollment.

20 (6) The annual scholarship to each recipient shall be
21 \$2,000. Priority in the distribution of scholarships shall be
22 given to students with the lowest total family resources.
23 Renewal scholarships shall take precedence over new awards in
24 any year in which funds are not sufficient to meet the total
25 need. No undergraduate student shall receive an award for
26 more than the equivalent of 8 semesters or 12 quarters over a
27 period of no more than 6 consecutive years, except as
28 otherwise provided in s. 1009.40(3). No graduate student
29 shall receive an award for more than the equivalent of 4
30 semesters or 6 quarters.

31 (7) The criteria and procedure for establishing

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1 standards of eligibility shall be determined by the
2 department. The department is directed to establish a rating
3 system upon which to base the approval of grants. Such system
4 shall include a certification of acceptability by the
5 postsecondary institution of the applicant's choice.

6 (8) Payment of scholarships shall be transmitted to
7 the president of the postsecondary institution that the
8 recipient is attending or to the president's designee. Should
9 a recipient terminate his or her enrollment during the
10 academic year, the president or his or her designee shall
11 refund the unused portion of the scholarship to the department
12 within 60 days. In the event that a recipient transfers from
13 one eligible institution to another, his or her scholarship
14 shall be transferable upon approval of the department.

15 (9) This section shall be implemented to the extent
16 funded and authorized by law.

17 Section 456. Section 1009.73, Florida Statutes, is
18 created to read:

19 1009.73 Mary McLeod Bethune Scholarship Program.--

20 (1) There is established the Mary McLeod Bethune
21 Scholarship Program to be administered by the Department of
22 Education pursuant to this section and rules of the State
23 Board of Education. The program shall provide matching grants
24 for private sources that raise money for scholarships to be
25 awarded to students who attend Florida Agricultural and
26 Mechanical University, Bethune-Cookman College, Edward Waters
27 College, or Florida Memorial College.

28 (2) Funds appropriated by the Legislature for the
29 program shall be deposited in the State Student Financial
30 Assistance Trust Fund. The Comptroller shall authorize
31 expenditures from the trust fund upon receipt of vouchers

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1 approved by the Department of Education. The Department of
2 Education shall receive all moneys collected from private
3 sources for the purposes of this section and shall deposit
4 such moneys into the trust fund. Notwithstanding the
5 provisions of s. 216.301 and pursuant to s. 216.351, any
6 balance in the trust fund at the end of any fiscal year that
7 has been allocated to the program shall remain in the trust
8 fund and shall be available for carrying out the purposes of
9 the program.

10 (3) The Legislature shall appropriate moneys to the
11 trust fund for the program from the General Revenue Fund. Such
12 moneys shall be applied to scholarships to be administered by
13 the Department of Education. All moneys deposited into the
14 trust fund for the program shall be invested pursuant to the
15 provisions of s. 18.125. Interest income accruing to the
16 program shall be expended to increase the total moneys
17 available for scholarships.

18 (4) The moneys in the trust fund for the program shall
19 be allocated by the department among the institutions of
20 higher education listed in subsection (1) on the basis of one
21 \$2,000 challenge grant for each \$1,000 raised from private
22 sources. Matching funds shall be generated through
23 contributions made after July 1, 1990, and pledged for the
24 purposes of this section. Pledged contributions shall not be
25 eligible for matching prior to the actual collection of the
26 total funds. The department shall allocate to each of those
27 institutions a proportionate share of the contributions
28 received on behalf of those institutions and a share of the
29 appropriations and matching funds generated by such
30 institution.

31 (5)(a) In order to be eligible to receive a

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1 scholarship pursuant to this section, an applicant must:

2 1. Meet the general eligibility requirements set forth
3 in s. 1009.40.

4 2. Be accepted at Florida Agricultural and Mechanical
5 University, Bethune-Cookman College, Edward Waters College, or
6 Florida Memorial College.

7 3. Enroll as a full-time undergraduate student.

8 4. Earn a 3.0 grade point average on a 4.0 scale, or
9 the equivalent, for high school subjects creditable toward a
10 diploma.

11 (b) In order to renew a scholarship awarded pursuant
12 to this section, a student must earn a minimum cumulative
13 grade point average of 3.0 on a 4.0 scale and complete 12
14 credits each term for which the student received the
15 scholarship.

16 (6) The amount of the scholarship to be granted to
17 each recipient is \$3,000 annually. Priority in the awarding
18 of scholarships shall be given to students having financial
19 need as determined by the institution. If funds are
20 insufficient to provide the full amount of the scholarship
21 authorized in this section to each eligible applicant, the
22 institution may prorate available funds and make a partial
23 award to each eligible applicant. A student may not receive an
24 award for more than the equivalent of 8 semesters or 12
25 quarters over a period of 6 consecutive years, except that a
26 student who is participating in college-preparatory
27 instruction or who requires additional time to complete the
28 college-level communication and computation skills testing
29 program may continue to receive a scholarship while enrolled
30 for the purpose of receiving college-preparatory instruction
31 or while completing the testing program.

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1 (7) The criteria and procedure for establishing
2 standards of eligibility shall be determined by the
3 department. The department shall establish a rating system
4 upon which the institutions shall award the scholarships. The
5 system must require a certification of eligibility issued by
6 the postsecondary institution selected by the applicant.

7 (8) Scholarship moneys shall be transmitted to the
8 president or the president's designee of the postsecondary
9 institution that the recipient is attending. The president or
10 his or her designee shall submit a report annually to the
11 Department of Education on the scholarships. If a recipient
12 terminates his or her enrollment during the academic year, the
13 president or his or her designee shall refund the unused
14 portion of the scholarship to the department within 60 days.
15 If a recipient transfers from one of the institutions listed
16 in subsection (1) to another of those institutions, the
17 recipient's scholarship is transferable upon approval of the
18 department.

19 (9) This section shall be implemented in any academic
20 year to the extent funded and authorized by law.

21 (10) The State Board of Education may adopt any rules
22 necessary to implement the provisions of this section.

23 Section 457. Section 1009.74, Florida Statutes, is
24 created to read:

25 1009.74 The Theodore R. and Vivian M. Johnson
26 Scholarship Program.--

27 (1) There is established the Theodore R. and Vivian M.
28 Johnson Scholarship Program to be administered by the
29 Department of Education. The program shall provide
30 scholarships to students attending a state university. The
31 program shall be funded by contributions from the Theodore R.

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1 and Vivian M. Johnson Scholarship Foundation and from state
2 matching funds to be allocated from the Trust Fund for Major
3 Gifts.

4 (2) The amount to be allocated to the program shall be
5 on the basis of a 50-percent match of funds from the Trust
6 Fund for Major Gifts for each contribution received from the
7 Theodore R. and Vivian M. Johnson Scholarship Foundation. The
8 funds allocated to the program, including the corpus and
9 interest income, shall be expended for scholarships to benefit
10 disabled students attending a state university.

11 (3) Students eligible for receipt of scholarship funds
12 shall provide documentation of a disability and shall have a
13 demonstrated financial need for the funds.

14 Section 458. Section 1009.76, Florida Statutes, is
15 created to read:

16 1009.76 Ethics in Business Scholarship Program for
17 state universities.--The Ethics in Business Scholarship
18 Program for state universities is hereby created, to be
19 administered by the Department of Education. Moneys
20 appropriated and allocated to university foundations for
21 purposes of the program shall be used to create endowments for
22 the purpose of providing scholarships to undergraduate college
23 students enrolled in state institutions of higher learning who
24 register for one or more credit hours in courses in business
25 ethics and who have demonstrated a commitment to serving the
26 interests of their community. First priority for awarding such
27 scholarships shall be given to students who demonstrate
28 financial need.

29 Section 459. Section 1009.765, Florida Statutes, is
30 created to read:

31 1009.765 Ethics in Business scholarships for community

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1 colleges and independent postsecondary educational
2 institutions.--When the Department of Insurance receives a \$6
3 million settlement as specified in the Consent Order of the
4 Treasurer and Insurance Commissioner, case number 18900-96-c,
5 that portion of the \$6 million not used to satisfy the
6 requirements of section 18 of the Consent Order must be
7 transferred from the Insurance Commissioner's Regulatory Trust
8 Fund to the State Student Financial Assistance Trust Fund is
9 appropriated from the State Student Financial Assistance Trust
10 Fund to provide Ethics in Business scholarships to students
11 enrolled in public community colleges and independent
12 postsecondary educational institutions eligible to participate
13 in the William L. Boyd, IV, Florida Resident Access Grant
14 Program under s. 1009.89. The funds shall be allocated to
15 institutions for scholarships in the following ratio:
16 Two-thirds for community colleges and one-third for eligible
17 independent institutions. The Department of Education shall
18 administer the scholarship program for students attending
19 community colleges and independent institutions. These funds
20 must be allocated to institutions that provide an equal amount
21 of matching funds generated by private donors for the purpose
22 of providing Ethics in Business scholarships. Public funds may
23 not be used to provide the match, nor may funds collected for
24 other purposes. Notwithstanding any other provision of law,
25 the State Board of Administration shall have the authority to
26 invest the funds appropriated under this section. The
27 Department of Education may adopt rules for administration of
28 the program.

29 Section 460. Section 1009.77, Florida Statutes, is
30 created to read:

31 1009.77 Florida Work Experience Program.--

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1 (1) There is established the Florida Work Experience
2 Program to be administered by the Department of Education. The
3 purpose of the program is to introduce eligible students to
4 work experience that will complement and reinforce their
5 educational program and career goals and provide a self-help
6 student aid program. Such program shall be available to:

7 (a) Any student attending a state university or
8 community college authorized by Florida law; or

9 (b) Any student attending a nonprofit Florida
10 postsecondary education institution that is eligible to
11 participate in either of the student assistance grant programs
12 established in ss. 1009.51 and 1009.52.

13 (2)(a) A participating institution may use up to 25
14 percent of its program allocation for student employment
15 within the institution.

16 (b) A participating institution may use up to 10
17 percent of its program allocation for program administration.

18 (3) Each participating institution is authorized to
19 enter into contractual agreements with private or public
20 employers for the purpose of establishing a Florida work
21 experience program.

22 (4) The participating postsecondary educational
23 institution shall be responsible for reimbursing employers for
24 student wages from moneys it receives from the trust fund
25 pursuant to subsection (8). Public elementary or secondary
26 school employers shall be reimbursed for 100 percent of the
27 student's wages by the participating institution. All other
28 employers shall be reimbursed for 70 percent of the student's
29 wages. When a college or university employs a student on
30 campus through this program, other student financial aid funds
31 may not be used to fund the institution's 30-percent portion

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1 of the student's wages.

2 (5) The employer is responsible for furnishing the
3 full cost of any mandatory benefits. Such benefits may not be
4 considered part of the 30-percent wage requirement total for
5 matching purposes.

6 (6) A student is eligible to participate in the
7 Florida Work Experience Program if the student:

8 (a) Is enrolled at an eligible college or university
9 as no less than a half-time undergraduate student in good
10 standing. However, a student may be employed during the break
11 between two consecutive terms or employed, although not
12 enrolled, during a term if the student was enrolled at least
13 half time during the preceding term and preregisters as no
14 less than a half-time student for the subsequent academic
15 term. A student who attends an institution that does not
16 provide preregistration shall provide documentation of intent
17 to enroll as no less than a half-time student for the
18 subsequent academic term.

19 (b) Meets the general requirements for student
20 eligibility as provided in s. 1009.40, except as otherwise
21 provided in this section.

22 (c) Demonstrates financial need.

23 (d) Maintains a 2.0 cumulative grade point average on
24 a 4.0 scale for all college work.

25 (7) The Department of Education shall prescribe such
26 rules for the program as are necessary for its administration,
27 for the determination of eligibility and selection of
28 institutions to receive funds for students, to ensure the
29 proper expenditure of funds, and to provide an equitable
30 distribution of funds between students at public and
31 independent colleges and universities.

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1 (8) Funds appropriated by the Legislature for the
2 Florida Work Experience Program shall be deposited in the
3 State Student Financial Assistance Trust Fund. The Comptroller
4 shall authorize expenditures from the trust fund upon receipt
5 of vouchers approved by the Department of Education. Any
6 balance therein at the end of any fiscal year that has been
7 allocated to the program shall remain therein and shall be
8 available for carrying out the purposes of the program.

9 Section 461. Section 1009.78, Florida Statutes, is
10 created to read:

11 1009.78 Student Loan Program.--There is hereby created
12 a Student Loan Program, referred to in ss. 1009.78-1009.88 as
13 the program.

14 Section 462. Section 1009.79, Florida Statutes, is
15 created to read:

16 1009.79 Issuance of revenue bonds pursuant to s. 15,
17 Art. VII, State Constitution.--

18 (1) The issuance of revenue bonds to finance the
19 establishment of the program, to be payable primarily from
20 payments of interest, principal, and handling charges to the
21 program from the recipients of the loans, and with the other
22 revenues authorized hereby being pledged as additional
23 security, is hereby authorized, subject and pursuant to the
24 provisions of s. 15, Art. VII, State Constitution; the State
25 Bond Act, ss. 215.57-215.83; and ss. 1009.78-1009.88.

26 (2) The amount of such revenue bonds to be issued
27 shall be determined by the Division of Bond Finance of the
28 State Board of Administration. However, the total principal
29 amount outstanding shall not exceed \$80 million, other than
30 refunding bonds issued pursuant to s. 215.79.

31 Section 463. Section 1009.80, Florida Statutes, is

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1 created to read:

2 1009.80 Approval of loans; administration of
3 program.--

4 (1) The loans to be made with the proceeds of the
5 program shall be determined and approved by the Department of
6 Education, pursuant to rules promulgated by the State Board of
7 Education. The program shall be administered by the
8 Department of Education as provided by law and the proceeds
9 thereof shall be maintained and secured in the same manner as
10 other public trust funds.

11 (2) The Department of Education may contract for the
12 purchase of federally insured student loans to be made by
13 other eligible lenders under the guaranteed student loan
14 program; however, any such loans must comply with all
15 applicable requirements of s. 15, Art. VII of the State
16 Constitution, ss. 1009.78-1009.88, the rules of the State
17 Board of Education relating to the guaranteed student loan
18 program, and the proceedings authorizing the student loan
19 revenue bonds, and the loans so purchased shall have been made
20 during the period specified in the contract.

21 (3) The Department of Education may sell loan notes
22 acquired pursuant to ss. 1009.78-1009.88 to the federally
23 created Student Loan Marketing Association or another
24 federally authorized holder of such notes. The department may
25 also repurchase loan notes from authorized holders of such
26 notes. The department shall comply with applicable federal
27 law and regulations and the provisions of any agreement with
28 the Student Loan Marketing Association or the other authorized
29 holders.

30 Section 464. Section 1009.81, Florida Statutes, is
31 created to read:

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1 1009.81 Loan agreements.--The Department of Education
2 may enter into loan agreements between the department and the
3 recipients of loans from the program for such periods and
4 under such other terms and conditions as may be prescribed by
5 the applicable rules and regulations and mutually agreed upon
6 by the parties thereto in order to carry out the purposes of
7 s. 15, Art. VII, State Constitution and ss. 1009.78-1009.88.

8 Section 465. Section 1009.82, Florida Statutes, is
9 created to read:

10 1009.82 Terms of loans.--The term of all authorized
11 loans shall be fixed by rules adopted by the state board and
12 the loan agreements to be entered into with the student
13 borrowers.

14 Section 466. Section 1009.83, Florida Statutes, is
15 created to read:

16 1009.83 Rate of interest and other charges.--The
17 Department of Education shall from time to time fix the
18 interest and other charges to be paid for any student loan, at
19 rates sufficient to pay the interest on revenue bonds issued
20 pursuant to ss. 1009.78-1009.88, plus any costs incident to
21 issuance, sale, security, and retirement thereof, including
22 administrative expenses.

23 Section 467. Section 1009.84, Florida Statutes, is
24 created to read:

25 1009.84 Procurement of insurance as security for
26 loans.--The Department of Education may contract with any
27 insurance company or companies licensed to do business in the
28 state for insurance payable in the event of the death or total
29 disability of any student borrower in an amount sufficient to
30 retire the principal and interest owed under a loan made as
31 provided in ss. 1009.78-1009.88. The cost of any insurance

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1 purchased under this section shall be paid by the student
2 borrower as a part of the handling charges for the loan or as
3 a separate item to be paid in connection with the loan.

4 Section 468. Section 1009.85, Florida Statutes, is
5 created to read:

6 1009.85 Participation in guaranteed student loan
7 program.--The State Board of Education shall adopt rules
8 necessary for participation in the guaranteed student loan
9 program, as provided by the Higher Education Act of 1965 (20
10 U.S.C. ss. 1071 et seq.), as amended or as may be amended. The
11 intent of this act is to authorize student loans when this
12 state, through the Department of Education, has become an
13 eligible lender under the provisions of the applicable federal
14 laws providing for the guarantee of loans to students and the
15 partial payment of interest on such loans by the United States
16 Government.

17 Section 469. Section 1009.86, Florida Statutes, is
18 created to read:

19 1009.86 Student Loan Operating Trust Fund.--

20 (1) The Student Loan Operating Trust Fund is hereby
21 created, to be administered by the Department of Education.
22 Funds shall be credited to the trust fund pursuant to the
23 Higher Education Act of 1965, as amended, from loan processing
24 and issuance fees, administrative cost allowances, account
25 maintenance fees, default aversion fees, amounts remaining
26 from collection of defaulted loans, amounts borrowed from the
27 Student Loan Guaranty Reserve Fund, and other amounts
28 specified in federal regulation. The purpose of the trust fund
29 is to segregate funds used for administration of the
30 guaranteed student loan program from the reserve funds used to
31 guarantee student loans contained in the Student Loan Guaranty

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1 Reserve Fund. The fund is exempt from the service charges
2 imposed by s. 215.20.

3 (2) Notwithstanding the provisions of s. 216.301 and
4 pursuant to s. 216.351, any balance in the trust fund at the
5 end of any fiscal year shall remain in the trust fund at the
6 end of the year and shall be available for carrying out the
7 purposes of the trust fund.

8 (3) Pursuant to the provisions of s. 19(f)(2), Art.
9 III of the State Constitution, the trust fund shall, unless
10 terminated sooner, be terminated on July 1, 2003. However,
11 prior to its scheduled termination, the trust fund shall be
12 reviewed as provided in s. 215.3206(1) and (2).

13 Section 470. Section 1009.87, Florida Statutes, is
14 created to read:

15 1009.87 Provisions of ss. 1009.78-1009.88
16 cumulative.--The provisions of ss. 1009.78-1009.88 shall be in
17 addition to the other provisions of this chapter and shall not
18 be construed to be in derogation thereof, except as otherwise
19 expressly provided hereby.

20 Section 471. Section 1009.88, Florida Statutes, is
21 created to read:

22 1009.88 Validation of bonds.--Revenue bonds issued
23 pursuant to ss. 1009.78-1009.88 shall be validated in the
24 manner provided by chapter 75. In actions to validate such
25 revenue bonds, the complaint shall be filed in the circuit
26 court of the county where the seat of state government is
27 situated, the notice required by s. 75.06 to be published
28 shall be published only in the county where the complaint is
29 filed, and the complaint and order of the circuit court shall
30 be served only on the attorney of the circuit in which the
31 action is pending.

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1 Section 472. Section 1009.89, Florida Statutes, is
2 created to read:

3 1009.89 The William L. Boyd, IV, Florida resident
4 access grants.--

5 (1) The Legislature finds and declares that
6 independent nonprofit colleges and universities eligible to
7 participate in the William L. Boyd, IV, Florida Resident
8 Access Grant Program are an integral part of the higher
9 education system in this state and that a significant number
10 of state residents choose this form of higher education. The
11 Legislature further finds that a strong and viable system of
12 independent nonprofit colleges and universities reduces the
13 tax burden on the citizens of the state. Because the William
14 L. Boyd, IV, Florida Resident Access Grant Program is not
15 related to a student's financial need or other criteria upon
16 which financial aid programs are based, it is the intent of
17 the Legislature that the William L. Boyd, IV, Florida Resident
18 Access Grant Program not be considered a financial aid program
19 but rather a tuition assistance program for its citizens.

20 (2) The William L. Boyd, IV, Florida Resident Access
21 Grant Program shall be administered by the Department of
22 Education. The State Board of Education shall adopt rules for
23 the administration of the program.

24 (3) The department shall issue through the program a
25 William L. Boyd, IV, Florida resident access grant to any
26 full-time degree-seeking undergraduate student registered at
27 an independent nonprofit college or university which is
28 located in and chartered by the state; which is accredited by
29 the Commission on Colleges of the Southern Association of
30 Colleges and Schools; which grants baccalaureate degrees;
31 which is not a state university or state community college;

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1 and which has a secular purpose, so long as the receipt of
2 state aid by students at the institution would not have the
3 primary effect of advancing or impeding religion or result in
4 an excessive entanglement between the state and any religious
5 sect. Any independent college or university that was eligible
6 to receive tuition vouchers on January 1, 1989, and which
7 continues to meet the criteria under which its eligibility was
8 established, shall remain eligible to receive William L. Boyd,
9 IV, Florida resident access grant payments.

10 (4) A person is eligible to receive such William L.
11 Boyd, IV, Florida resident access grant if:

12 (a) He or she meets the general requirements,
13 including residency, for student eligibility as provided in s.
14 1009.40, except as otherwise provided in this section; and

15 (b)1. He or she is enrolled as a full-time
16 undergraduate student at an eligible college or university;

17 2. He or she is not enrolled in a program of study
18 leading to a degree in theology or divinity; and

19 3. He or she is making satisfactory academic progress
20 as defined by the college or university in which he or she is
21 enrolled.

22 (5)(a) Funding for the William L. Boyd, IV, Florida
23 Resident Access Grant Program shall be based on a formula
24 composed of planned enrollment and the state cost of funding
25 undergraduate enrollment at public institutions pursuant to s.
26 1011.90. The amount of the William L. Boyd, IV, Florida
27 resident access grant issued to a full-time student shall be
28 an amount as specified in the General Appropriations Act. The
29 William L. Boyd, IV, Florida resident access grant may be paid
30 on a prorated basis in advance of the registration period. The
31 department shall make such payments to the college or

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1 university in which the student is enrolled for credit to the
2 student's account for payment of tuition and fees.

3 Institutions shall certify to the department the amount of
4 funds disbursed to each student and shall remit to the
5 department any undisbursed advances or refunds within 60 days
6 of the end of regular registration. Students shall not be
7 eligible to receive the award for more than 9 semesters or 14
8 quarters, except as otherwise provided in s. 1009.40(3).

9 (b) If the combined amount of the William L. Boyd, IV,
10 Florida resident access grant issued pursuant to this act and
11 all other scholarships and grants for tuition or fees exceeds
12 the amount charged to the student for tuition and fees, the
13 department shall reduce the William L. Boyd, IV, Florida
14 resident access grant issued pursuant to this act by an amount
15 equal to such excess.

16 (6) Funds appropriated by the Legislature for the
17 William L. Boyd, IV, Florida Resident Access Grant Program
18 shall be deposited in the State Student Financial Assistance
19 Trust Fund. Notwithstanding the provisions of s. 216.301 and
20 pursuant to s. 216.351, any balance in the trust fund at the
21 end of any fiscal year which has been allocated to the William
22 L. Boyd, IV, Florida Resident Access Grant Program shall
23 remain therein and shall be available for carrying out the
24 purposes of this section. If the number of eligible students
25 exceeds the total authorized in the General Appropriations
26 Act, an institution may use its own resources to assure that
27 each eligible student receives the full benefit of the grant
28 amount authorized.

29 Section 473. Part III.c. of chapter 1009, Florida
30 Statutes, shall be entitled "Role of the Department of
31 Education" and shall consist of ss. 1009.90-1009.96.

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1 Section 474. Section 1009.90, Florida Statutes, is
2 created to read:

3 1009.90 Duties of the Department of Education.--The
4 duties of the department shall include:

5 (1) Administration of this part and rules adopted by
6 the State Board of Education.

7 (2) Administration of federal funding, insurance, or
8 reinsurance in full compliance with applicable federal laws
9 and regulations.

10 (3) Development of written administrative procedures
11 and controls for the administration of each financial aid
12 program conducted by the office, maintenance of program
13 records and documents, timely collection and remittance of
14 insurance premiums, and timely assignment of defaulted loans
15 to collection agencies.

16 (4) Annual compilation of sources of financial aid
17 available to students in this state.

18 (5) Biennial analysis of the amount of available
19 financial aid moneys and the effect of such moneys on student
20 access to postsecondary institutions.

21 (6) Biennial internal evaluation of the administrative
22 efficiency and effectiveness of the office.

23 (7) Annual assessment of the accuracy of eligibility
24 information from a random sample of award recipients.

25 (8) Annual review of procedures for the distribution
26 of state financial aid funds.

27 (9) Development and submission of a report, annually,
28 to the State Board of Education, the President of the Senate,
29 and the Speaker of the House of Representatives, which shall
30 include, but not be limited to, recommendations for the
31 distribution of state financial aid funds.

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1 (10) Development and evaluation of a comprehensive,
2 long-range program of all sources of student financial aid.

3 (11) Dissemination of information on available
4 financial aid programs to district school superintendents and
5 other persons who request such information.

6 (12) Calculation of the amount of need-based student
7 financial aid required to offset fee increases recommended by
8 the State Board of Education and inclusion of such amount
9 within the legislative budget request for student assistance
10 grant programs.

11 Section 475. Section 1009.91, Florida Statutes, is
12 created to read:

13 1009.91 Assistance programs and activities of the
14 department.--

15 (1) The department may contract for the administration
16 of the student financial assistance programs as specifically
17 provided in ss. 295.01, 1009.29, 1009.56, and 1009.78.

18 (2) The department may contract to provide the
19 planning and development activities required pursuant to the
20 provisions of this part.

21 (3) The department shall administer the guarantee of
22 student loans made by participating commercial financial
23 institutions in such a manner as to fully comply with
24 applicable provisions of the Higher Education Act of 1965, as
25 amended, relating to loan reinsurance.

26 (4) The department shall maintain records on the
27 student loan default rate of each Florida postsecondary
28 institution and report that information annually to both the
29 institution and the State Board of Education.

30 Section 476. Section 1009.92, Florida Statutes, is
31 created to read:

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1 1009.92 Funding for programs administered by the
2 department.--

3 (1) In the preparation of its annual budget, the
4 department shall request that the Legislature continue to
5 provide funding for applicable programs from the General
6 Revenue Fund.

7 (2) The department is authorized to expend moneys from
8 available trust funds in applicable student financial
9 assistance programs.

10 (3) There is created a Student Loan Guaranty Reserve
11 Fund, which shall be administered by the department in
12 carrying out the provisions of this act.

13 (4) The principal sources of operating funds shall be
14 from the earnings from the temporary investment of the Student
15 Loan Guaranty Reserve Fund and from compensation for services
16 performed under contract for the administration of student
17 financial assistance programs pursuant to s. 1009.91.

18 (5) The department is authorized to accept grant funds
19 under the Leveraging Educational Assistance Program and
20 Supplemental Leveraging Educational Assistance Program of the
21 Federal Government, as provided by the Higher Education Act of
22 1965, as amended.

23 (6) The department is authorized to accept federal
24 advances for the establishment of the Student Loan Guaranty
25 Reserve Fund pursuant to the Higher Education Act of 1965, as
26 amended, under agreement with the United States Commissioner
27 of Education and to maintain such advances until recalled by
28 the United States Commissioner of Education.

29 (7) The department is authorized to assess a student
30 loan insurance premium on each loan guaranteed by the
31 department. The amount of insurance premium will be determined

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1 by the department in the amount sufficient to maintain the
2 pledged level of reserve funds but in no event may the amount
3 of the insurance premium exceed the maximum provided by
4 federal law.

5 (8) The department shall invest, or contract for the
6 temporary investment of, any unencumbered cash, and the
7 interest earned therefrom, except as otherwise provided for by
8 law or covenant, shall accrue to the Student Loan Guaranty
9 Reserve Fund or for the administration of financial aid
10 programs.

11 Section 477. Section 1009.93, Florida Statutes, is
12 created to read:

13 1009.93 Student financial aid planning and
14 development.--

15 (1) The department shall administer a student
16 financial aid planning and development program. It is the
17 intent of the Legislature that a specific sum of funds be
18 allocated each year for the purpose of sponsoring the design,
19 development, and implementation of a comprehensive program of
20 student financial aid and of initiating activities of
21 inservice training for student financial aid administrators
22 and activities to encourage maximum lender participation in
23 guaranteed loans.

24 (2) The objective of a state program is the
25 maintenance of a state student financial aid program to
26 supplement a basic national program which will provide equal
27 access to postsecondary education to citizens of this state
28 who have the ability and motivation to benefit from a
29 postsecondary education. In the development of a state program
30 to achieve this objective, it shall be the policy that:

31 (a) State student financial aid be provided primarily

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1 on the basis of financial need;

2 (b) Students receiving need-based financial aid be
3 expected to contribute toward their cost of education through
4 self-help resources such as savings, work, and loans;

5 (c) Student financial aid be available to state
6 residents for attendance at accredited public or private
7 institutions of higher education in this state;

8 (d) Student financial aid be provided for all levels
9 of postsecondary education; and

10 (e) State student financial aid be administered by a
11 central state agency.

12
13 Planning and development must be in accordance with the
14 foregoing objective and policies.

15 (3) The planning and development procedures shall
16 provide for:

17 (a) The review of public policy;

18 (b) The development of performance objectives;

19 (c) The development of alternate approaches;

20 (d) The evaluation of performance; and

21 (e) The participation and involvement in the planning
22 process of representatives of the groups affected by a state
23 program of student financial aid.

24 (4) The State Board of Education shall adopt rules
25 providing for the verification of the independent status of
26 state financial aid recipients.

27 (5) The department shall encourage industry and
28 education linkages through the development of temporary
29 employment opportunities for students attending postsecondary
30 institutions in this state.

31 Section 478. Section 1009.94, Florida Statutes, is

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1 created to read:

2 1009.94 Student financial assistance database.--

3 (1) The Department of Education shall design and
4 maintain a student financial assistance database that can be
5 used to support all aspects of the administration and delivery
6 of state-funded student financial aid. In addition, the
7 database must have the capability of providing policymakers
8 with comprehensive information regarding the various financial
9 assistance programs available to students attending Florida
10 postsecondary education institutions.

11 (2) For purposes of this section, financial assistance
12 includes:

13 (a) For all students, any scholarship, grant, loan,
14 fee waiver, tuition assistance payment, or other form of
15 compensation provided from state or federal funds.

16 (b) For students attending public institutions, any
17 scholarship, grant, loan, fee waiver, tuition assistance
18 payment, or other form of compensation supported by
19 institutional funds.

20 (3) The database must include records on any student
21 receiving any form of financial assistance as described in
22 subsection (2). Institutions participating in any state
23 financial assistance program shall annually submit such
24 information to the Department of Education in a format
25 prescribed by the department and consistent with the
26 provisions of s. 1002.22.

27 Section 479. Section 1009.95, Florida Statutes, is
28 created to read:

29 1009.95 Delinquent accounts.--

30 (1) The Department of Education is directed to exert
31 every lawful and reasonable effort to collect all delinquent

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1 unpaid and uncanceled scholarship loan notes, student loan
2 notes, and defaulted guaranteed loan notes.

3 (2) The department may establish a recovery account
4 into which unpaid and uncanceled scholarship loan note,
5 student loan note, and defaulted guaranteed loan note accounts
6 may be transferred.

7 (3) The department may settle any delinquent unpaid
8 and uncanceled scholarship loan notes, student loan notes, and
9 defaulted guaranteed loan notes and employ the service of a
10 collection agent when deemed advisable in collecting
11 delinquent or defaulted accounts. However, no collection agent
12 may be paid a commission in excess of 35 percent of the amount
13 collected. Any expense incurred by the department in enforcing
14 the collection of a loan note may be borne by the signer of
15 the note and may be added to the amount of the principal of
16 such note.

17 (4) The department may charge off unpaid and
18 uncanceled scholarship loan notes and student loan notes which
19 are at least 3 years delinquent and which prove uncollectible
20 after good faith collection efforts. However, a delinquent
21 account with a past due balance of \$25 or less may be charged
22 off as uncollectible when it becomes 6 months past due and the
23 cost of further collection effort or assignment to a
24 collection agent would not be warranted.

25 (5) No individual borrower who has been determined to
26 be in default in making legally required scholarship loan,
27 student loan, or guaranteed loan repayments shall be furnished
28 with his or her academic transcripts or other student records
29 until such time as the loan is paid in full or the default
30 status has been removed.

31 (6) The department may charge an individual borrower

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1 who has been determined to be in default in making legally
2 required loan repayments the maximum interest rate authorized
3 by law.

4 (7) The State Board of Education shall adopt such
5 rules as are necessary to regulate the collection, settlement,
6 and charging off of delinquent unpaid and uncanceled
7 scholarship loan notes, student loan notes, and defaulted
8 guaranteed loan notes.

9 Section 480. Section 1009.96, Florida Statutes, is
10 created to read:

11 1009.96 Annual review of financial assistance
12 programs.--All new and existing financial assistance programs
13 authorized under this chapter which are not funded for 3
14 consecutive years after enactment shall stand repealed.
15 Financial assistance programs provided under this part on July
16 1, 1992, which lose funding for 3 consecutive years shall
17 stand repealed. The Department of Education shall annually
18 review the legislative appropriation for financial assistance
19 programs to identify such programs.

20 Section 481. Part IV of chapter 1009, Florida
21 Statutes, shall be entitled "Prepaid College Board Programs"
22 and shall consist of ss. 1009.97-1009.984.

23 Section 482. Section 1009.97, Florida Statutes, is
24 created to read:

25 1009.97 General provisions.--

26 (1) LEGISLATIVE FINDING; EDUCATIONAL OPPORTUNITY.--The
27 Legislature recognizes that educational opportunity at the
28 postsecondary level is a critical state interest and is best
29 ensured through the provision of postsecondary institutions
30 that are geographically and financially accessible, that
31 affordability and accessibility of higher education are

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1 essential to the welfare and well-being of the residents of
2 the state and are a critical state interest, and that
3 promoting and enhancing financial access to postsecondary
4 institutions serve a legitimate public purpose.

5 (2) LEGISLATIVE INTENT.--It is the intent of the
6 Legislature that a prepaid program be established through
7 which many of the costs associated with postsecondary
8 attendance may be paid in advance and fixed at a guaranteed
9 level for the duration of undergraduate enrollment and that
10 this program fosters timely financial planning for
11 postsecondary attendance and to encourage employer
12 participation in such planning through program contributions
13 on behalf of employees and the dependents of employees. It is
14 further the intent of the Legislature that a savings program
15 be established as a supplement and alternative to the prepaid
16 program to allow persons to make contributions to a trust
17 account to meet some or all of the qualified higher education
18 expenses of a designated beneficiary, consistent with federal
19 law authorizing such programs, but without a guarantee by the
20 state that such contributions, together with the investment
21 return on such contributions, if any, will be adequate to pay
22 for qualified higher education expenses, to enable
23 participants to save for qualified higher education expenses,
24 and to provide a choice to persons who determine that the
25 overall educational needs of their families are best suited to
26 a savings program or who wish to save to meet postsecondary
27 educational needs beyond the traditional 4-year curriculum.
28 Finally, the Legislature intends that the prepaid program and
29 the savings program be conducted in a manner to maximize
30 program efficiency and effectiveness.

31 (3) DEFINITIONS.--As used in ss. 1009.97-1009.984, the

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1 term:

2 (a) "Advance payment contract" means a contract
3 entered into by the board and a purchaser pursuant to s.
4 1009.98.

5 (b) "Board" means the Florida Prepaid College Board.

6 (c) "Trust fund" means the Florida Prepaid College
7 Trust Fund.

8 (d) "Prepaid program" means the Florida Prepaid
9 College Program established pursuant to s. 1009.98.

10 (e) "Purchaser" means a person who makes or is
11 obligated to make advance registration or dormitory residence
12 payments in accordance with an advance payment contract.

13 (f) "Qualified beneficiary" means:

14 1. A resident of this state at the time a purchaser
15 enters into an advance payment contract on behalf of the
16 resident;

17 2. A nonresident who is the child of a noncustodial
18 parent who is a resident of this state at the time that such
19 parent enters into an advance payment contract on behalf of
20 the child; or

21 3. For purposes of advance payment contracts entered
22 into pursuant to s. 1009.983, a graduate of an accredited high
23 school in this state who is a resident of this state at the
24 time he or she is designated to receive the benefits of the
25 advance payment contract.

26 (g) "Registration fee" means tuition fee, financial
27 aid fee, building fee, and Capital Improvement Trust Fund fee.

28 (h) "State postsecondary institution" means any public
29 community college or state university.

30 (i) "Benefactor" means any person making a deposit,
31 payment, contribution, gift, or other expenditure into the

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1 savings program.

2 (j) "Designated beneficiary" means:

3 1. Any individual designated in the participation
4 agreement;

5 2. Any individual defined in s. 152(a)(1)-(8) of the
6 Internal Revenue Code; or

7 3. Any individual receiving a scholarship from
8 interests in the program purchased by a state or local
9 government or an organization described in s. 501(c)(3) of the
10 Internal Revenue Code.

11 (k) "Eligible educational institution" means an
12 institution of higher education that qualifies under s. 529 of
13 the Internal Revenue Code as an eligible educational
14 institution.

15 (l) "Internal Revenue Code" means the Internal Revenue
16 Code of 1986, as defined in s. 220.03(1), and regulations
17 adopted pursuant thereto.

18 (m) "Participation agreement" means an agreement
19 between the board and a benefactor for participation in the
20 savings program for a designated beneficiary.

21 (n) "Savings program" means the Florida College
22 Savings Program established pursuant to s. 1009.981.

23 (o) "Qualified higher education expenses" means higher
24 education expenses permitted under s. 529 of the Internal
25 Revenue Code and required for the enrollment or attendance of
26 a designated beneficiary at an eligible educational
27 institution, including undergraduate and graduate schools, and
28 any other higher education expenses that are permitted under
29 s. 529 of the Internal Revenue Code.

30 (p) "Prepaid fund" means the fund within the trust
31 fund into which moneys belonging to the prepaid program are

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1 deposited and held.

2 (g) "Savings fund" means the fund within the trust
3 fund into which moneys belonging to the savings program are
4 deposited and held.

5 Section 483. Section 1009.971, Florida Statutes, is
6 created to read:

7 1009.971 Florida Prepaid College Board.--

8 (1) FLORIDA PREPAID COLLEGE BOARD; CREATION.--The
9 Florida Prepaid College Board is hereby created as a body
10 corporate with all the powers of a body corporate for the
11 purposes delineated in this section. The board shall
12 administer the prepaid program and the savings program, and
13 shall perform essential governmental functions as provided in
14 ss. 1009.97-1009.984. For the purposes of s. 6, Art. IV of the
15 State Constitution, the board shall be assigned to and
16 administratively housed within the State Board of
17 Administration, but it shall independently exercise the powers
18 and duties specified in ss. 1009.97-1009.984.

19 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The
20 board shall consist of seven members to be composed of the
21 Attorney General, the Chief Financial Officer, the Deputy
22 Commissioner of Colleges and Universities, the Deputy
23 Commissioner of Community Colleges, and three members
24 appointed by the Governor and subject to confirmation by the
25 Senate. Each member appointed by the Governor shall possess
26 knowledge, skill, and experience in the areas of accounting,
27 actuary, risk management, or investment management. Each
28 member of the board not appointed by the Governor may name a
29 designee to serve on the board on behalf of the member;
30 however, any designee so named shall meet the qualifications
31 required of gubernatorial appointees to the board. Members

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1 appointed by the Governor shall serve terms of 3 years. Any
2 person appointed to fill a vacancy on the board shall be
3 appointed in a like manner and shall serve for only the
4 unexpired term. Any member shall be eligible for reappointment
5 and shall serve until a successor qualifies. Members of the
6 board shall serve without compensation but shall be reimbursed
7 for per diem and travel in accordance with s. 112.061. Each
8 member of the board shall file a full and public disclosure of
9 his or her financial interests pursuant to s. 8, Art. II of
10 the State Constitution and corresponding statute.

11 (3) FLORIDA PREPAID COLLEGE BOARD; ELECTIONS;
12 MEETINGS.--The board shall annually elect a board member to
13 serve as chair and a board member to serve as vice chair and
14 shall designate a secretary-treasurer who need not be a member
15 of the board. The secretary-treasurer shall keep a record of
16 the proceedings of the board and shall be the custodian of all
17 printed material filed with or by the board and of its
18 official seal. Notwithstanding the existence of vacancies on
19 the board, a majority of the members shall constitute a
20 quorum. The board shall take no official action in the absence
21 of a quorum. The board shall meet, at a minimum, on a
22 quarterly basis at the call of the chair.

23 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND
24 DUTIES.--The board shall have the powers and duties necessary
25 or proper to carry out the provisions of ss. 1009.97-1009.984,
26 including, but not limited to, the power and duty to:

27 (a) Appoint an executive director to serve as the
28 chief administrative and operational officer of the board and
29 to perform other duties assigned to him or her by the board.

30 (b) Adopt an official seal and rules.

31 (c) Sue and be sued.

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1 (d) Make and execute contracts and other necessary
2 instruments.

3 (e) Establish agreements or other transactions with
4 federal, state, and local agencies, including state
5 universities and community colleges.

6 (f) Administer the trust fund in a manner that is
7 sufficiently actuarially sound to defray the obligations of
8 the prepaid program and the savings program, considering the
9 separate purposes and objectives of each program. The board
10 shall annually evaluate or cause to be evaluated the actuarial
11 soundness of the prepaid fund. If the board perceives a need
12 for additional assets in order to preserve actuarial soundness
13 of the prepaid program, the board may adjust the terms of
14 subsequent advance payment contracts to ensure such soundness.

15 (g) Invest funds not required for immediate
16 disbursement.

17 (h) Appear in its own behalf before boards,
18 commissions, or other governmental agencies.

19 (i) Hold, buy, and sell any instruments, obligations,
20 securities, and property determined appropriate by the board.

21 (j) Require a reasonable length of state residence for
22 qualified beneficiaries.

23 (k) Segregate contributions and payments to the trust
24 fund into the appropriate fund.

25 (l) Procure and contract for goods and services,
26 employ personnel, and engage the services of private
27 consultants, actuaries, managers, legal counsel, and auditors
28 in a manner determined to be necessary and appropriate by the
29 board.

30 (m) Solicit and accept gifts, grants, loans, and other
31 aids from any source or participate in any other way in any

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1 government program to carry out the purposes of ss.
2 1009.97-1009.984.

3 (n) Require and collect administrative fees and
4 charges in connection with any transaction and impose
5 reasonable penalties, including default, for delinquent
6 payments or for entering into an advance payment contract or a
7 participation agreement on a fraudulent basis.

8 (o) Procure insurance against any loss in connection
9 with the property, assets, and activities of the trust fund or
10 the board.

11 (p) Impose reasonable time limits on use of the
12 benefits provided by the prepaid program or savings program.
13 However, any such limitations shall be specified within the
14 advance payment contract or the participation agreement,
15 respectively.

16 (q) Delineate the terms and conditions under which
17 payments may be withdrawn from the trust fund and impose
18 reasonable fees and charges for such withdrawal. Such terms
19 and conditions shall be specified within the advance payment
20 contract or the participation agreement.

21 (r) Provide for the receipt of contributions in lump
22 sums or installment payments.

23 (s) Require that purchasers of advance payment
24 contracts or benefactors of participation agreements verify,
25 under oath, any requests for contract conversions,
26 substitutions, transfers, cancellations, refund requests, or
27 contract changes of any nature. Verification shall be
28 accomplished as authorized and provided for in s.
29 92.525(1)(a).

30 (t) Delegate responsibility for administration of one
31 or both of the comprehensive investment plans required in s.

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1 1009.973 to persons the board determines to be qualified. Such
2 persons shall be compensated by the board.

3 (u) Endorse insurance coverage written exclusively for
4 the purpose of protecting advance payment contracts, and
5 participation agreements, and the purchasers, benefactors, and
6 beneficiaries thereof, including group life policies and group
7 disability policies, which are exempt from the provisions of
8 part V of chapter 627.

9 (v) Form strategic alliances with public and private
10 entities to provide benefits to the prepaid program, savings
11 program, and participants of either or both programs.

12 (w) Solicit proposals and contract, pursuant to s.
13 287.057, for the marketing of the prepaid program or the
14 savings program, or both together. Any materials produced for
15 the purpose of marketing the prepaid program or the savings
16 program shall be submitted to the board for review. No such
17 materials shall be made available to the public before the
18 materials are approved by the board. Any educational
19 institution may distribute marketing materials produced for
20 the prepaid program or the savings program; however, all such
21 materials shall be approved by the board prior to
22 distribution. Neither the state nor the board shall be liable
23 for misrepresentation of the prepaid program or the savings
24 program by a marketing agent.

25 (x) Establish other policies, procedures, and criteria
26 to implement and administer the provisions of ss.
27 1009.97-1009.984.

28 (y) Adopt procedures to govern contract dispute
29 proceedings between the board and its vendors.

30 (5) FLORIDA PREPAID COLLEGE BOARD; CONTRACTUAL
31 SERVICES.--The board shall solicit proposals and contract,

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1 pursuant to s. 287.057, for:

2 (a) The services of records administrators.

3 (b) Investment consultants to review the performance
4 of the board's investment managers and advise the board on
5 investment management and performance and investment policy,
6 including the contents of the comprehensive investment plans.

7 (c) Trustee services firms to provide trustee and
8 related services to the board. The trustee services firm shall
9 agree to meet the obligations of the board to qualified
10 beneficiaries if moneys in the fund fail to offset the
11 obligations of the board as a result of imprudent selection or
12 supervision of investment programs by such firm.

13 (d) Investment managers to provide investment
14 portfolios for the prepaid program or the savings program.
15 Investment managers shall be limited to authorized insurers as
16 defined in s. 624.09, banks as defined in s. 658.12,
17 associations as defined in s. 665.012, authorized Securities
18 and Exchange Commission investment advisers, and investment
19 companies as defined in the Investment Company Act of 1940.
20 All investment managers shall have their principal place of
21 business and corporate charter located and registered in the
22 United States. In addition, each investment manager shall
23 agree to meet the obligations of the board to qualified
24 beneficiaries if moneys in the fund fail to offset the
25 obligations of the board as a result of imprudent investing by
26 such provider. Each authorized insurer shall evidence superior
27 performance overall on an acceptable level of surety in
28 meeting its obligations to its policyholders and other
29 contractual obligations. Only qualified public depositories
30 approved by the Insurance Commissioner and Treasurer shall be
31 eligible for board consideration. Each investment company

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1 shall provide investment plans as specified within the request
2 for proposals.

3
4 The goals of the board in procuring such services shall be to
5 provide all purchasers and benefactors with the most secure,
6 well-diversified, and beneficially administered prepaid
7 program or savings program possible, to allow all qualified
8 firms interested in providing such services equal
9 consideration, and to provide such services to the state at no
10 cost and to the purchasers and benefactors at the lowest cost
11 possible. Evaluations of proposals submitted pursuant to this
12 subsection shall include, but not be limited to, fees and
13 other costs that are charged to purchasers or benefactors that
14 affect account values, or that impact the operational costs of
15 the prepaid program or the savings program; past experience
16 and past performance in providing the required services;
17 financial history and current financial strength and capital
18 adequacy to provide the required services; and capabilities
19 and experience of the proposed personnel that will provide the
20 required services.

21 (6) QUALIFIED TUITION PROGRAM STATUS.--Notwithstanding
22 any other provision of ss. 1009.97-1009.984, the board may
23 adopt rules necessary for the prepaid program and the savings
24 program each to retain its status as a "qualified tuition
25 program" in order to maintain its tax exempt status or other
26 similar status of the program, purchasers, and qualified
27 beneficiaries under the Internal Revenue Code. The board shall
28 inform participants in the prepaid program and the savings
29 program of changes to the tax or securities status of advance
30 purchase contracts and participation agreements.

31 Section 484. Section 1009.972, Florida Statutes, is

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1 created to read:

2 1009.972 Florida Prepaid College Trust Fund.--

3 (1) There is created within the State Board of
4 Administration the Florida Prepaid College Trust Fund. The
5 trust fund shall be segregated into two separate funds, the
6 prepaid fund and the savings fund.

7 (2) The prepaid fund shall consist of state
8 appropriations, moneys acquired from other governmental or
9 private sources for the prepaid program, and moneys remitted
10 in accordance with advance payment contracts. Dividends,
11 interest, and gains accruing to the prepaid fund shall
12 increase the total funds available for the prepaid program. If
13 dividends, interest, and gains for the prepaid fund exceed the
14 amount necessary for program administration and disbursements,
15 the board may designate an additional percentage of the
16 prepaid fund to serve as a contingency fund.

17 (3) The savings fund shall consist of appropriations,
18 moneys acquired from other governmental or private sources for
19 the savings program, and moneys remitted in accordance with
20 participation agreements. The amounts on deposit in the
21 savings fund shall remain therein and shall be available
22 solely for carrying out the purposes of the savings program.

23 (4) Any balance contained within the trust fund, and
24 within each fund in the trust fund, at the end of a fiscal
25 year shall remain therein and shall be available for carrying
26 out the purposes of each respective program and the
27 direct-support organization established pursuant to s.
28 1009.983. Moneys contained within the trust fund shall be
29 exempt from the investment requirements of s. 18.10. All funds
30 deposited in the prepaid fund may be invested pursuant to s.
31 215.47. Any funds of a direct-support organization created

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1 pursuant to s. 1009.983 shall be exempt from the provisions of
2 this section.

3 (5) Notwithstanding the provisions of chapter 717,
4 funds associated with terminated advance payment contracts
5 pursuant to s. 1009.98(4)(k) and canceled contracts for which
6 no refunds have been claimed shall be retained by the board.
7 The board shall establish procedures for notifying purchasers
8 who subsequently cancel their advance payment contracts of any
9 unclaimed refund and shall establish a time period after which
10 no refund may be claimed by a purchaser who canceled a
11 contract. The board may transfer funds retained from such
12 terminated advance payment contracts and cancelled contracts
13 to the Florida Prepaid Tuition Scholarship Program to provide
14 matching funds for prepaid tuition scholarships for
15 economically disadvantaged youth that remain drug free and
16 crime free.

17 (6) The assets of the prepaid fund and the savings
18 fund shall be maintained, invested, and expended solely for
19 the purposes of the prepaid program and the savings program,
20 respectively, and shall not be loaned, transferred, or
21 otherwise used by the state for any purpose other than the
22 purposes of ss. 1009.97-1009.984. This subsection shall not be
23 construed to prohibit the board from investing in, by purchase
24 or otherwise, bonds, notes, or other obligations of the state
25 or an agency or instrumentality of the state. Unless otherwise
26 specified by the board, assets of the prepaid fund and the
27 savings fund shall be expended in the following order of
28 priority:

29 (a) To make payments to state postsecondary
30 institutions on behalf of qualified beneficiaries or
31 designated beneficiaries.

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1 (b) To make refunds upon termination of advance
2 payment contracts or participation agreements.

3 (c) To pay the costs of administration and operations
4 for the prepaid program and the savings program.

5 Section 485. Section 1009.973, Florida Statutes, is
6 created to read:

7 1009.973 Comprehensive investment plans.--The Florida
8 Prepaid College Board shall establish separate comprehensive
9 investment plans for the prepaid program and for the savings
10 program, each subject to the approval of the State Board of
11 Administration. Each comprehensive investment plan shall
12 specify the investment policies to be utilized by the board in
13 its administration of each respective program. The board may
14 place assets of each program in investment products pursuant
15 to the comprehensive investment plan for each respective
16 program and in such proportions as may be designated or
17 approved under the plan for each respective program. Such
18 products shall be underwritten and offered in compliance with
19 the applicable federal and state laws, regulations, and rules
20 by persons authorized by applicable federal and state
21 authorities. A purchaser may not direct the investment of his
22 or her contribution to the prepaid program. A benefactor or
23 designated beneficiary may not direct the investment of any
24 contributions to the savings program other than the specific
25 fund options provided by the board, if any. Board members and
26 employees of the board are not prohibited from purchasing
27 advance payment contracts or entering into participation
28 agreements by virtue of their fiduciary responsibilities as
29 members of the board or official duties as employees of the
30 board.

31 Section 486. Section 1009.974, Florida Statutes, is

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1 created to read:

2 1009.974 Exemption from claims of creditors.--Moneys
3 paid into or out of the trust fund by or on behalf of a
4 purchaser or qualified beneficiary of an advance payment
5 contract or benefactor or designated beneficiary of a
6 participation agreement are exempt, as provided by s. 222.22,
7 from all claims of creditors of the purchaser or the qualified
8 beneficiary of an advance payment contract or the benefactor
9 or designated beneficiary of a participation agreement,
10 respectively, provided that the advance payment contract or
11 participation agreement has not been terminated. Neither
12 moneys paid into the prepaid program or savings program nor
13 benefits accrued through the prepaid program or savings
14 program may be pledged for the purpose of securing a loan.

15 Section 487. Section 1009.975, Florida Statutes, is
16 created to read:

17 1009.975 Payroll deduction authority.--The state or
18 any state agency, county, municipality, or other political
19 subdivision may, by contract or collective bargaining
20 agreement, agree with any employee to remit payments toward
21 advance payment contracts or participation agreements through
22 payroll deductions made by the appropriate officer or officers
23 of the state, state agency, county, municipality, or political
24 subdivision. Such payments shall be held and administered in
25 accordance with ss. 1009.97-1009.984.

26 Section 488. Section 1009.976, Florida Statutes, is
27 created to read:

28 1009.976 Annual report.--On or before March 31 of each
29 year, the Florida Prepaid College Board shall prepare or cause
30 to be prepared separate reports setting forth in appropriate
31 detail an accounting of the prepaid program and the savings

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1 program which include a description of the financial condition
2 of each respective program at the close of the fiscal year.
3 The board shall submit copies of the reports to the Governor,
4 the President of the Senate, the Speaker of the House of
5 Representatives, and the minority leaders of the House and
6 Senate and shall make the report for the prepaid program
7 available to each purchaser and the report for the savings
8 program available to each benefactor and designated
9 beneficiary. The accounts of the fund for the prepaid program
10 and the savings program shall be subject to annual audits by
11 the Auditor General.

12 Section 489. Section 1009.98, Florida Statutes, is
13 created to read:

14 1009.98 Florida Prepaid College Program.--

15 (1) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There
16 is created a Florida Prepaid College Program to provide a
17 medium through which the cost of registration and dormitory
18 residence may be paid in advance of enrollment in a state
19 postsecondary institution at a rate lower than the projected
20 corresponding cost at the time of actual enrollment. Such
21 payments shall be combined and invested in a manner that
22 yields, at a minimum, sufficient interest to generate the
23 difference between the prepaid amount and the cost of
24 registration and dormitory residence at the time of actual
25 enrollment. Students who enroll in a state postsecondary
26 institution pursuant to this section shall be charged no fees
27 in excess of the terms delineated in the advance payment
28 contract.

29 (2) PREPAID COLLEGE PLANS.--At a minimum, the board
30 shall make advance payment contracts available for two
31 independent plans to be known as the community college plan

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1 and the university plan. The board may also make advance
2 payment contracts available for a dormitory residence plan.
3 The board may restrict the number of participants in the
4 community college plan, university plan, and dormitory
5 residence plan, respectively. However, any person denied
6 participation solely on the basis of such restriction shall be
7 granted priority for participation during the succeeding year.

8 (a)1. Through the community college plan, the advance
9 payment contract shall provide prepaid registration fees for a
10 specified number of undergraduate semester credit hours not to
11 exceed the average number of hours required for the conference
12 of an associate degree. Qualified beneficiaries shall bear the
13 cost of any laboratory fees associated with enrollment in
14 specific courses. Each qualified beneficiary shall be
15 classified as a resident for tuition purposes, pursuant to s.
16 1009.21, regardless of his or her actual legal residence.

17 2. Effective July 1, 1998, the board may provide
18 advance payment contracts for additional fees delineated in s.
19 1009.23, not to exceed the average number of hours required
20 for the conference of an associate degree, in conjunction with
21 advance payment contracts for registration fees. Community
22 college plan contracts purchased prior to July 1, 1998, shall
23 be limited to the payment of registration fees as defined in
24 s. 1009.97.

25 (b)1. Through the university plan, the advance payment
26 contract shall provide prepaid registration fees for a
27 specified number of undergraduate semester credit hours not to
28 exceed the average number of hours required for the conference
29 of a baccalaureate degree. Qualified beneficiaries shall bear
30 the cost of any laboratory fees associated with enrollment in
31 specific courses. Each qualified beneficiary shall be

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1 classified as a resident for tuition purposes pursuant to s.
2 1009.21, regardless of his or her actual legal residence.
3 2. Effective July 1, 1998, the board may provide
4 advance payment contracts for additional fees delineated in s.
5 1009.24(8)-(11), for a specified number of undergraduate
6 semester credit hours not to exceed the average number of
7 hours required for the conference of a baccalaureate degree,
8 in conjunction with advance payment contracts for registration
9 fees. Such contracts shall provide prepaid coverage for the
10 sum of such fees, to a maximum of 45 percent of the cost of
11 registration fees. University plan contracts purchased prior
12 to July 1, 1998, shall be limited to the payment of
13 registration fees as defined in s. 1009.97.
14 (c) The cost of participation in contracts authorized
15 under paragraph (a) or paragraph (b) shall be based primarily
16 on the current and projected registration fees within the
17 Florida Community College System or the State University
18 System, respectively, and the number of years expected to
19 elapse between the purchase of the plan on behalf of a
20 qualified beneficiary and the exercise of the benefits
21 provided in the plan by such beneficiary.
22 (d) Through the dormitory residence plan, the advance
23 payment contract may provide prepaid housing fees for a
24 maximum of 10 semesters of full-time undergraduate enrollment
25 in a state university. Dormitory residence plans shall be
26 purchased in increments of 2 semesters. The cost of
27 participation in the dormitory residence plan shall be based
28 primarily on the average current and projected housing fees
29 within the State University System and the number of years
30 expected to elapse between the purchase of the plan on behalf
31 of a qualified beneficiary and the exercise of the benefits

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1 provided in the plan by such beneficiary. Qualified
2 beneficiaries shall have the highest priority in the
3 assignment of housing within university residence halls.
4 Qualified beneficiaries shall bear the cost of any additional
5 elective charges such as laundry service or long-distance
6 telephone service. Each state university may specify the
7 residence halls or other university-held residences eligible
8 for inclusion in the plan. In addition, any state university
9 may request immediate termination of a dormitory residence
10 contract based on a violation or multiple violations of rules
11 of the residence hall or other university-held residences. In
12 the event that sufficient housing is not available for all
13 qualified beneficiaries, the board shall refund the purchaser
14 or qualified beneficiary an amount equal to the fees charged
15 for dormitory residence during that semester. If a qualified
16 beneficiary fails to be admitted to a state university or
17 chooses to attend a community college that operates one or
18 more dormitories or residency opportunities, or has one or
19 more dormitories or residency opportunities operated by the
20 community college direct-support organization, the qualified
21 beneficiary may transfer or cause to have transferred to the
22 community college, or community college direct-support
23 organization, the fees associated with dormitory residence.
24 Dormitory fees transferred to the community college or
25 community college direct-support organization may not exceed
26 the maximum fees charged for state university dormitory
27 residence for the purposes of this section, or the fees
28 charged for community college or community college
29 direct-support organization dormitories or residency
30 opportunities, whichever is less.

31 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE

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1 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A
2 qualified beneficiary may apply the benefits of an advance
3 payment contract toward:

4 (a) An independent college or university that is
5 located and chartered in Florida, that is not for profit, that
6 is accredited by the Commission on Colleges of the Southern
7 Association of Colleges and Schools or the Accrediting Council
8 for Independent Colleges and Schools, and that confers degrees
9 as defined in s. 1005.02.

10 (b) An out-of-state college or university that is not
11 for profit and is accredited by a regional accrediting
12 association, and that confers degrees.

13 (c) An applied technology diploma program or technical
14 certificate program conducted by a community college listed in
15 s. 1004.02(2) or technical center operated by a district
16 school board.

17
18 The board shall transfer or cause to be transferred to the
19 institution designated by the qualified beneficiary an amount
20 not to exceed the redemption value of the advance payment
21 contract at a state postsecondary institution. If the cost of
22 registration or housing fees at such institution is less than
23 the corresponding fees at a state postsecondary institution,
24 the amount transferred may not exceed the actual cost of
25 registration and housing fees. A transfer authorized under
26 this subsection may not exceed the number of semester credit
27 hours or semesters of dormitory residence contracted on behalf
28 of a qualified beneficiary. Notwithstanding any other
29 provision in this section, an institution must be an "eligible
30 educational institution" under s. 529 of the Internal Revenue
31 Code to be eligible for the transfer of advance payment

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1 contract benefits.

2 (4) ADVANCE PAYMENT CONTRACTS.--The board shall
3 develop advance payment contracts for registration and may
4 develop advance payment contracts for dormitory residence as
5 provided in this section. Advance payment contracts shall be
6 exempt from chapter 517 and the Florida Insurance Code. Such
7 contracts shall include, but not be limited to, the following:

8 (a) The amount of the payment or payments and the
9 number of payments required from a purchaser on behalf of a
10 qualified beneficiary.

11 (b) The terms and conditions under which purchasers
12 shall remit payments, including, but not limited to, the date
13 or dates upon which each payment shall be due.

14 (c) Provisions for late payment charges and for
15 default.

16 (d) Provisions for penalty fees for withdrawals from
17 the fund.

18 (e) Except for an advance payment contract entered
19 into pursuant to subsection (9) or s. 1009.983, the name and
20 date of birth of the qualified beneficiary on whose behalf the
21 contract is drawn and the terms and conditions under which
22 another person may be substituted as the qualified
23 beneficiary.

24 (f) The name of any person who may terminate the
25 contract. The terms of the contract shall specify whether the
26 contract may be terminated by the purchaser, the qualified
27 beneficiary, a specific designated person, or any combination
28 of these persons.

29 (g) The terms and conditions under which a contract
30 may be terminated, modified, or converted, the name of the
31 person entitled to any refund due as a result of termination

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1 of the contract pursuant to such terms and conditions, and the
2 amount of refund, if any, due to the person so named.

3 (h) The number of semester credit hours or semesters
4 of dormitory residence contracted by the purchaser.

5 (i) The state postsecondary system toward which the
6 contracted credit hours or semesters of dormitory residence
7 will be applied.

8 (j) The assumption of a contractual obligation by the
9 board to the qualified beneficiary to provide for a specified
10 number of semester credit hours of undergraduate instruction
11 at a state postsecondary institution, not to exceed the
12 average number of credit hours required for the conference of
13 the degree that corresponds to the plan purchased on behalf of
14 the qualified beneficiary or to provide for a specified number
15 of semesters of dormitory residence, not to exceed the number
16 of semesters of full-time enrollment required for the
17 conference of a baccalaureate degree.

18 (k) The period of time after which advance payment
19 contracts that have not been terminated or the benefits used
20 shall be considered terminated. Time expended by a qualified
21 beneficiary as an active duty member of any of the armed
22 services of the United States shall be added to the period of
23 time specified by the board. No purchaser or qualified
24 beneficiary whose advance payment contract is terminated
25 pursuant to this paragraph shall be entitled to a refund.
26 Notwithstanding chapter 717, the board shall retain any moneys
27 paid by the purchaser for an advance payment contract that has
28 been terminated in accordance with this paragraph. Such moneys
29 may be transferred to the Florida Prepaid Tuition Scholarship
30 Program to provide matching funds for prepaid tuition
31 scholarships for economically disadvantaged youths that remain

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1 drug free and crime free.

2 (1) Other terms and conditions deemed by the board to
3 be necessary or proper.

4 (5) REFUNDS.--

5 (a) No refund shall exceed the amount paid into the
6 fund by the purchaser except as provided in paragraphs (b) and
7 (c).

8 (b) If the beneficiary is awarded a scholarship, the
9 terms of which cover the benefits included in the advance
10 payment contracts, moneys paid for the purchase of the advance
11 payment contracts shall be refunded to the purchaser in
12 semester installments coinciding with the tuition by the
13 beneficiary in an amount which, in total, does not exceed the
14 redemption value of the advance payment contract at a state
15 postsecondary institution.

16 (c) In the event of the death or total disability of
17 the beneficiary, moneys paid for the purchase of advance
18 payment contracts shall be refunded to the purchaser in an
19 amount not to exceed the redemption value of the advance
20 payment contract at a state postsecondary institution.

21 (d) If an advance payment contract is converted from
22 one registration plan to a plan of lesser value, the amount
23 refunded shall not exceed the difference between the amount
24 paid for the original contract and the amount that would have
25 been paid for the contract to which the plan is converted had
26 the converted plan been purchased under the same payment plan
27 at the time the original advance payment contract was
28 executed.

29 (e) No refund shall be authorized through an advance
30 payment contract for any school year partially attended but
31 not completed. For purposes of this section, a school year

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1 partially attended but not completed shall mean any one
2 semester whereby the student is still enrolled at the
3 conclusion of the official drop-add period, but withdraws
4 before the end of such semester. If a beneficiary does not
5 complete a community college plan or university plan for
6 reasons other than specified in paragraph (c), the purchaser
7 shall receive a refund of the amount paid into the fund for
8 the remaining unattended years of the advance payment contract
9 pursuant to rules promulgated by the board.

10 (6) CONFIDENTIALITY OF ACCOUNT
11 INFORMATION.--Information that identifies the purchasers or
12 beneficiaries of any plan promulgated under this section and
13 their advance payment account activities is exempt from the
14 provisions of s. 119.07(1). However, the board may authorize
15 the program's records administrator to release such
16 information to a community college, college, or university in
17 which a beneficiary may enroll or is enrolled. Community
18 colleges, colleges, and universities shall maintain such
19 information as exempt from the provisions of s. 119.07(1).

20 (7) OBLIGATIONS OF BOARD.--The state shall agree to
21 meet the obligations of the board to qualified beneficiaries
22 if moneys in the fund fail to offset the obligations of the
23 board. The Legislature shall appropriate to the Florida
24 Prepaid College Trust Fund the amount necessary to meet the
25 obligations of the board to qualified beneficiaries.

26 (8) PROGRAM TERMINATION.--In the event that the state
27 determines the prepaid program to be financially infeasible,
28 the state may discontinue the provision of the program. Any
29 qualified beneficiary who has been accepted by and is enrolled
30 or is within 5 years of enrollment in an eligible independent
31 college or university or state postsecondary institution shall

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1 be entitled to exercise the complete benefits for which he or
2 she has contracted. All other contract holders shall receive a
3 refund of the amount paid in and an additional amount in the
4 nature of interest at a rate that corresponds, at a minimum,
5 to the prevailing interest rates for savings accounts provided
6 by banks and savings and loan associations.

7 (9) SCHOLARSHIPS.--A nonprofit organization described
8 in s. 501(c)(3) of the United States Internal Revenue Code and
9 exempt from taxation under s. 501(a) of the United States
10 Internal Revenue Code may purchase advance payment contracts
11 for a scholarship program that has been approved by the board
12 and is operated by the purchasing organization.

13 Section 490. Section 1009.981, Florida Statutes, is
14 created to read:

15 1009.981 Florida College Savings Program.--

16 (1)(a) The Florida Prepaid College Board is authorized
17 to create, establish, and administer the Florida College
18 Savings Program to promote and enhance the affordability of
19 higher education in the state and to enable persons to
20 contribute funds that are combined and invested to pay the
21 subsequent higher education expenses of a designated
22 beneficiary. The board may not implement the savings program
23 until it has obtained:

24 1. A written opinion from counsel specializing in
25 federal tax matters indicating that the savings program
26 constitutes a qualified tuition program under s. 529 of the
27 Internal Revenue Code;

28 2. A written opinion from a qualified member of the
29 United States Patent Bar indicating that the implementation of
30 the savings program or the operation of the savings program
31 will not knowingly infringe upon any patent or copyright

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1 specifically related to the financing of higher education
2 expenses;

3 3. A written opinion of qualified counsel specializing
4 in federal securities law that the savings program and the
5 offering of participation in the savings program does not
6 violate federal securities law; and

7 4. A written opinion from the board's litigation
8 counsel indicating that the implementation or operation of the
9 savings program will not adversely impact any pending
10 litigation against the board.

11 (b) The benefactor retains ownership of all amounts on
12 deposit in his or her account with the savings program up to
13 the date of distribution on behalf of a designated
14 beneficiary. Earnings derived from investment of the
15 contributions shall be considered to be held in trust in the
16 same manner as contributions, except as applied for purposes
17 of the designated beneficiary and for purposes of maintaining
18 and administering the program as provided in this section.

19 (c) All amounts attributable to penalties shall be
20 used for purposes of the savings program or as required by the
21 Internal Revenue Code, and other amounts received other than
22 contributions shall be properties of the savings program.
23 Proceeds from penalties shall remain with the program and may
24 be used for any costs or purposes of the savings program or
25 used as required by the Internal Revenue Code.

26 (d) Deposits and contributions to the program, the
27 property of the board, and the earnings on the college savings
28 accounts are exempt from taxation.

29 (e) The assets of the savings program shall be
30 continuously invested and reinvested in a manner consistent
31 with the purposes of the program, expended on expenses

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1 incurred by the operation and management of the savings
2 program, or refunded to the benefactor or designated
3 beneficiary under the conditions provided in the participation
4 agreement. The board is not required to invest directly in
5 obligations of the state or any political subdivision of the
6 state or in any investment or other fund administered by the
7 state.

8 (2) PARTICIPATION AGREEMENTS.--

9 (a) The board may establish plans to permit
10 benefactors to prepay the qualified higher education expenses
11 associated with enrollment in an eligible educational
12 institution and may permit benefactors to select from among
13 alternative investment plans designed to provide funds to pay
14 qualified education expenses of a designated beneficiary. The
15 board shall not accept contributions in excess of the amount
16 allowed pursuant to s. 529 of the Internal Revenue Code and
17 shall prescribe by rule the methodology and information
18 sources that shall be used to determine the projected costs of
19 qualified higher education expenses for designated
20 beneficiaries of prescribed ages.

21 (b) The board shall develop a participation agreement
22 which shall be the agreement between the board and each
23 benefactor, which may include, but is not limited to:

24 1. The name, date of birth, and social security number
25 of the designated beneficiary.

26 2. The amount of the contribution or contributions and
27 number of contributions required from a benefactor on behalf
28 of a designated beneficiary.

29 3. The terms and conditions under which benefactors
30 shall remit contributions, including, but not limited to, the
31 date or dates upon which each contribution is due. Deposits to

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1 the savings program by benefactors may only be in cash.
2 Benefactors may contribute in a lump sum, periodically, in
3 installments, or through electronic funds transfer or employer
4 payroll deductions.

5 4. Provisions for late contribution charges and for
6 default.

7 5. Provisions for penalty fees for withdrawals from
8 the program.

9 6. The name of the person who may terminate
10 participation in the program. The participation agreement must
11 specify whether the account may be terminated by the
12 benefactor, the designated beneficiary, a specific designated
13 person, or any combination of these persons.

14 7. The terms and conditions under which an account may
15 be terminated, modified, or converted, the name of the person
16 entitled to any refund due as a result of termination of the
17 account pursuant to such terms and conditions, and the amount
18 of refund, if any, due to the person so named.

19 8. Penalties for distributions not used or made in
20 accordance with s. 529 of the Internal Revenue Code.

21 9. Any charges or fees in connection with the
22 administration of the savings fund.

23 10. The period of time after which each participation
24 agreement shall be considered to be terminated. Time expended
25 by a designated beneficiary as an active duty member of any of
26 the armed services of the United States shall be added to the
27 period specified pursuant to this subparagraph. Should a
28 participation agreement be terminated, the balance of the
29 account, after notice to the benefactor, shall be declared
30 unclaimed and abandoned property. The board shall retain any
31 monies paid by the benefactor for a participation agreement

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1 that has been terminated in accordance with this subparagraph.

2 Such moneys may be transferred to the Florida Prepaid Tuition
3 Scholarship Program to provide matching funds for prepaid
4 tuition scholarships for economically disadvantaged youths
5 that remain drug free and crime free.

6 11. Other terms and conditions deemed by the board to
7 be necessary or proper.

8 (c) The participation agreement shall clearly state
9 that:

10 1. The contract is only a debt or obligation of the
11 savings program and the savings fund, and is not otherwise a
12 debt or obligation of the state.

13 2. Participation in the program does not guarantee
14 that sufficient funds will be available to cover all qualified
15 higher education expenses for any designated beneficiary and
16 does not guarantee admission to or continued enrollment at an
17 eligible educational institution of any designated
18 beneficiary.

19 (d) The participation agreement may be freely amended
20 throughout its term for purposes including, but not limited
21 to, allowing to enable the benefactor to increase or decrease
22 the level of participation, change designated beneficiaries,
23 and carry out similar matters permitted by this section and
24 the Internal Revenue Code.

25 (3) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION
26 EXPENSES.--The board shall establish requirements and
27 procedures for beneficiaries to realize the benefits of
28 participation agreements. In establishing such requirements
29 and procedures, the board shall make distributions in as
30 efficient and expeditious manner as is prudent and possible,
31 consistent with the Internal Revenue Code.

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1 (4) REFUNDS.--

2 (a) A benefactor may request a refund of the principal
3 amount of his or her contributions, plus actual investment
4 earnings or minus actual investment losses on the
5 contributions, less any applicable penalty, and less any
6 amounts used to provide benefits to the designated
7 beneficiary.

8 (b) Notwithstanding paragraph (a), a penalty may not
9 be levied if a benefactor requests a refund from the program
10 due to:

11 1. Death of the beneficiary.

12 2. Total disability of the beneficiary.

13 3. Scholarship, allowance, or payment received by the
14 beneficiary to the extent that the amount of the refund does
15 not exceed the amount of the scholarship, allowance, or
16 payment in accordance with federal law.

17 (c) If a benefactor requests a refund of funds
18 contributed to the program for any cause other than those
19 listed in paragraph (b), there shall be imposed a penalty of
20 10 percent of the earnings of the account and any applicable
21 taxes, or the amount required by the Internal Revenue Code.
22 Earnings shall be calculated as the total value of the
23 participation agreement, less the aggregate contributions, or
24 in the manner prescribed in the Internal Revenue Code.

25 (5) MATERIAL MISREPRESENTATION; PENALTY.--If the
26 benefactor or the designated beneficiary makes any material
27 misrepresentation in the application for a participation
28 agreement or in any communication with the board regarding the
29 program, especially regarding the withdrawal or distribution
30 of funds therefrom, the account may be involuntarily
31 liquidated by the board. If the account is so liquidated, the

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1 benefactor is entitled to a refund, subject to a 10-percent
2 penalty or the amount required by the Internal Revenue Code.

3 (6) CONFIDENTIALITY OF ACCOUNT

4 INFORMATION.--Information that identifies the benefactors or
5 the designated beneficiary of any account initiated under this
6 section and information regarding individual account
7 activities conducted through the savings program established
8 in this section are confidential and exempt from the
9 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
10 Constitution. However, the board may authorize the release of
11 such information to a community college, college, or
12 university in which a designated beneficiary may enroll or is
13 enrolled. Community colleges, colleges, and universities shall
14 maintain the confidentiality of such information. This
15 subsection is subject to the Open Government Sunset Review Act
16 of 1995 in accordance with s. 119.15, and shall stand repealed
17 on October 2, 2005, unless reviewed and saved from repeal
18 through reenactment by the Legislature.

19 (7) OBLIGATIONS OF BOARD.--Any contract or

20 participation agreement entered into by or any obligation of
21 the board on behalf of and for the benefit of the savings
22 program does not constitute a debt or obligation of the state
23 but is an obligation of the savings program. The state has no
24 obligation to any designated beneficiary or any other person
25 as a result of the savings program. The obligation of the
26 savings program is limited solely to those amounts deposited
27 in the savings fund. All amounts obligated to be paid from the
28 savings fund are limited to amounts available for such
29 obligation. The amounts on deposit in the savings program may
30 only be disbursed in accordance with the provisions of this
31 section.

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1 (8) PROGRAM TERMINATION.--The savings program shall
2 continue in existence until its existence is terminated by
3 law. If the state determines that the savings program is
4 financially infeasible, the state may discontinue the savings
5 program. Upon termination of the savings program, all deposits
6 shall be returned to benefactors, to the extent possible, and
7 any unclaimed assets in the savings program may be transferred
8 to the Florida Prepaid Tuition Scholarship Program to provide
9 matching funds for prepaid tuition scholarships for
10 economically disadvantaged youths that remain drug free and
11 crime free.

12 (9) STATE PLEDGE.--The state pledges to benefactors
13 and designated beneficiaries of the savings program that the
14 state will not limit or alter the rights under this section
15 which are vested in the program until such obligations are met
16 and discharged. However, this subsection does not preclude
17 such limitation if adequate provision is made by law for the
18 protection of the benefactors and designated beneficiaries
19 pursuant to the obligations of the board, and, if the state or
20 the board determines that the savings program is not
21 financially feasible, the state or the board may discontinue
22 the program. If the program is discontinued, the board shall
23 refund to benefactors their contributions to the program, plus
24 any investment earnings or minus any investment losses. The
25 board, on behalf of the state, may include this pledge and
26 undertaking by the state in participation agreements.

27 Section 491. Section 1009.982, Florida Statutes, is
28 created to read:

29 1009.982 Disclaimer.--Nothing in ss. 1009.97-1009.984
30 shall be construed as a promise or guarantee that a qualified
31 beneficiary or a designated beneficiary will be admitted to a

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1 state postsecondary institution or to a particular state
2 postsecondary institution, will be allowed to continue
3 enrollment at a state postsecondary institution after
4 admission, or will be graduated from a state postsecondary
5 institution.

6 Section 492. Section 1009.983, Florida Statutes, is
7 created to read:

8 1009.983 Direct-support organization; authority.--

9 (1) The Florida Prepaid College Board may establish a
10 direct-support organization which is:

11 (a) A Florida corporation, not for profit,
12 incorporated under the provisions of chapter 617 and approved
13 by the Secretary of State.

14 (b) Organized and operated exclusively to receive,
15 hold, invest, and administer property and to make expenditures
16 to or for the benefit of the board.

17 (c) An organization which the board, after review, has
18 certified to be operating in a manner consistent with the
19 goals of the board and in the best interests of the state.
20 Unless so certified, the organization may not use the name of
21 the prepaid program or savings program.

22 (2) The direct-support organization shall operate
23 under written contract with the board. The contract must
24 provide for:

25 (a) Approval of the articles of incorporation and
26 bylaws of the direct-support organization by the board.

27 (b) Submission of an annual budget for the approval of
28 the board. The budget must comply with rules adopted by the
29 board.

30 (c) Certification by the board that the direct-support
31 organization is complying with the terms of the contract and

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1 in a manner consistent with the goals and purposes of the
2 board and in the best interest of the state. Such
3 certification must be made annually and reported in the
4 official minutes of a meeting of the board.

5 (d) The reversion to the board, or to the state if the
6 board ceases to exist, of moneys and property held in trust by
7 the direct-support organization for the benefit of the board
8 or prepaid program if the direct-support organization is no
9 longer approved to operate for the board or if the board
10 ceases to exist.

11 (e) The fiscal year of the direct-support
12 organization, which must begin July 1 of each year and end
13 June 30 of the following year.

14 (f) The disclosure of material provisions of the
15 contract and of the distinction between the board and the
16 direct-support organization to donors of gifts, contributions,
17 or bequests, and such disclosure on all promotional and
18 fundraising publications.

19 (3) The direct-support organization shall provide for
20 an annual financial audit in accordance with s. 215.981. The
21 board and Auditor General may require and receive from the
22 organization or its independent auditor any detail or
23 supplemental data relative to the operation of the
24 organization.

25 (4) The identity of donors who desire to remain
26 anonymous shall be confidential and exempt from the provisions
27 of s. 119.07(1) and s. 24(a), Art. I of the State
28 Constitution, and such anonymity shall be maintained in the
29 auditor's report. Information received by the organization
30 that is otherwise confidential or exempt by law shall retain
31 such status. Any sensitive, personal information regarding

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1 contract beneficiaries, including their identities, is exempt
2 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
3 the State Constitution.

4 (5) The chair and the executive director of the board
5 shall be directors of the direct-support organization and
6 shall jointly name, at a minimum, three other individuals to
7 serve as directors of the organization.

8 (6) The board may authorize the direct-support
9 organization established in this section to use board
10 property, except money, and use facilities and personal
11 services subject to the provisions of this section. If the
12 direct-support organization does not provide equal employment
13 opportunities to all persons regardless of race, color,
14 religion, sex, age, or national origin, it may not use the
15 property, facilities, or personal services of the board. For
16 the purposes of this section, the term "personal services"
17 includes full-time personnel and part-time personnel as well
18 as payroll processing as prescribed by rule of the board. The
19 board shall adopt rules prescribing the procedures by which
20 the direct-support organization is governed and any conditions
21 with which such a direct-support organization must comply to
22 use property, facilities, or personal services of the board.

23 (7) The board may invest funds of the direct-support
24 organization which have been allocated for the purchase of
25 advance payment contracts for scholarships with receipts for
26 advance payment contracts.

27 Section 493. Section 1009.984, Florida Statutes, is
28 created to read:

29 1009.984 Florida Prepaid Tuition Scholarship
30 Program.--The Florida Prepaid Tuition Scholarship Program is
31 established to provide economically disadvantaged youth with

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1 prepaid postsecondary tuition scholarships. The direct-support
2 organization established pursuant to s. 1009.983 shall
3 administer the program with the assistance and cooperation of
4 the Department of Education to:

5 (1) Provide an incentive for economically
6 disadvantaged youth to improve school attendance and academic
7 performance in order to graduate and pursue a postsecondary
8 education.

9 (2) Obtain the commitment and involvement of private
10 sector entities by virtue of funding matches with a ratio of
11 50 percent provided by the private sector and 50 percent
12 provided by the state.

13 (3) Purchase prepaid tuition scholarships for students
14 certified by the Department of Education to the direct-support
15 organization who meet minimum economic and school requirements
16 and remain drug free and crime free.

17 (a) For the purpose of this subsection, "drug free"
18 means not being convicted of, or adjudicated delinquent for,
19 any violation of chapter 893 after being designated a
20 recipient of a Florida prepaid tuition scholarship.

21 (b) For the purpose of this subsection, "crime free"
22 means not being convicted of, or adjudicated delinquent for,
23 any felony or first degree misdemeanor as defined in ss.
24 775.08 and 775.081 after being designated a recipient of a
25 Florida prepaid tuition scholarship.

26 Section 494. Part V of chapter 1009, Florida Statutes,
27 shall be entitled "Florida Higher Education Loan Authority"
28 and shall consist of ss. 1009.99-1009.9994.

29 Section 495. Section 1009.99, Florida Statutes, is
30 created to read:

31 1009.99 Short title.--Sections 1009.99-1009.9994 may

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1 be cited as the "Florida Higher Education Loan Authority Act."

2 Section 496. Section 1009.991, Florida Statutes, is
3 created to read:

4 1009.991 Purpose.--It is the purpose of this act to
5 provide assistance and an additional method of financing the
6 cost of higher education to students and the families of
7 students attending institutions of higher education in this
8 state and to encourage investment of private capital to
9 provide funds for financing student loans.

10 Section 497. Section 1009.992, Florida Statutes, is
11 created to read:

12 1009.992 Definitions.--As used in this act:

13 (1) "Authority" means any public corporation created
14 by s. 1009.993 or any board, body, commission, department, or
15 officer of the county succeeding to the principal functions
16 thereof or to whom the powers conferred upon an authority by
17 this act are given by this act.

18 (2) "Authority loan" means any loan by an authority to
19 an institution of higher education for the purpose of funding
20 education loans.

21 (3) "Bond" or "revenue bond" means any revenue bond of
22 an authority issued under the provisions of this act,
23 including any revenue-refunding bond, notwithstanding that the
24 bond may be secured by mortgage or the full faith and credit
25 of a participating institution of higher education or any
26 other lawfully pledged security of a participating institution
27 of higher education.

28 (4) "Bond resolution" means the resolution of an
29 authority and the trust agreement, if any, and any supplement
30 or amendment to the foregoing, authorizing the issuance of,
31 and providing for the terms and conditions applicable to,

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1 obligations.

2 (5) "Bond service charge" means the principal
3 (including mandatory sinking fund requirements for retirement
4 of obligations) and interest, and redemption premium, if any,
5 required to be paid by an authority on obligations.

6 (6) "Borrower" means any student who has received an
7 education loan or any parent who has received or agreed to pay
8 an education loan.

9 (7) "Clerk" means the clerk of a commission or the
10 county officer charged with the duties customarily imposed
11 upon the clerk.

12 (8) "Commission" means a board of county commissioners
13 or other body charged with governing the county.

14 (9) "Default insurance" means insurance insuring
15 education loans, authority loans, or obligations against
16 default.

17 (10) "Default reserve fund" means a fund established
18 pursuant to a bond resolution for the purpose of securing
19 education loans, authority loans, or obligations.

20 (11) "Education loan" means a loan which is made by an
21 institution to a student or the parents of a student, or both,
22 in an amount not in excess of the maximum amount specified in
23 regulations to be formulated by the authority, in order to
24 finance all or any part of the cost of the student's
25 attendance at such institution.

26 (12) "Education loan series portfolio" means all
27 educational loans made by a specific institution which are
28 funded from the proceeds of an authority loan to such
29 institution out of the proceeds of a related specific issue of
30 obligations through the authority.

31 (13) "Institution" means any college or university

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1 which, by virtue of law or charter, is accredited by and holds
2 membership in the Commission on Recognition of Postsecondary
3 Accreditation; which grants baccalaureate or associate
4 degrees; which is not a pervasively sectarian institution; and
5 which does not discriminate in the admission of students on
6 the basis of race, color, religion, sex, or creed.

7 (14) "Loan funding deposit" means moneys or other
8 property which is deposited by an institution with the
9 authority or a trustee for the purpose of:

- 10 (a) Providing security for obligations;
11 (b) Funding a default reserve fund;
12 (c) Acquiring default insurance; or
13 (d) Defraying costs of the authority, and

14
15 which shall be in such amounts as are deemed necessary by the
16 authority as a condition for participation by such institution
17 in the program of the authority.

18 (15) "Obligation" means any revenue bond, note, or
19 other evidence of indebtedness of an authority, including any
20 interest coupon pertaining thereto, issued under this act,
21 including any refunding bond.

22 (16) "Parent" means any parent or guardian of a
23 student at an institution.

24 (17) "Participating institution" means an institution
25 of higher education which, pursuant to the provisions of this
26 act, undertakes the financing of an educational student loan
27 program or undertakes the refunding or refinancing of
28 obligations, a mortgage, or advances as provided in and
29 permitted by this act.

30 (18) "Person" means any person, firm, partnership,
31 association, corporation, or other body, public or private.

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1 Section 498. Section 1009.993, Florida Statutes, is
2 created to read:

3 1009.993 Authority; creation, membership, terms of
4 members, expenses.--

5 (1) In each county there is created a public body
6 corporate and politic to be known as the "... County
7 Education Loan Authority." Each such authority is constituted
8 as a public instrumentality, and its exercise of the powers
9 conferred by this act shall be deemed the performance of an
10 essential public function. No authority shall transact any
11 business or exercise any power pursuant to this act until the
12 commission by ordinance or resolution declares that there is a
13 need for an authority to function in such county.

14 (2) The commission may adopt such an ordinance or
15 resolution of need if it finds that the youth of the county
16 and state do not have the opportunity to attend institutions
17 of higher learning located within the county because of their
18 inability to obtain financing for the cost of such education
19 and the inability of such institutions to provide adequate
20 financial aid to their students.

21 (3) In any suit, action, or proceeding involving the
22 validity or enforcement of or relating to any contract of the
23 authority, the authority shall be conclusively deemed to have
24 been established and authorized to transact business and
25 exercise its powers hereunder upon proof of the adoption of an
26 ordinance or resolution by the commission declaring the need
27 for the authority. Such ordinance or resolution shall be
28 sufficient if it declares that there is such a need for an
29 authority in the county. A copy of such ordinance or
30 resolution certified by the clerk shall be admissible in
31 evidence in any suit, action, or proceeding.

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1 (4) The ordinance or resolution shall designate five
2 persons as members of the authority. The membership of the
3 authority shall include:

4 (a) A trustee, director, officer, or employee of an
5 institution located in such county.

6 (b) One lay citizen who does not derive a majority of
7 his or her income from education or an education-related
8 field.

9 (c) Two persons from the commercial financial
10 community in the county, each of whom has a favorable
11 reputation for skill, knowledge, and experience in the field
12 of state and municipal finance.

13 (d) One person from the commercial financial community
14 or educational community in the state who has a favorable
15 reputation for skill, knowledge, and experience in the field
16 of higher education loan finance.

17 (5) Of the members first appointed, one shall serve
18 for 1 year, one for 2 years, one for 3 years, one for 4 years,
19 and one for 5 years, in each case until his or her successor
20 is appointed and has qualified. Thereafter, the commission
21 shall appoint for terms of 5 years each members to succeed
22 those whose terms will expire. The commission shall fill any
23 vacancy for the unexpired portion of the term. Any member of
24 the authority may be reappointed. Any member of the authority
25 may be removed by the commission for misfeasance, malfeasance,
26 or willful neglect of duty. Before entering upon his or her
27 duties, each member of the authority shall take and subscribe
28 to the oath or affirmation required by the State Constitution.
29 A record of each such oath shall be filed with the Department
30 of State and with the clerk.

31 (6) The authority shall annually elect one of its

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1 members as chair and one as vice chair and shall also appoint
2 an executive director who shall not be a member of the
3 authority and who shall serve at the pleasure of the authority
4 and receive such compensation as fixed by the authority.

5 (7) The executive director shall keep a record of the
6 proceedings of the authority and shall be custodian of all
7 books, documents, and papers filed with the authority; the
8 minute book or journal of the authority; and its official
9 seal. The director may have copies made of all minutes and
10 other records and documents of the authority and may give
11 certificates under the official seal of the authority to the
12 effect that such copies are true copies, and any person
13 dealing with the authority may rely upon any such certificate.

14 (8) Three members of the authority shall constitute a
15 quorum, and the affirmative vote of a majority of the members
16 present at a meeting shall be necessary for any action to be
17 taken; however, any action may be taken by an authority with
18 the unanimous consent of all of the members. A vacancy in the
19 membership of the authority shall not impair the right of a
20 quorum to exercise the rights or perform the duties of the
21 authority. The majority shall not include any member who has a
22 conflict of interest, and a statement by a member of a
23 conflict of interest is conclusive for this purpose. Any
24 action taken by the authority under the provisions of this act
25 may be authorized by resolution at any regular or special
26 meeting. Each such resolution shall take effect immediately
27 and need not be published or posted.

28 (9) The members of the authority shall receive no
29 compensation for the performance of their duties, but each
30 member, when engaged in the performance of such duties, shall
31 be entitled to per diem and travel expenses as provided in s.

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1 112.061.

2 (10) Notwithstanding any other law to the contrary, it
3 shall not be, nor shall it constitute, a conflict of interest
4 for a trustee, director, officer, or employee of an
5 institution to serve as a member of the authority.

6 Section 499. Section 1009.994, Florida Statutes, is
7 created to read:

8 1009.994 Functions and powers of authority.--Each
9 authority shall have the following functions and powers:

10 (1) To adopt rules for the regulation of its affairs
11 and the conduct of its business.

12 (2) To adopt an official seal.

13 (3) To maintain an office at a place it designates.

14 (4) To sue and be sued in its own name and to plead
15 and be impleaded.

16 (5) To establish rules for the use of education loan
17 financing programs and to designate a participating
18 institution as its agent to establish rules for the use of a
19 program undertaken by such participating institution.

20 (6) To issue obligations for the purpose of making
21 authority loans to participating institutions for the purpose
22 of providing education loans utilizing such eligibility
23 standards for borrowers as the authority determines to be
24 necessary, but such standards shall include the following:

25 (a) Each student shall have a certificate of admission
26 or enrollment at a participating institution;

27 (b) Each student or his or her parents shall satisfy
28 such financial qualifications as the authority shall
29 establish; and

30 (c) Each student and his or her parents shall submit
31 such information to the applicable institution as may be

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1 required by the authority.

2 (7) To contract with financial institutions and other
3 qualified loan origination and servicing organizations, which
4 shall assist in prequalifying borrowers for education loans
5 and which shall service and administer each education loan and
6 the respective loan series portfolio of each institution, and
7 to establish sufficient fees for each educational loan to
8 cover the applicable pro rata cost of such servicing and
9 originating organizations.

10 (8) To establish criteria governing the eligibility of
11 institutions to participate in its programs, the making and
12 allocation of authority loans and education loans, provisions
13 for default, the establishment of default reserve funds, the
14 purchase of default insurance, the provision of prudent debt
15 service reserves, and the furnishing by participating
16 institutions of such additional guarantees of the education
17 loans, authority loans, or obligations as the authority shall
18 determine necessary to assure the marketability of the
19 obligations and the adequacy of the security therefor;
20 however, the provisions applicable to participation by Florida
21 public participating institutions in the financing programs of
22 the authority shall be subject to approval and authorization
23 by the budgetary and other state agencies having jurisdiction
24 over those institutions.

25 (9) To fix, revise, charge, and collect rates, fees,
26 and charges for services furnished by the authority and to
27 contract with any person in respect thereto, including any
28 financial institution, loan originator, servicer,
29 administrator, issuer of letters of credit, or insurer.

30 (10) To employ consultants, attorneys, accountants,
31 financial experts, loan processors, bankers, managers, and

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1 such other employees and agents as may be necessary and to fix
2 their compensation.

3 (11) To receive and accept, from any source, loans,
4 contributions, or grants for or in aid of an authority
5 education loan financing program or any portion thereof and,
6 when required, to use such funds, property, or labor only for
7 the purposes for which it was loaned, contributed, or granted.

8 (12) To make authority loans to institutions and
9 require that the proceeds thereof be used solely for making
10 education loans or for costs and fees in connection therewith
11 and to require institutions to obtain certification from each
12 borrower that proceeds from any education loan are used solely
13 for the purpose intended by this act.

14 (13) To charge to and apportion among participating
15 institutions administrative and operating costs and expenses
16 incurred in the exercise of the powers and duties conferred by
17 this act.

18 (14) To borrow working capital funds and other funds
19 as may be necessary for startup and continuing operations,
20 provided that such funds are borrowed solely in the name of
21 the authority. Such borrowings shall be limited obligations of
22 the character described in s. 1009.9975 and shall be payable
23 solely from revenues of the authority or proceeds of
24 obligations pledged for that purpose.

25 (15) Notwithstanding any other provisions of this act,
26 to commingle and pledge as security for a series or issue of
27 obligations, with the consent of all of the institutions which
28 are participating in such series or issue:

29 (a) The education loan series portfolios and some or
30 all future education loan series portfolios of such
31 institutions; and

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1 (b) The loan funding deposits of such institutions,
2 except that education loan series portfolios and other
3 security and moneys set aside in any fund pledged for any
4 series or issue of obligations shall be held for the sole
5 benefit of such series or issue separate and apart from
6 education loan series portfolios and other security and moneys
7 pledged for any other series of issue of obligations of the
8 authority. Obligations may be issued in series under one or
9 more resolutions or trust agreements in the discretion of the
10 authority.

11 (16) To examine records and financial reports of
12 participating institutions and to examine records and
13 financial reports of any contractor organization or
14 institution retained by the authority under the provisions of
15 this act.

16 (17) To make loans to a participating institution to
17 refund outstanding obligations, mortgages, or advances issued,
18 made, or given by such institution for authority loans; and
19 whenever such refunding obligations are issued to refund
20 obligations, the proceeds of which were used to make authority
21 loans, the authority may reduce the amount of interest owed to
22 it by the institution which had received authority loans from
23 the proceeds of the refunded obligations. Such institution
24 may use this reduced amount to reduce the amount of interest
25 being paid on education loans which the institution had made
26 pursuant to the authority loans from the proceeds of the
27 refunded obligations.

28 (18) To authorize its officers, agents, and employees
29 to take any other action which is necessary in order to carry
30 out the purposes of this act.

31 Section 500. Section 1009.995, Florida Statutes, is

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1 created to read:

2 1009.995 Expenses of authority.--All expenses incurred
3 in carrying out the provisions of this act shall be payable
4 solely from funds provided under the provisions of this act;
5 and, except as specifically authorized under this act, no
6 liability shall be incurred by an authority beyond the extent
7 to which moneys have been provided under this act.

8 Section 501. Section 1009.996, Florida Statutes, is
9 created to read:

10 1009.996 Higher education facilities authority as
11 higher education loan authority.--As an alternative to the
12 creation of an authority, a commission may confer all rights,
13 powers, privileges, duties, and immunities of an authority
14 upon any entity in existence on July 1, 1982, which has been
15 authorized by law to function as a higher education facilities
16 authority pursuant to the provisions of chapter 243. Any such
17 entity which has been vested with the rights, powers,
18 privileges, duties, and immunities of a higher education loan
19 authority shall be subject to all provisions and
20 responsibilities imposed by this act, notwithstanding any
21 provisions to the contrary in any law which established the
22 entity. Nothing in this act shall be construed to impair or
23 diminish any powers of any other entity in existence on July
24 1, 1982, or to repeal, modify, or amend any law establishing
25 such entity, except as specifically set forth herein.

26 Section 502. Section 1009.9965, Florida Statutes, is
27 created to read:

28 1009.9965 Moneys, endowments, properties; acquisition,
29 deposit, and guarantees.--Each authority is authorized to
30 establish specific guidelines relating to the deposits of
31 moneys, endowments, or properties by institutions which

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1 moneys, endowments, or properties would provide prudent
2 security for education loan funding programs, authority loans,
3 education loans, or obligations; and it may establish
4 guidelines relating to guarantees of, or contracts to
5 purchase, education loans or obligations by such institutions,
6 financial institutions, or others. A default reserve fund may
7 be established for each series or issue of obligations. In
8 this regard, the authority is empowered to receive such
9 moneys, endowments, properties, and guarantees as it deems
10 appropriate and, if necessary, to take title in the name of
11 the authority or in the name of a participating institution or
12 a trustee, subject, however, to the limitations applicable to
13 public participating institutions set forth in s. 1009.994(8).

14 Section 503. Section 1009.997, Florida Statutes, is
15 created to read:

16 1009.997 Conveyance of loan funding deposit to
17 participating institutions.--When the principal of and
18 interest on obligations of an authority issued to finance the
19 cost of an education loan financing program, including any
20 refunding obligations issued to refund and refinance such
21 obligations, have been fully paid and retired or when adequate
22 provision has been made to fully pay and retire the
23 obligations and all other conditions of the bond resolution
24 have been satisfied and the lien created by such bond
25 resolution has been released in accordance with the provisions
26 thereof, the authority shall promptly do such things and
27 execute such deeds and conveyances as are necessary to convey
28 any remaining moneys, properties, and other assets comprising
29 loan funding deposits to the institutions in proportion to the
30 amounts furnished by the respective institutions.

31 Section 504. Section 1009.9975, Florida Statutes, is

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1 created to read:

2 1009.9975 Notes of authority.--An authority may issue
3 its negotiable notes for any corporate purpose and renew any
4 notes by the issuance of new notes, whether or not the notes
5 to be renewed have matured. The authority may issue notes
6 partly to renew notes or to discharge other obligations then
7 outstanding and partly for any other purpose. The notes may be
8 authorized, sold, executed, and delivered in the same manner
9 as bonds. Any resolution authorizing notes of the authority
10 or any issue thereof may contain any provisions which the
11 authority is authorized to include in any resolution
12 authorizing revenue bonds or any issue thereof, and the
13 authority may include in any notes any terms, covenants, or
14 conditions which it is authorized to include in any bonds.
15 All such notes shall be payable solely from the revenues of
16 the authority, subject only to any contractual rights of the
17 holders of any of its notes or other obligations then
18 outstanding.

19 Section 505. Section 1009.9976, Florida Statutes, is
20 created to read:

21 1009.9976 Issuance of obligations.--

22 (1) An authority may issue its negotiable revenue
23 obligations for any corporate purpose. In anticipation of the
24 sale of such obligations, the authority may issue negotiable
25 bond anticipation notes and may renew them, but the maximum
26 maturity of any such note, including renewals thereof, shall
27 not exceed 5 years from the date of issue of the original
28 note. Such notes shall be paid from revenues of the authority
29 available therefor and not otherwise pledged or from the
30 proceeds of sale of the revenue bonds of the authority in
31 anticipation of which they were issued. The notes shall be

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1 issued in the same manner as the revenue bonds. Such notes and
2 the resolution authorizing them may contain any provisions,
3 conditions, or limitations which a bond resolution of the
4 authority may contain.

5 (2) Each issue of obligations shall be payable solely
6 out of those revenues of the authority that pertain to the
7 program relating to such issue, including principal and
8 interest on authority loans and education loans; payments by
9 institutions of higher education, banks, insurance companies,
10 or others pursuant to letters of credit or purchase
11 agreements; investment earnings from funds or accounts
12 maintained pursuant to the bond resolution; insurance
13 proceeds; loan funding deposits; proceeds of sales of
14 education loans; proceeds of refunding obligations; and fees,
15 charges, and other revenues of the authority from such
16 program, subject only to any agreements with the holders of
17 particular revenue bonds or notes pledging any particular
18 reserves.

19 (3) The obligations may be issued as serial
20 obligations or as term obligations, or in both forms. The
21 obligations shall be authorized by a bond resolution of the
22 authority and shall bear such dates; mature at such times, not
23 to exceed the year following the last year in which the final
24 payments in an education loan series portfolio are due or 30
25 years, whichever is sooner, from their respective dates of
26 issue; bear interest at such rates; be payable at such times;
27 be in such denominations; be in such form, either coupon or
28 fully registered; carry such registration and conversion
29 privileges; be payable in lawful money of the United States of
30 America at such places; and be subject to such terms of
31 redemption as such bond resolution may provide. Obligations

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1 shall be executed by the manual or facsimile signatures of
2 such officers of the authority as shall be designated by the
3 authority. Obligations may be sold at public or private sale
4 in such manner and for such price as the authority shall
5 determine. Pending preparation of the definitive bonds, the
6 authority may issue interim receipts or certificates which
7 shall be exchanged for such definitive bonds.

8 (4) Any bond resolution may contain provisions, which
9 shall be a part of the contract with the holders of the
10 obligations to be authorized, as to:

11 (a) The pledging or assigning of all or part of the
12 revenues derived from the authority loans and education loans
13 to secure the payment of the obligations to be issued.

14 (b) The fees and other amounts to be charged; the sums
15 to be raised in each year thereby; and the use, investment,
16 and disposition of such sums.

17 (c) The setting aside of loan funding deposits, debt
18 service reserves, capitalized interest accounts, cost of
19 insurance accounts, and sinking funds and the regulation,
20 investment, and disposition thereof.

21 (d) Limitations on the right of the authority or its
22 agent to restrict and regulate the use of education loans.

23 (e) Limitations on the purpose to which the proceeds
24 of sale of any issue of obligations then or thereafter to be
25 issued may be invested or applied.

26 (f) Limitations on the issuance of additional
27 obligations; the terms upon which additional obligations may
28 be issued and secured; the terms upon which additional
29 obligations may rank on a parity with, or be subordinate or
30 superior to, other obligations; and the refunding of
31 outstanding obligations.

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1 (g) The procedure, if any, by which the terms of any
2 contract with bondholders may be amended or abrogated, the
3 amount of obligations the holders of which must consent
4 thereto, and the manner in which such consent may be given.

5 (h) Limitations on the amount of moneys derived from
6 the loan program to be expended for operating, administrative,
7 or other expenses of the authority.

8 (i) Defining the acts or omissions to act which
9 constitute a default in the duties of the authority to holders
10 of obligations and providing the rights or remedies of such
11 holders in the event of a default.

12 (j) Providing for guarantees, pledges or endowments,
13 letters of credit, property, or other security for the benefit
14 of the holders of such obligations.

15 (k) Any other matters relating to the obligations
16 which the authority deems desirable to include in the bond
17 resolution.

18 (5) Neither the members of the authority nor any
19 person executing the obligations shall be liable personally on
20 the obligations or be subject to any personal liability or
21 accountability by reason of the issuance thereof.

22 (6) The authority shall have power to purchase its
23 obligations out of any funds available therefor. The
24 authority may hold, pledge, cancel, or resell such obligations
25 subject to and in accordance with agreements with bondholders.

26 (7) The authority shall have the power to refund any
27 of its obligations. Such refunding obligations shall be
28 issued in the same manner as other obligations of the
29 authority.

30 Section 506. Section 1009.9977, Florida Statutes, is
31 created to read:

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1 1009.9977 Trust agreement to secure obligations.--In
2 the discretion of the authority, any obligations issued under
3 the provisions of this act may be secured by a trust agreement
4 by and between the authority and a corporate trustee, which
5 may be any trust company or bank having the powers of a trust
6 company within or without the state. The trust agreement may
7 pledge or assign the revenues to be received by the authority;
8 may contain such provisions for protecting and enforcing the
9 rights and remedies of the bondholders as may be reasonable
10 and proper and not in violation of law, particularly including
11 such provisions as have hereinabove been specifically
12 authorized to be included in any bond resolution of the
13 authority; and may restrict individual rights of action by
14 bondholders. Any bank or trust company incorporated under the
15 laws of this state which may act as depository of the proceeds
16 of bonds or of revenues or other moneys may furnish such
17 indemnifying bonds or pledge such securities as may be
18 required by the authority. Any such trust agreement may set
19 forth the rights and remedies of the bondholders and of the
20 trustee. In addition, any trust agreement may contain such
21 other provisions as the authority may deem reasonable and
22 proper for the security of the bondholders. All expenses
23 incurred in carrying out the provisions of the trust agreement
24 may be treated as part of the cost of the operation of an
25 education loan program.

26 Section 507. Section 1009.9978, Florida Statutes, is
27 created to read:

28 1009.9978 Payment of obligations.--Obligations issued
29 under the provisions of this act shall not be deemed to
30 constitute a debt or liability of the state or the county or a
31 pledge of the faith and credit of the state or any county, but

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1 such obligations shall be payable solely from the funds herein
2 provided therefor from revenues. Each such obligation shall
3 contain on its face a statement to the effect that neither the
4 county nor the authority shall be obligated to pay the same or
5 the interest thereon except from revenues of the loan program
6 for which it is issued and that neither the faith and credit
7 nor the taxing power of the state or of any political
8 subdivision thereof is pledged to the payment of the principal
9 of or the interest on such bonds. The issuance of obligations
10 under the provisions of this act shall not directly,
11 indirectly, or contingently obligate the state or any
12 political subdivision thereof to levy or pledge any form of
13 taxation whatever therefor or to make any appropriation for
14 their payment.

15 Section 508. Section 1009.9979, Florida Statutes, is
16 created to read:

17 1009.9979 Pledge of revenues.--Each authority shall
18 fix, revise, charge, and collect fees, and it is empowered to
19 contract with any person in respect thereof. Each agreement
20 entered into by the authority with an institution shall
21 provide that the fees and other amounts payable by the
22 institution of higher education with respect to any program of
23 the authority shall be sufficient at all times to:

24 (1) Pay the institution's share of the administrative
25 costs and expenses of such program;

26 (2) Pay the principal of, the premium, if any, on, and
27 the interest on outstanding obligations of the authority which
28 have been issued in respect of such program to the extent that
29 other revenues of the authority pledged for the payment of the
30 obligations are insufficient to pay the obligations as they
31 become due and payable;

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1 (3) Create and maintain reserves which may, but need
2 not, be required or provided for in the bond resolution
3 relating to such obligations of the authority; and

4 (4) Establish and maintain whatever education loan
5 servicing, control, or audit procedures are deemed necessary
6 to the prudent operations of the authority.

7
8 The authority shall pledge the revenues from each program as
9 security for the issue of obligations relating to such
10 program. Such pledge shall be valid and binding from the time
11 the pledge is made; the revenues so pledged by the authority
12 shall immediately be subject to the lien of such pledge
13 without any physical delivery thereof or further act, and the
14 lien of any such pledge shall be valid and binding against all
15 parties having claims of any kind in tort, in contract, or
16 otherwise against the authority or any participating
17 institution, irrespective of whether such parties have notice
18 thereof.

19 Section 509. Section 1009.998, Florida Statutes, is
20 created to read:

21 1009.998 Funds as trust funds.--All moneys received by
22 or on behalf of an authority pursuant to this act, whether as
23 proceeds from the sale of obligations or as revenues, shall be
24 deemed to be trust funds to be held and applied solely as
25 provided in this act. Any officer with whom, or any bank or
26 trust company with which, such moneys are deposited shall act
27 as trustee of such moneys and shall hold and apply the same
28 for the purposes of this act, subject to such regulations as
29 this act and the bond resolution authorizing the issue of any
30 obligations may provide.

31 Section 510. Section 1009.9981, Florida Statutes, is

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1 created to read:

2 1009.9981 Obligations; qualities of investment
3 securities.--All obligations issued under the provisions of
4 this act, regardless of form or terms, shall have all the
5 qualities and incidents, including negotiability, of
6 investment securities under the Uniform Commercial Code.
7 Compliance with the provisions of such code respecting the
8 filing of a financing statement to perfect a security interest
9 is not necessary for perfecting any security interest granted
10 by an authority.

11 Section 511. Section 1009.9982, Florida Statutes, is
12 created to read:

13 1009.9982 Rights of holders of obligations.--Any
14 holder of obligations issued pursuant to this act or a trustee
15 under a trust agreement entered into pursuant to this act,
16 except to the extent that the rights herein given may be
17 restricted by any bond resolution or trust agreement, may, by
18 any suitable form of legal proceedings:

19 (1) Protect and enforce any and all rights under the
20 laws of this state or granted hereunder or by the bond
21 resolution or trust agreement;

22 (2) Enjoin unlawful activities; and

23 (3) In the event of default with respect to the
24 payment of any principal of, premiums, if any, on, and
25 interest on any obligation or in the performance of any
26 covenant or agreement on the part of the authority in the bond
27 resolution, apply to the circuit court to appoint a receiver
28 to administer and operate the education loan program or
29 programs, the revenues of which are pledged to the payment of
30 principal of, premium, if any, on, and interest on such
31 obligations, with full power to pay, and to provide for

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1 payment of, principal of, premium, if any, on, and interest on
2 such obligations and with such powers, subject to the
3 direction of the court, as are permitted by law and are
4 accorded receivers, excluding any power to pledge additional
5 revenues of the authority to the payment of such principal,
6 premium, and interest.

7 Section 512. Section 1009.9983, Florida Statutes, is
8 created to read:

9 1009.9983 Refunding obligations; purpose, proceeds;
10 investment of proceeds.--

11 (1) An authority may provide for the issuance of
12 obligations for the purpose of refunding any of its
13 obligations then outstanding, including the payment of any
14 redemption premium thereon and any interest accrued or to
15 accrue to the earliest or any subsequent date of redemption,
16 purchase, or maturity of such obligations.

17 (2) The proceeds of any such obligations issued for
18 the purpose of refunding outstanding obligations may, in the
19 discretion of the authority, be applied to the purchase or
20 retirement at maturity or redemption of such outstanding
21 obligations either on their earliest or any subsequent
22 redemption date or upon the purchase or at the maturity
23 thereof and may, pending such application, be placed in escrow
24 to be applied to such purchase or retirement at maturity or
25 redemption on such date as may be determined by the authority.

26 (3) Any such escrowed proceeds, pending such use, may
27 be invested and reinvested in direct obligations of the United
28 States of America or in certificates of deposit or time
29 deposits of financial institutions secured as to principal by
30 such direct obligations, which direct obligations,
31 certificates of deposit, or time deposits mature at such time

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1 as shall be appropriate to assure the prompt payment, as to
2 principal, interest, and redemption premium, if any, of the
3 outstanding obligations to be so refunded. The interest,
4 income, and profits, if any, earned or realized on any such
5 investment may also be applied to the payment of the
6 outstanding obligations to be so refunded. After the terms of
7 the escrow have been fully satisfied and carried out, any
8 balance of such proceeds and interest, income, and profits, if
9 any, earned or realized on the investments thereof shall be
10 returned to the authority for use in any lawful manner.

11 (4) All such refunding bonds shall be subject to this
12 act in the same manner and to the same extent as other revenue
13 bonds issued pursuant to this act.

14 Section 513. Section 1009.9984, Florida Statutes, is
15 created to read:

16 1009.9984 Investment of funds of authority.--Except as
17 otherwise provided in s. 1009.9983(3), an authority may invest
18 any funds in:

19 (1) Direct obligations of the United States of
20 America;

21 (2) Obligations as to which the timely payment of
22 principal and interest is fully guaranteed by the United
23 States of America;

24 (3) Obligations of the Federal Intermediate Credit
25 Banks, Federal Banks for Cooperatives, Federal Land Banks,
26 Federal Home Loan Banks, Federal National Mortgage
27 Association, Government National Mortgage Association, and
28 Student Loan Marketing Association;

29 (4) Certificates of deposit or time deposits
30 constituting direct obligations of any financial institution
31 as defined by the financial institutions codes, as now or

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1 hereafter amended, except that investments may be made only in
2 those certificates of deposit or time deposits in financial
3 institutions which are insured by the appropriate federal
4 regulatory agency as defined in s. 655.005; and
5 (5) Withdrawable capital accounts or deposits of state
6 or federally chartered savings and loan associations which are
7 insured by an agency of the Federal Government. Any such
8 securities may be purchased at the offering or market price
9 thereof at the time of such purchase. All such securities so
10 purchased shall mature or be redeemable on a date prior to the
11 time when, in the judgment of the authority, the funds so
12 invested will be required for expenditure. The express
13 judgment of the authority as to the time when any funds will
14 be required for expenditure or be redeemable is final and
15 conclusive.

16 Section 514. Section 1009.9985, Florida Statutes, is
17 created to read:

18 1009.9985 Obligations as legal investments.--Any bank,
19 banker, trust company, savings bank or institution, building
20 and loan association, savings and loan association, investment
21 company, or other person carrying on a banking business or
22 investment business; insurance company or insurance
23 association; executor, administrator, guardian, trustee, or
24 other fiduciary; or public officer or public body of the state
25 or its political subdivisions may legally invest any sinking
26 funds, moneys, or other funds belonging to it or within its
27 control in any obligations issued pursuant to this act.

28 Section 515. Section 1009.9986, Florida Statutes, is
29 created to read:

30 1009.9986 Validation of bonds and proceedings.--A
31 higher education loan authority shall determine its authority

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1 to issue any of its bonds, and the legality of all proceedings
2 in connection therewith, as provided in chapter 75.

3 Section 516. Section 1009.9987, Florida Statutes, is
4 created to read:

5 1009.9987 Actions to contest validity of bonds.--An
6 action or proceeding to contest the validity of any bond
7 issued under this act, other than a proceeding pursuant to s.
8 1009.9986, shall be commenced within 30 days after
9 notification, in a newspaper of general circulation within the
10 area, of the passage by the authority of the resolution
11 authorizing the issuance of such bond.

12 Section 517. Section 1009.9988, Florida Statutes, is
13 created to read:

14 1009.9988 Annual report.--Each authority shall keep an
15 accurate account of all of its activities and shall annually
16 provide a report thereof to the commission and to the
17 Commissioner of Education. Such report shall be a public
18 record and open for inspection at the offices of the authority
19 during normal business hours. The report shall include:

20 (1) Summaries of all applications by institutions of
21 higher education for education loan financing assistance
22 presented to the authority during such fiscal year;

23 (2) Summaries of all education loan programs which
24 have received any form of financial assistance from the
25 authority during such year;

26 (3) The nature and amount of all education loan
27 financing assistance;

28 (4) A report concerning the financial condition of the
29 various education loan series portfolios; and

30 (5) Projected activities of the authority for the next
31 fiscal year, including projections of the total amount of

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1 financial assistance anticipated and the amount of obligations
2 that will be necessary to provide the projected level of
3 assistance during the next fiscal year.

4 Section 518. Section 1009.9989, Florida Statutes, is
5 created to read:

6 1009.9989 Act as alternative method.--This act shall
7 be deemed to provide a complete, additional, and alternative
8 method for the doing of the things authorized hereby and shall
9 be regarded as supplemental and additional to powers or rights
10 conferred by other laws; however, the issuance of obligations
11 and refunding obligations under this act need not comply with
12 the requirements of any other law applicable to the issuance
13 of obligations. Except as otherwise expressly provided in
14 this act, none of the powers granted to an authority under
15 this act shall be subject to the supervision or regulation, or
16 require the approval or consent, of any municipality or
17 political subdivision or any department, division, commission,
18 board, body, bureau, official, or agency thereof or of the
19 state.

20 Section 519. Section 1009.9990, Florida Statutes, is
21 created to read:

22 1009.9990 State agreement.--The state does hereby
23 pledge to and agree with the holders of any obligations issued
24 under this act, and with those parties who may enter into
25 contracts with an authority pursuant to the provisions of this
26 act, that the state will not limit or alter the rights hereby
27 vested in the authority until such obligations, together with
28 the interest thereon, are fully met and discharged and such
29 contracts are fully performed on the part of the authority;
30 however, nothing herein contained shall preclude such
31 limitation or alteration if adequate provision is made by law

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1 for the protection of the holders of such obligations of an
2 authority or those entering into such contracts with an
3 authority. An authority is authorized to include this pledge
4 and undertaking for the state in such obligations or
5 contracts.

6 Section 520. Section 1009.9991, Florida Statutes, is
7 created to read:

8 1009.9991 Conflicts of interest.--

9 (1) If any member, officer, or employee of an
10 authority has an interest, either direct or indirect, in any
11 contract to which the authority is, or is to be, a party or in
12 any institution requesting an authority loan from the
13 authority, such interest shall be disclosed to the authority
14 in writing and shall be set forth in the minutes of the
15 authority. The person having such interest shall not
16 participate in any action by the authority with respect to
17 such contract or such institution.

18 (2) Nothing in this section shall be construed to
19 limit the right of any member, officer, or employee of an
20 authority to acquire an interest in bonds of the authority or
21 to have an interest in any banking institution in which the
22 bonds of the authority are, or are to be, deposited or which
23 is, or is to be, acting as trustee or paying agent under any
24 bond resolution, trust indenture, or similar instrument to
25 which the authority is a party.

26 Section 521. Section 1009.9992, Florida Statutes, is
27 created to read:

28 1009.9992 Liberal construction.--This act, being
29 necessary for the welfare of the state and its inhabitants,
30 shall be liberally construed to effect its purpose.

31 Section 522. Section 1009.9993, Florida Statutes, is

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1 created to read:

2 1009.9993 Tax exemption.--Neither an authority nor its
3 agent or trustee shall be required to pay any taxes or
4 assessments upon any transactions, or any property acquired or
5 used by the authority or its agents or trustees under the
6 provisions of this act or upon the income therefrom. Any
7 bonds, notes, or other obligations issued under the provisions
8 of this act and their transfer and the income therefrom,
9 including any profit made on the sale thereof, shall at all
10 times be exempt from taxation of any kind by the state or any
11 of its political subdivisions. The exemption granted by this
12 section shall not be applicable to any tax imposed by chapter
13 220 on interest, income, or profits on debt obligations owned
14 by corporations.

15 Section 523. Section 1009.9994, Florida Statutes, is
16 created to read:

17 1009.9994 State Board of Administration authority to
18 borrow and lend funds to finance student loans; conditions and
19 limitations.--

20 (1) The State of Florida, acting through the State
21 Board of Administration, is authorized to borrow funds to
22 finance student loans and to lend such funds to eligible
23 lenders described under the provisions of the Higher Education
24 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
25 be amended, or other federal laws providing for the guarantee
26 of loans to students and the partial payment of interest on
27 such loans by the United States Government.

28 (2) In order to obtain such funds, the State of
29 Florida, acting through the State Board of Administration, is
30 authorized to enter into loan agreements and interlocal
31 agreements with any county, municipality, special district, or

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1 other local governmental body. Such agreements shall be for
2 such periods and under such terms and conditions as may be
3 mutually agreed upon by the parties thereto in order to carry
4 out the purposes of s. 15, Art. VII of the State Constitution.
5 The loans shall be repaid only from the proceeds received
6 under loan agreements with eligible lenders or from the
7 proceeds received from the repayment of the student loans.
8 Such agreements shall provide that the loans to the state will
9 not constitute a general or moral obligation or a pledge of
10 the faith and credit or the taxing power of the state.

11 (3) The State of Florida, acting through the State
12 Board of Administration, is further authorized to enter into
13 loan agreements or other contracts under which the state will
14 loan the funds obtained from the local governments to eligible
15 lenders as defined in s. 435(q)(1)(D) of the Higher Education
16 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
17 be amended, or other federal laws providing for the guarantee
18 of loans to students and the partial payment of interest on
19 such loans by the United States Government. Such agreements
20 or contracts shall be for such periods and under such terms
21 and conditions as may be mutually agreed upon by the parties
22 thereto in order to carry out the purposes of s. 15, Art. VII
23 of the State Constitution. Higher Education Loan Program of
24 Florida, Inc., a Florida nonprofit corporation, is hereby
25 designated an eligible lender hereunder, and any other lender,
26 to the extent permitted under s. 435(q)(1)(D) of the Higher
27 Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended
28 or as may be amended, or other federal laws providing for the
29 guarantee of loans to students and the partial payment of
30 interest on such loans by the United States Government, may be
31 designated by the Governor, with the concurrence of the State

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1 Board of Administration, as an eligible lender hereunder.

2 (4) The State of Florida, acting through the State
3 Board of Administration, is further authorized to enter into
4 such further contracts and to take such further actions as may
5 be necessary or convenient in order to carry out the purposes
6 of this section.

7 (5) Notice shall be published in a newspaper of
8 general circulation within the territorial jurisdiction of the
9 governmental body following adoption by the local governmental
10 body of a resolution authorizing a loan agreement or
11 interlocal agreement under this section. An action or
12 proceeding to contest the validity of any such loan agreement
13 or interlocal agreement must be commenced within 30 days after
14 publication of such notice.

15 (6) The provisions of this section shall be liberally
16 construed in order to effectively carry out its purposes.
17 This section shall be deemed to provide an additional and
18 alternative method for the doing of the things authorized
19 hereby and shall be regarded as supplemental to powers
20 conferred by other laws, and shall not be regarded as in
21 derogation of any powers now existing.

22 Section 524. Contingent upon ss. 1011.41 and
23 1011.4106, Florida Statutes, which transfer funding associated
24 with student tuition and fees and other authorized fees for
25 services to local accounts to be managed by university boards
26 of trustees, becoming law, the total receipts of the state
27 which are subject to the revenue limitations of Article VII,
28 Section 1(e) of the Florida Constitution shall be reduced by
29 the Revenue Estimation Conference to reflect this transfer.

30 Section 525. Chapter 1010, Florida Statutes, shall be
31 entitled "Financial Matters" and shall consist of ss.

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1 1010.01-1010.86.

2 Section 526. Part I of chapter 1010, Florida Statutes,
3 shall be entitled "General Accounting Requirements" and shall
4 consist of ss. 1010.01-1010.11.

5 Section 527. Section 1010.01, Florida Statutes, is
6 created to read:

7 1010.01 Uniform records and accounts.--

8 (1) The financial records and accounts of each school
9 district, community college, university, and other institution
10 or agency under the supervision of the State Board of
11 Education shall be prepared and maintained as prescribed by
12 law and rules of the State Board of Education.

13 (2) Rules of the State Board of Education shall
14 incorporate the requirements of law and the appropriate
15 requirements of the Governmental Accounting Standards Board
16 (GASB) for State and Local Government.

17 (3) Required financial accounts and reports shall
18 include provisions that are unique to each of the following:
19 K-12 school districts, community colleges, and state
20 universities, and shall provide for the data to be reported to
21 the National Center of Educational Statistics and other
22 governmental and professional educational data information
23 services as appropriate.

24 Section 528. Section 1010.011, Florida Statutes, is
25 created to read:

26 1010.011 Definition.--For purposes of chapters 1010
27 and 1011, the following terms: university, universities, and
28 university board of trustees include New College under the
29 supervision of the State Board of Education.

30 Section 529. Section 1010.02, Florida Statutes, is
31 created to read:

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1 1010.02 Financial accounting and expenditures.--All
2 funds accruing to a school district, a community college, or a
3 university must be received, accounted for, and expended in
4 accordance with law and rules of the State Board of Education.

5 Section 530. Section 1010.03, Florida Statutes, is
6 created to read:

7 1010.03 Delinquent accounts.--District school boards,
8 community college boards of trustees, and university boards of
9 trustees:

10 (1) Shall exert every effort to collect all delinquent
11 accounts.

12 (2) May charge off or settle such accounts as may
13 prove uncollectible.

14 (3) May employ the services of a collection agency
15 when deemed advisable in collecting delinquent accounts.

16 (4) May adopt rules, as necessary, to implement the
17 provisions of this section, including setoff procedures,
18 payroll deductions, and restrictions on release of
19 transcripts, awarding of diplomas, and access to other
20 resources and services of the school district, community
21 college, or university.

22 Section 531. Section 1010.04, Florida Statutes, is
23 created to read:

24 1010.04 Purchasing.--

25 (1) Purchases and leases by school districts,
26 community colleges, and universities shall comply with the
27 requirements of law and rules of the State Board of Education.

28 (2) Each district school board, community college
29 board of trustees, and each university board of trustees shall
30 adopt rules to be followed in making purchases.

31 (3) In districts in which the county purchasing agent

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1 is authorized by law to make purchases for the benefit of
2 other governmental agencies within the county, the district
3 school board and community college board of trustees shall
4 have the option to purchase from the current county contracts
5 at the unit price stated therein if such purchase is to the
6 economic advantage of the district school board or the
7 community college board of trustees; subject to confirmation
8 of the items of purchase to the standards and specifications
9 prescribed by the school district or community college.

10 (4) The State Board of Education may, by rule, provide
11 for alternative procedures for bidding or purchasing in cases
12 in which the character of the item requested renders
13 competitive bidding impractical.

14 Section 532. Section 1010.05, Florida Statutes, is
15 created to read:

16 1010.05 Federal grants; maximization of indirect cost
17 allowance.--The Department of Education shall maximize the
18 available federal indirect cost allowed on all federal grants.
19 Beginning with the 2002-2003 fiscal year, none of the funds
20 received from indirect cost allowance shall be expended by the
21 department without specific appropriation by the Legislature.
22 Funds received pursuant to s. 1004.22 are specifically exempt
23 from this provision.

24 Section 533. Section 1010.07, Florida Statutes, is
25 created to read:

26 1010.07 Bonds or insurance required.--

27 (1) Each district school board, community college
28 board of trustees, and university board of trustees shall
29 ensure that each official and employee responsible for
30 handling, expending, or authorizing the expenditure of funds
31 shall be appropriately bonded or insured to protect the board

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1 and the funds involved.

2 (2) Contractors paid from school district, community
3 college, or university funds shall give bond for the faithful
4 performance of their contracts in such amount and for such
5 purposes as prescribed by s. 255.05 or by rules of the State
6 Board of Education relating to the type of contract involved.
7 It shall be the duty of the district school board, community
8 college board of trustees, and university board of trustees to
9 require construction contractors a bond adequate to protect
10 the board and the board's funds involved.

11 Section 534. Section 1010.08, Florida Statutes, is
12 created to read:

13 1010.08 Promotion and public relations; funding.--Each
14 district school board and community college board of trustees
15 may budget and use a portion of the funds accruing to it from
16 auxiliary enterprises and undesignated gifts for promotion and
17 public relations as prescribed by rules of the State Board of
18 Education. Such funds may be used to provide hospitality to
19 business guests in the district or elsewhere. However, such
20 hospitality expenses may not exceed the amount authorized for
21 such contingency funds as prescribed by rules of the State
22 Board of Education.

23 Section 535. Section 1010.09, Florida Statutes, is
24 created to read:

25 1010.09 Direct-support organizations.--School
26 district, community college, and university direct-support
27 organizations shall be organized and conducted under the
28 provisions of ss. 1004.28, 1004.70, 1013.77 and rules of the
29 State Board of Education, as applicable.

30 Section 536. Section 1010.11, Florida Statutes, is
31 created to read:

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1 1010.11 Electronic transfer of funds.--Pursuant to the
2 provisions of s. 215.85, each district school board, community
3 college board of trustees, and university board of trustees
4 shall adopt written policies prescribing the accounting and
5 control procedures under which any funds under their control
6 are allowed to be moved by electronic transaction for any
7 purpose including direct deposit, wire transfer, withdrawal,
8 or investment. Electronic transactions shall comply with the
9 provisions of chapter 668.

10 Section 537. Part II of chapter 1010, Florida
11 Statutes, shall be entitled "Financial Reporting" and shall
12 consist of ss. 1010.20-1010.24.

13 Section 538. Section 1010.20, Florida Statutes, is
14 created to read:

15 1010.20 Cost accounting and reporting for school
16 districts.--

17 (1) COST ACCOUNTING.--Each school district shall
18 account for expenditures of all state, local, and federal
19 funds on a school-by-school and a district-aggregate basis in
20 accordance with the manual developed by the Department of
21 Education or as provided by law.

22 (2) COST REPORTING.--

23 (a) Each district shall report on a district-aggregate
24 basis expenditures for inservice training pursuant to s.
25 1011.62(3) and for categorical programs as provided in s.
26 1011.62(5).

27 (b) Each district shall report on a school-by-school
28 and on an aggregate district basis expenditures for each
29 program funded in s. 1011.62(1)(c).

30 (c) The Commissioner of Education shall present to the
31 Legislature, prior to the opening of the regular session each

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1 year, a district-by-district report of the expenditures
2 reported pursuant to paragraphs (a) and (b). The report shall
3 include total expenditures, a detailed analysis showing
4 expenditures for each program, and such other data as may be
5 useful for management of the education system. The
6 Commissioner of Education shall also compute cost factors
7 relative to the base student allocation for each funded
8 program in s. 1011.62(1)(c).

9 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

10 (a) Each district shall expend at least the percent of
11 the funds generated by each of the programs listed in this
12 section on the aggregate total school costs for such programs:

13 1. Kindergarten and grades 1, 2, and 3, 90 percent.

14 2. Grades 4, 5, 6, 7, and 8, 80 percent.

15 3. Grades 9, 10, 11, and 12, 80 percent.

16 4. Programs for exceptional students, on an aggregate
17 program basis, 90 percent.

18 5. Grades 7 through 12 career and technical education
19 programs, on an aggregate program basis, 80 percent.

20 6. Students-at-risk programs, on an aggregate program
21 basis, 80 percent.

22 7. Juvenile justice programs, on an aggregate program
23 basis, 80 percent.

24 8. Any new program established and funded under s.
25 1011.62(1)(c), that is not included under subparagraphs 1.-6.,
26 on an aggregate basis as appropriate, 80 percent.

27 (b) Funds for inservice training established in s.
28 1011.62(3) and for categorical programs established in s.
29 1011.62(5) shall be expended for the costs of the identified
30 programs as provided by law and in accordance with the rules
31 of the State Board of Education.

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1 Section 539. Section 1010.21, Florida Statutes, is
2 created to read:

3 1010.21 Indirect costs.--District school boards shall
4 assess district indirect costs only for services received by
5 the program or institution against which such cost is
6 assessed. When assigning each specific indirect cost to
7 multiple programs or institutions, district school boards
8 shall identify one basis for the assessment of such cost and
9 shall maintain the same basis for assigning such cost to each
10 program or institution.

11 Section 540. Section 1010.215, Florida Statutes, is
12 created to read:

13 1010.215 Educational funding accountability.--

14 (1) As used in this section, the term:

15 (a) "Administrative personnel" means those employees
16 responsible for management functions such as the development
17 of broad policies and implementation of those policies through
18 the direction of personnel.

19 (b) "Educational support personnel" means
20 district-based and school-based employees, including
21 professional staff, technicians, secretaries, clerks, skilled
22 workers, transportation employees, food service employees, and
23 custodial and maintenance workers.

24 (c) "Instructional personnel" means classroom
25 teachers, including substitute teachers.

26 (d) "Instructional specialists" means staff members
27 responsible for providing student personnel services,
28 librarians, and media specialists.

29 (e) "Instructional support personnel" means aides or
30 assistants to instructional personnel or instructional
31 specialists.

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1 (f) "Managers" means instructional and
2 noninstructional employees with some managerial and
3 supervisory functions, although primarily responsible for
4 general operations. This category includes only
5 district-based employees.

6 (2) Each district school board must classify each
7 employee of the district school board into one of the
8 following categories:

- 9 (a) Instructional personnel;
10 (b) Instructional specialists;
11 (c) Instructional support personnel;
12 (d) Administrative personnel;
13 (e) Managers; or
14 (f) Educational support personnel.

15
16 The district school board shall notify each employee of such
17 classification.

18 (3)(a) The school public accountability report to
19 parents must include the number of employees in each of the
20 categories listed in subsection (2), by work location.
21 However, this does not include the number of temporary
22 substitute employees.

23 (b) Any teacher-to-student ratio or class size measure
24 required by law or State Board of Education rule must be
25 computed by dividing the number of students in membership at
26 the school by the number of full-time equivalent instructional
27 personnel pursuant to paragraph (2)(a). Class size reports for
28 exceptional student education shall be computed by dividing
29 the number of exceptional students in membership by the number
30 of full-time equivalent exceptional education classroom
31 teachers who are classified as instructional personnel

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1 pursuant to paragraph (2)(a).

2 (4)(a) All expenditures within the general and special
3 revenue funds for each district school board, including
4 salaries, benefits, purchased services, energy services,
5 materials and supplies, capital outlay, and miscellaneous
6 expenditures, for the following purposes are classified as
7 administrative expenditures:

8 1. District school board.

9 2. General administration.

10 3. School administration, excluding support
11 expenditures.

12 4. Facilities acquisition and construction at the
13 district level.

14 5. Fiscal services.

15 6. Central services at the district level.

16 (b) All expenditures within the general and special
17 revenue funds for each district school board, including
18 salaries, benefits, purchased services, energy services,
19 materials and supplies, capital outlay, and miscellaneous
20 expenditures, for the following purposes are classified as
21 instructional expenditures:

22 1. Instruction.

23 2. Instructional support services, including student
24 personnel services, instructional media services, instruction
25 and curriculum development, and instructional staff training
26 services.

27 3. School administration, including support
28 expenditures.

29 4. Facilities acquisition and construction at the
30 school level.

31 5. Food services.

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- 1 6. Central services at the school level.
- 2 7. Student transportation services.
- 3 8. Operation of plant.
- 4 9. Maintenance of plant.

5

6 Definitions for the functions specified in this subsection are
7 specified in State Board of Education rules.

8 (5) The annual school public accountability report
9 required by ss. 1001.42(16) and 1008.345 must include a school
10 financial report. The purpose of the school financial report
11 is to better inform parents and the public concerning how
12 revenues were spent to operate the school during the prior
13 fiscal year. Each school's financial report must follow a
14 uniform, districtwide format that is easy to read and
15 understand.

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

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

25 1. Teachers, excluding substitute teachers, and
26 education paraprofessionals who provide direct classroom
27 instruction to students enrolled in programs classified by s.
28 1011.62 as:

- 29 a. Basic programs;
- 30 b. Students-at-risk programs;
- 31 c. Special programs for exceptional students;

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- 1 d. Career education programs; and
2 e. Adult programs.
3 2. Substitute teachers.
4 3. Other instructional personnel, including
5 school-based instructional specialists and their assistants.
6 4. Contracted instructional services, including
7 training for instructional staff and other contracted
8 instructional services.
9 5. School administration, including school-based
10 administrative personnel and school-based education support
11 personnel.
12 6. The following materials, supplies, and operating
13 capital outlay:
14 a. Textbooks;
15 b. Computer hardware and software;
16 c. Other instructional materials;
17 d. Other materials and supplies; and
18 e. Library media materials.
19 7. Food services.
20 8. Other support services.
21 9. Operation and maintenance of the school plant.
22 (c) The school financial report must also identify the
23 types of district-level expenditures that support the school's
24 operations. The total amount of these district-level
25 expenditures must be reported and expressed as total
26 expenditures per full-time equivalent student.
27 (6) Based on the classifications in this section, each
28 district school board shall annually submit a report by
29 January 1, which identifies and summarizes administrative
30 expenditures and instructional expenditures by fund for the
31 preceding fiscal year. The report shall also state the number

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1 of unweighted full-time equivalent students enrolled in the
2 school district. The total amount of administrative
3 expenditures shall be divided by the number of unweighted
4 full-time equivalent students to determine the administrative
5 expenditures per student. This calculation is to be made
6 separately for the general and the special revenue funds. In
7 addition, the report shall reflect the number of employees in
8 each category outlined in subsection (2) and the percentage of
9 employees in each category, excluding the number of temporary
10 substitute employees. This report shall be submitted to the
11 commissioner and shall be made available to the public. The
12 school public accountability report shall contain notification
13 of the availability of this report.

14 Section 541. Section 1010.22, Florida Statutes, is
15 created to read:

16 1010.22 Cost accounting and reporting for workforce
17 education.--

18 (1) Each school district and each community college
19 shall account for expenditures of all state, local, federal,
20 and other funds in the manner prescribed by the State Board of
21 Education.

22 (2) Each school district and each community college
23 shall report expenditures for workforce education in
24 accordance with requirements prescribed by the State Board of
25 Education.

26 (3) The Department of Education, in cooperation with
27 school districts and community colleges, shall develop and
28 maintain a database of valid comparable information on
29 workforce education which will meet both state and local
30 needs.

31 Section 542. Section 1010.23, Florida Statutes, is

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1 created to read:

2 1010.23 Cost accounting and reporting for community
3 colleges.--Community colleges shall provide an annual report
4 on the cost of operations as provided in s. 1011.84.

5 Section 543. Section 1010.24, Florida Statutes, is
6 created to read:

7 1010.24 Cost accounting and reporting for
8 universities.--Universities shall provide an annual
9 expenditure analysis report as provided in s. 1011.90.

10 Section 544. Part III of chapter 1010, Florida
11 Statutes, shall be entitled "Audit Requirements and
12 Procedures" and shall consist of ss. 1010.30-1010.34.

13 Section 545. Section 1010.30, Florida Statutes, is
14 created to read:

15 1010.30 Audits required.--School districts, community
16 colleges, universities, and other institutions and agencies
17 under the supervision of the State Board of Education are
18 subject to the audit provisions under ss. 11.45 and 218.39.

19 Section 546. Section 1010.305, Florida Statutes, is
20 created to read:

21 1010.305 Audit of student enrollment.--

22 (1) The Auditor General shall periodically examine the
23 records of school districts, and other agencies as
24 appropriate, to determine compliance with law and State Board
25 of Education rules relating to the classification, assignment,
26 and verification of full-time equivalent student enrollment
27 and student transportation reported under the Florida
28 Education Finance Program.

29 (2) If it is determined that the approved criteria and
30 procedures for the placement of students and the conduct of
31 programs have not been followed by the district, appropriate

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1 adjustments in the full-time equivalent student count for that
2 district must be made, and any excess funds must be deducted
3 from subsequent allocations of state funds to that district.
4 As provided for by rule, if errors in a specific program of a
5 district recur in consecutive years due to lack of corrective
6 action by the district, adjustments may be made based upon
7 statistical estimates of error projected to the overall
8 district program.

9 Section 547. Section 1010.33, Florida Statutes, is
10 created to read:

11 1010.33 Financial and performance audits.--Each
12 district school board and community college board of trustees,
13 and university board of trustees is authorized to have an
14 audit of their accounts and records by an independent
15 certified public accountant retained by them and paid from
16 their public funds. These audits are in addition to those
17 required by ss. 11.45 and 218.39.

18 Section 548. Section 1010.34, Florida Statutes, is
19 created to read:

20 1010.34 Audits of direct-support
21 organizations.--Audits of school district, community college,
22 and state university direct-support organizations are subject
23 to the audit provisions of ss. 1013.77(4), 1004.28(5), and
24 1004.70(6), as applicable.

25 Section 549. Part IV of chapter 1010, Florida
26 Statutes, shall be entitled "Provisions Relating to Bonding"
27 and shall consist of ss. 1010.40-1010.619.

28 Section 550. Section 1010.40, Florida Statutes, is
29 created to read:

30 1010.40 Proposals for issuing bonds.--Whenever the
31 residents of a school district in this state shall desire the

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1 issuance of bonds by such school district for the purpose of
2 acquiring, building, enlarging, furnishing, or otherwise
3 improving buildings or school grounds, or for any other
4 exclusive use of the public schools within such school
5 district, they shall present to the district school board a
6 petition signed by not less than 25 percent of the duly
7 qualified electors residing within the school district,
8 setting forth in general terms the amount of the bonds desired
9 to be issued, the purpose thereof, and that the proceeds
10 derived from the sale of such bonds shall be used for the
11 purposes set forth in the petition. The requirement for such
12 petition may be dispensed with and the proposition of issuing
13 bonds for the purposes as herein outlined may be initiated by
14 the district school board of the said district; however,
15 nothing contained in this section shall repeal any of the
16 provisions of ss. 100.201-100.221, 100.241, 100.261-100.341,
17 and 100.351.

18 Section 551. Section 1010.41, Florida Statutes, is
19 created to read:

20 1010.41 Procedure of district school boards with
21 reference to proposals for issuing bonds.--It shall be the
22 duty of the district school board to plan the school financial
23 program of the district so that, insofar as practicable,
24 needed capital outlay expenditures can be made without the
25 necessity of issuing bonds. Whenever the district school board
26 proposes an issue of bonds or has received any petition
27 proposing the issuance of bonds, as provided in s. 1010.40,
28 the said board shall forthwith proceed as follows:

29 (1) The district school board, after considering
30 recommendations submitted by the district school
31 superintendent, shall determine whether in its opinion the

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1 projects for which bonds are proposed to be issued are
2 essential for the school program of the district.

3 (2) If the proposed projects are deemed essential by
4 the district school board or if the proposed projects are
5 rejected in whole or in part, the district school board shall,
6 if practicable, prepare a plan for carrying out the projects,
7 or at least part of the projects, with current funds which
8 have been or can be set aside for that purpose.

9 (3) If the district school board determines that any
10 portion of the projects cannot be carried out so that all
11 costs can be met from the proceeds of a special district
12 millage voted for that purpose or from district current funds
13 that are not needed for salaries of teachers or other
14 necessary expenses of operating the schools or from such funds
15 that can reasonably be expected to be available by the time
16 the projects are completed, or cannot be completed on the
17 basis of a loan against district current funds, approved in
18 accordance with s. 1011.14, the district school board shall
19 then determine the amount of bonds necessary to be issued to
20 complete the projects as proposed for the district and shall
21 adopt and transmit to the Department of Education a resolution
22 setting forth the proposals with reference to the projects and
23 the proposed plan for financing the projects, said resolution
24 to be in such form and contain such information as may be
25 prescribed by the State Board of Education. If the Department
26 of Education shall determine that the issuance of bonds as
27 proposed is unnecessary or is unnecessary in the amount and
28 according to the plan proposed, and shall notify the district
29 school board accordingly, the district school board shall then
30 amend its resolution to conform to the recommendation of the
31 Department of Education, and no further action shall be taken

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1 for a period of at least 1 year on the proposal for a bond
2 issue unless, within 30 days thereafter, a petition signed by
3 at least 35 percent of the qualified electors within the
4 district is received by the school board requesting that an
5 election be called to vote bonds for the purposes set forth
6 and in an amount which shall not exceed the amount of bonds
7 proposed by the district school board. If such a petition is
8 received by the district school board, as provided herein, or
9 if the resolution proposing a bond issue has been approved by
10 the Department of Education, the school board shall then
11 proceed at its next ensuing meeting to adopt a resolution
12 authorizing that an election be held for the purpose of
13 determining whether bonds shall be issued as proposed.

14 Section 552. Section 1010.42, Florida Statutes, is
15 created to read:

16 1010.42 Publication of resolution.--It shall be the
17 duty of the district school board, when the resolution
18 proposing a bond issue has been approved by the Department of
19 Education or when such a proposal has been rejected by the
20 Department of Education and a new petition signed by 35
21 percent of the qualified electors of the district has been
22 presented, and when the resolution authorizing an election has
23 been adopted as set forth above, to cause such resolution to
24 be published at least once each week for 2 consecutive weeks
25 in some newspaper published in the district. This resolution
26 may also include a notice of election as prescribed in s.
27 1010.43.

28 Section 553. Section 1010.43, Florida Statutes, is
29 created to read:

30 1010.43 Notice of election; qualifications of
31 electors.--The district school board shall also, at the

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1 meeting at which is passed the resolution provided for in s.
2 1010.41, order that an election shall be held in the school
3 district to determine whether or not there shall be issued by
4 the district the bonds provided for in such resolution, in
5 which election only the duly qualified electors thereof shall
6 vote; and prior to the time of holding such election, the
7 district school board shall cause to be published at least
8 once each week for 2 consecutive weeks in a newspaper
9 published in the district a notice of the holding of such
10 election, which shall specify the time and place or places of
11 the holding thereof. The resolution prescribed in s. 1010.41
12 may be incorporated in and published as a part of the notice
13 prescribed in this section.

14 Section 554. Section 1010.44, Florida Statutes, is
15 created to read:

16 1010.44 Conduct of election; form of ballot;
17 appointment of inspectors; canvassing returns.--The election,
18 provided for in s. 1010.43, shall be held at the place or
19 several places in the district where the last general election
20 was held throughout the district, unless the district school
21 board orders otherwise; and the district school board shall
22 appoint inspectors for the election and cause to be prepared
23 and furnished to the inspectors the ballots to be used at the
24 election; the form of ballots for such election shall be: "For
25 bonds" or "Against bonds." The inspectors shall make returns
26 to the the district school board immediately after the
27 election, and the school board shall hold a special meeting as
28 soon thereafter as practicable for the purpose of canvassing
29 the election returns and shall determine and certify its
30 result.

31 Section 555. Section 1010.45, Florida Statutes, is

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1 created to read:

2 1010.45 Result of election held.--If it appears by the
3 result of the election that a majority of the votes cast shall
4 be "For bonds," the district school board shall issue the
5 bonds authorized by the election for the purposes specified in
6 the resolution as published, not to exceed the amount named
7 therein. If the majority of the votes cast shall have been
8 "Against bonds," no bonds shall be issued.

9 Section 556. Section 1010.46, Florida Statutes, is
10 created to read:

11 1010.46 If election adverse, no second election within
12 6 months.--If the result of the election is adverse to the
13 issuance of the bonds, no election shall be held for such
14 purpose within 6 months thereafter. In the event such election
15 shall result or shall have resulted in an equal number of
16 votes being cast for the issuance of the bonds as shall be
17 cast adverse to issuance of bonds, the district school board
18 may call and order another or second election within the
19 district to have determined the question of whether the bonds
20 specified in the original petition and resolution shall be
21 issued by the district, after giving notice as provided for by
22 s. 1010.43, and it shall not be necessary to have presented to
23 the district school board further petitions to order the
24 second election.

25 Section 557. Section 1010.47, Florida Statutes, is
26 created to read:

27 1010.47 Receiving bids and sale of bonds.--
28 (1) If the issuance of bonds is authorized at the
29 election, or if any bonds outstanding against the district are
30 being refunded, the district school board shall cause notice
31 to be given by publication in some newspaper published in the

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1 district that the board will receive bids for the purchase of
2 the bonds at the office of the district school superintendent.
3 The notice shall be published twice and the first publication
4 shall be given not less than 30 days prior to the date set for
5 receiving the bids. The notice shall specify the amount of the
6 bonds offered for sale, shall state whether the bids shall be
7 sealed bids or whether the bonds are to be sold at auction,
8 and shall give the schedule of maturities of the proposed
9 bonds and such other pertinent information as may be
10 prescribed by rules of the State Board of Education. Bidders
11 may be invited to name the rate of interest that the bonds are
12 to bear or the district school board may name rates of
13 interest and invite bids thereon. In addition to publication
14 of notice of the proposed sale as set forth in this
15 subsection, the district school board shall notify in writing
16 at least three recognized bond dealers in the state, and, at
17 the same time, notify the Department of Education concerning
18 the proposed sale and enclose a copy of the advertisement.

19 (2) All bonds and refunding bonds issued as provided
20 by law shall be sold to the highest and best bidder at such
21 public sale unless sold at a better price or yield basis
22 within 30 days after failure to receive an acceptable bid at a
23 duly advertised public sale, provided that at no time shall
24 bonds or refunding bonds be sold or exchanged at less than par
25 value except as specifically authorized by the Department of
26 Education; and provided, further, that the district school
27 board shall have the right to reject all bids and cause a new
28 notice to be given in like manner inviting other bids for such
29 bonds, or to sell all or any part of such bonds to the State
30 Board of Education at a price and yield basis that shall not
31 be less advantageous to the district school board than that

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1 represented by the highest and best bid received. In the
2 marketing of the bonds the district school board shall be
3 entitled to have such assistance as can be rendered by the
4 Division of Bond Finance, the Commissioner of Education, or
5 any other public state officer or agency. In determining the
6 highest and best bidder for bonds offered for sale, the net
7 interest cost to the school board as shown in standard bond
8 tables shall govern, provided that the determination of the
9 district school board as to the highest and best bidder shall
10 be final.

11 Section 558. Section 1010.48, Florida Statutes, is
12 created to read:

13 1010.48 Bidders to give security.--The district school
14 board may require of all bidders for the bonds that they give
15 security by bond or by a deposit to the district school board
16 that the bidder shall comply with the terms of the bid, and
17 any bidder whose bid is accepted shall be liable to the
18 district school board for all damages on account of the
19 nonperformance of the terms of such bid or to a forfeiture of
20 the deposit required by the district school board.

21 Section 559. Section 1010.49, Florida Statutes, is
22 created to read:

23 1010.49 Form and denomination of bonds.--The district
24 school board may prescribe the denomination of the bonds to be
25 issued, and such bonds may be issued with or without interest
26 coupons in the discretion of the board. The form of the bonds
27 to be issued may be prescribed by the State Board of Education
28 on the recommendation of the Department of Legal Affairs. The
29 schedule of maturities of the proposed bonds shall be so
30 arranged that the total payments required each year shall be
31 as nearly equal as practicable. The schedule shall provide

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1 that all bonds are to be retired within a period of 20 years
2 from the date of issuance unless a longer period is required
3 and has been specifically approved by the Department of
4 Education. All bonds issued under this section that bear
5 interest in excess of 2.99 percent shall be callable on terms
6 prescribed by the district school board beginning not later
7 than 10 years from the date of issuance.

8 Section 560. Section 1010.50, Florida Statutes, is
9 created to read:

10 1010.50 Investment of fiduciary funds in bonds;
11 security for deposit of public funds.--School district bonds
12 authorized and issued under the provisions of this chapter
13 shall be lawful investments for fiduciary and trust funds,
14 including all funds in the control of trustees, assignees,
15 administrators, and executors, and may be accepted as security
16 for all deposits of public funds.

17 Section 561. Section 1010.51, Florida Statutes, is
18 created to read:

19 1010.51 Records to be kept and reports to be
20 made.--The district school board shall maintain a complete
21 record of all bonds issued under the provisions of this
22 chapter, which record shall show upon what authority the bonds
23 are issued, the amount for which issued, the persons to whom
24 issued, the date of issuance, the purpose or purposes for
25 which issued, the rate of interest to be paid, and the time
26 and place of payment of each installment of principal and
27 interest. This record shall be so arranged as to show the
28 amount of principal and interest to be paid each year and
29 shall also show the annual or semiannual payments which are
30 made and the bonds which are canceled. In addition the
31 district school superintendent shall file with the Department

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1 of Education in accordance with rules of the State Board of
2 Education reports giving such information as may be required
3 regarding any bonds which may be issued as provided herein.

4 Section 562. Section 1010.52, Florida Statutes, is
5 created to read:

6 1010.52 Bonds may be validated; validity of
7 bonds.--When an issue of bonds for any school district shall
8 be authorized in the manner provided under the terms of this
9 chapter, such bonds shall, in the discretion of the district
10 school board, be subject to validation in the manner provided
11 for in chapter 75. In lieu of validation as set forth in that
12 chapter, the district school board may, in its discretion,
13 submit to the Department of Legal Affairs all information
14 relating to the issuance of bonds as provided in said chapter
15 75, and an approving opinion of the Department of Legal
16 Affairs shall be sufficient evidence that the bonds are valid.
17 Bonds reciting that they are issued pursuant to the terms of
18 this chapter shall, in any action or proceeding involving
19 their validity, be conclusively deemed to be fully authorized
20 thereby, to have been issued, sold, executed, and delivered in
21 conformity therewith, and with all other provisions of law
22 applicable thereto, and shall be incontestable, anything
23 herein or in other statutes to the contrary notwithstanding,
24 unless such action or proceeding is begun before or within 30
25 days after the date upon which the bonds are sold, paid for
26 and delivered.

27 Section 563. Section 1010.53, Florida Statutes, is
28 created to read:

29 1010.53 Proceeds; how expended.--The proceeds derived
30 from the sale of the bonds shall be held by the district
31 school board and shall be expended by the board for the

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1 purpose for which the bonds were authorized for the school
2 district, and shall be held and expended in the manner
3 following:

4 (1) The district school board shall deposit, or cause
5 to be deposited, the proceeds arising from the sale of each
6 issue of bonds in a separate bond construction fund account in
7 the school depository.

8 (2) All or any part of the fund derived from the
9 proceeds of any such bond issue that in the judgment of the
10 district school board is not immediately needed may be placed
11 in the following securities maturing not later than the time
12 when the funds are reasonably expected to be needed:

13 (a) In investments listed in s. 218.415(16).

14 (b) In any bonds issued by the district; provided,
15 such bonds are not in default and can be obtained at a price
16 which will result in a net saving to the taxpayers of the
17 district.

18 (c) In any obligations of the district school board
19 approved in accordance with the provisions of ss. 1011.13,
20 1011.14, and 1011.15.

21 (d) In any bonds issued by the State Board of
22 Education or another school district.

23 Section 564. Section 1010.54, Florida Statutes, is
24 created to read:

25 1010.54 Disposition of surplus of bond issue.--Should
26 there remain any of the proceeds of the sale of school
27 district bonds after the purpose and object for which the
28 bonds were issued shall have been carried out and performed by
29 the district school board, the surplus then shall be held by
30 the district school board and expended for the exclusive use
31 of the public schools within the school district as the

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1 district school board may deem reasonable and proper.

2 Section 565. Section 1010.55, Florida Statutes, is
3 created to read:

4 1010.55 Additional bond issues.--After the issuance by
5 any school district of bonds in the manner authorized in this
6 chapter, the qualified electors of the school district may
7 thereafter, from time to time, in the manner herein provided
8 for, authorize one or more additional bond issues as they may
9 determine upon.

10 Section 566. Section 1010.56, Florida Statutes, is
11 created to read:

12 1010.56 Board of Administration to act as fiscal agent
13 in issuance and sale of motor vehicle anticipation
14 certificates.--

15 (1) In aid of the provisions of s. 18, Art. XII of the
16 State Constitution of 1885 as adopted by s. 9(d), Art. XII,
17 1968 revised constitution and the additional provisions of s.
18 9(d), the State Board of Administration may upon request of
19 the State Board of Education, act as fiscal agent for the
20 State Board of Education in the issuance and sale of any or
21 all bonds or motor vehicle tax anticipation certificates,
22 including any refunding of bonds, certificates or interest
23 coupons thereon which may be issued pursuant to the above
24 cited provisions of the State Constitution and upon request of
25 the State Board of Education the State Board of Administration
26 may take over the management, control, bond trusteeship,
27 administration, custody and payment of any or all debt service
28 or other funds or assets now or hereafter available for any
29 bonds or certificates issued for the purpose of obtaining
30 funds for the use of any district school board or to pay, fund
31 or refund any bonds or certificates theretofore issued for

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1 such purpose. The State Board of Education may from time to
2 time provide by its duly adopted resolution or resolutions the
3 duties said fiscal agent shall perform as authorized by this
4 section and such duties may be changed, modified or repealed
5 by subsequent resolution or resolutions as the State Board of
6 Education may deem appropriate, provided, however, that such
7 changes shall only affect the duties of the State Board of
8 Administration as fiscal agent and shall not affect or modify
9 the paramount constitutional authority of the State Board of
10 Education nor affect, modify, or impair the contract rights of
11 persons holding or owning the obligations so authorized to be
12 issued.

13 (2) No such bonds or motor vehicle tax anticipation
14 certificates shall ever be issued by the State Board of
15 Administration until after the adoption of a resolution
16 requesting the issuance thereof by the State Board of
17 Education for and on behalf of the district for which the
18 obligations are to be issued.

19 (3) All such bonds or certificates issued pursuant to
20 this part shall be issued in the name of the State Board of
21 Education but shall be issued for and on behalf of the
22 district school board requesting the issuance thereof and
23 shall be issued pursuant to any rules adopted by the State
24 Board of Education which are not in conflict with the
25 provisions of s. 18, Art. XII of the State Constitution of
26 1885 as adopted by s. 9(d), Art. XII, 1968 revised
27 constitution, and the additional provisions of s. 9(d).

28 (4) The proceeds of any sale of original bonds or
29 original certificates shall be deposited in the State Treasury
30 to the credit of the particular construction account for which
31 the original bonds or original certificates were issued and

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1 shall be under the direct control and supervision of the State
2 Board of Education, and withdrawals from such construction
3 accounts shall be made only upon warrants signed by the
4 Comptroller and drawn upon the Treasurer. Such warrants shall
5 be issued by the Comptroller only when the vouchers requesting
6 such warrants are accompanied by the certificates of the State
7 Board of Education to the effect that such withdrawals are
8 proper expenditures for the cost of the particular
9 construction account against which the requested warrants are
10 to be drawn.

11 (5) The State Board of Administration shall annually
12 determine the amounts necessary to meet the debt service
13 requirements of all bonds or certificates administered by it
14 pursuant to this section and shall certify to the State Board
15 of Education said amounts needed. The State Board of
16 Education, upon being satisfied that the amounts are correct,
17 shall pay the amounts direct to the State Board of
18 Administration for application by the State Board of
19 Administration as provided under the terms of the resolutions
20 authorizing the issuance of the bonds or certificates and as
21 provided in s. 18, Art. XII of the State Constitution of 1885
22 as adopted by s. 9(d), Art. XII, 1968 revised constitution,
23 and the additional provisions of s. 9(d).

24 (6) The expenses of the State Board of Administration
25 incident to the issuance and sale of any bonds or certificates
26 issued under the provisions of the constitution and under the
27 provisions of this section shall be paid from the proceeds of
28 the sale of the bonds or certificates or from the funds
29 distributable to each county under the provisions of s. 18(a),
30 Art. XII of the Constitution of 1885 as adopted by s. 9(d),
31 Art. XII, 1968 revised constitution. All other expenses of the

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1 State Board of Administration for services rendered
2 specifically for, or which are properly chargeable to the
3 account of any bonds or certificates issued for and on behalf
4 of any district school board under the above cited provisions
5 of the State Constitution shall be paid from the funds
6 distributable to each county under the provisions of s. 18(a),
7 Art. XII of the State Constitution of 1885 as adopted by s.
8 9(d), Art. XII, 1968 revised constitution; but general
9 expenses of the State Board of Administration for services
10 rendered all the districts alike shall be prorated among them
11 and paid from the funds distributable to each district on the
12 same basis as such funds are distributable under the
13 provisions of s. 18(a), Art. XII of the State Constitution of
14 1885 as adopted by s. 9(d), Art. XII, 1968 revised
15 constitution.

16 (7) The provisions of this section contemplate that it
17 will aid the State Board of Education and better serve the
18 purposes contemplated by s. 18, Art. XII of the State
19 Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968
20 revised constitution, and the additional provisions of s. 9(d)
21 and not be inconsistent therewith.

22 Section 567. Section 1010.57, Florida Statutes, is
23 created to read:

24 1010.57 Bonds payable from motor vehicle license tax
25 funds; instruction units computed.--

26 (1) For the purpose of administering the provisions of
27 s. 9(d), Art. XII of the State Constitution as amended in
28 1972, the number of current instruction units in districts
29 shall be computed annually by the Department of Education by
30 multiplying the number of full-time equivalent students in
31 programs under s. 1011.62(1)(c) in each district by the cost

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1 factors established in the General Appropriations Act and
2 dividing by 23, except that all basic program cost factors
3 shall be one, and the special program cost factors for
4 hospital and homebound I and for community service shall be
5 zero. Full-time equivalent membership for students residing in
6 Department of Children and Family Services residential care
7 facilities or identified as Department of Juvenile Justice
8 students shall not be included in this computation. Any
9 portion of the fund not expended during any fiscal year may be
10 carried forward in ensuing budgets and shall be temporarily
11 invested as prescribed by law or rules of the State Board of
12 Education.

13 (2) Whenever the State Board of Education issues bonds
14 or certificates for and on behalf of any district school
15 board, or whenever any district school board issues bonds or
16 certificates repayable from motor vehicle license tax funds,
17 the aggregate number of instruction units in the district in
18 any future school fiscal year, as authorized under the
19 amendment contained in s. 18, Art. XII of the State
20 Constitution of 1885 as amended and adopted by reference in s.
21 9(d), Art. XII of the Constitution of 1968, to the full extent
22 necessary to pay all principal of and interest on, and
23 reserves for, bonds or certificates issued for and on behalf
24 of the district or by the district school board in any school
25 fiscal year, as they become due and payable, shall be not less
26 than the aggregate number of instruction units in the district
27 for the school fiscal year preceding the school fiscal year in
28 which the bonds or certificates are issued, computed in
29 accordance with the statutes in force in the school fiscal
30 year preceding the school fiscal year in which the bonds or
31 certificates are issued.

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1 (3) The provisions of this section are not intended
2 to, and shall not, be applicable to, or confer any rights on,
3 any district to payments from said motor vehicle license taxes
4 except to the full extent necessary to pay all principal of
5 and interest on, and reserves for, bonds or certificates so
6 issued by the district school board and by the State Board of
7 Education for and on behalf of the school districts, in each
8 future school fiscal year as they mature and become due; and
9 except for such purpose, all payments of the amounts of the
10 motor vehicle license taxes distributable under the provisions
11 of s. 18, Art. XII of the State Constitution of 1885 as
12 amended and adopted by reference in s. 9(d), Art. XII of the
13 Constitution of 1968 shall continue to be made and distributed
14 to the districts in the manner provided by the amendment and
15 the general laws of Florida in force and effect at the time of
16 the distributions.

17 Section 568. Section 1010.58, Florida Statutes, is
18 created to read:

19 1010.58 Procedure for determining number of
20 instruction units for community colleges.--The number of
21 instruction units for community colleges shall be determined
22 from the full-time equivalent students in the community
23 college, provided that full-time equivalent students may not
24 be counted more than once in determining instruction units.
25 Instruction units for community colleges shall be computed as
26 follows:

27 (1) One unit for each 12 full-time equivalent students
28 at a community college for the first 420 students and one unit
29 for each 15 full-time equivalent students for all over 420
30 students, in other than career and technical education
31 programs as defined by rules of the State Board of Education,

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1 and one unit for each 10 full-time equivalent students in
2 career and technical education programs and compensatory
3 education programs as defined by rules of the State Board of
4 Education. Full-time equivalent students enrolled in a
5 community college shall be defined by rules of the State Board
6 of Education.

7 (2) For each 8 instruction units in a community
8 college, 1 instruction unit or proportionate fraction of a
9 unit shall be allowed for administrative and special
10 instructional services, and for each 20 instruction units, 1
11 instruction unit or proportionate fraction of a unit shall be
12 allowed for student personnel services.

13 Section 569. Section 1010.59, Florida Statutes, is
14 created to read:

15 1010.59 Interest rates.--All bonds issued by the State
16 Board of Education pursuant to the provisions of s. 9(a), Art.
17 XII of the State Constitution, as amended, may bear interest
18 at such rate or rates as may be determined by the State Board
19 of Education. However, the maximum rate of interest shall not
20 exceed the rates authorized under the provisions of s. 215.84.

21 Section 570. Section 1010.60, Florida Statutes, is
22 created to read:

23 1010.60 State Board of Education; issuance of bonds
24 pursuant to s. 11(f), Art. VII, State Constitution.--

25 (1) Pursuant to s. 11(f), Art. VII of the State
26 Constitution, the State Board of Education, supported by the
27 building fee, the capital improvement fee, or any other
28 revenue approved by the Legislature for facilities
29 construction, is authorized to request the issuance of bonds
30 or other forms of indebtedness pursuant to the State Bond Act
31 to finance or refinance capital projects authorized by the

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1 Legislature. In order to take advantage of economic
2 conditions, the Division of Bond Finance shall process
3 requests by the State Board of Education to refinance capital
4 projects under this section on a priority basis.

5 (2) The State Board of Education may approve the
6 issuance of revenue bonds or other forms of indebtedness by a
7 direct-support organization when such revenue bonds or other
8 forms of indebtedness are used to finance or refinance capital
9 projects which are to provide facilities necessary and
10 desirable to serve the needs and purposes of the university,
11 as determined by the systemwide strategic plan adopted by the
12 State Board of Education, and when the project has been
13 approved by the Legislature.

14 Section 571. Section 1010.61, Florida Statutes, is
15 created to read:

16 1010.61 Powers.--The State Board of Education shall
17 have all the powers necessary or advisable to carry out and
18 effectuate the purposes and provisions of s. 1010.60 and this
19 part and is hereby authorized:

20 (1) Pursuant to the State Bond Act, to borrow money
21 and issue interest-bearing revenue certificates or other forms
22 of indebtedness to acquire any projects approved by the
23 Legislature and to provide for the payment of the same and for
24 the rights of the holders thereof as herein provided.

25 (2) To pledge any trust funds which are available, and
26 not otherwise obligated, for purposes of securing the revenue
27 certificates and to combine such funds as the board may deem
28 appropriate.

29 (3) To adopt such rules as may be necessary for
30 carrying out the requirements of this part and to perform all
31 acts and do all things necessary or convenient to carry out

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1 the powers granted herein.

2 Section 572. Section 1010.611, Florida Statutes, is
3 created to read:

4 1010.611 Resolution for issuance of revenue
5 certificates.--The issuance of revenue certificates under the
6 provisions of this part and the State Bond Act shall be
7 requested by resolution of the State Board of Education. Said
8 revenue certificates shall bear interest at such rate or rates
9 not exceeding the interest rate limitations set forth in s.
10 215.84(3), provided that certificates may be sold at a
11 reasonable discount to par not to exceed 3 percent, except
12 that this limitation on discount does not apply to the portion
13 of the discount that constitutes original issue discount. The
14 revenue certificates may be issued in one or more series, may
15 bear such date or dates, may be in such denomination or
16 denominations, may mature at such time or times, not exceeding
17 30 years from their respective dates, may be in such form,
18 either coupon or registered, may carry such registration
19 privileges, may be executed in such manner, may be payable in
20 such medium of payment and at such place or places, may be
21 subject to such terms of redemption, with or without premium,
22 may contain such terms, covenants, and conditions, and may be
23 declared or become due before the maturity date thereof as
24 such resolution or other resolutions may provide. The revenue
25 certificate may be sold at public sale by competitive bid or
26 negotiated sale. Pending the preparation of the definitive
27 certificates, interim receipts or certificates in such form
28 and with such provisions as the board may determine may be
29 issued to the purchaser or purchasers of certificates sold
30 pursuant to this part. The certificates and interim receipts
31 shall be fully negotiable within the meaning and for all the

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1 purposes of the negotiable instruments law.

2 Section 573. Section 1010.612, Florida Statutes, is
3 created to read:

4 1010.612 Powers to secure revenue certificates.--The
5 State Board of Education, in connection with the issuance of
6 revenue certificates to acquire any projects for an
7 institution or in order to secure the payment of such revenue
8 certificates and interest thereon, shall have power by
9 resolution:

10 (1) To fix and maintain fees, rentals, and other
11 charges from students and others using or being served by, or
12 having the right to use, or having the right to be served by,
13 such projects.

14 (2) To provide that such revenue certificates shall be
15 secured by a first, exclusive, and closed lien on the income
16 and revenue (but not the real property of such institution)
17 derived from, and shall be payable from, fees, rentals, and
18 other charges from students and others using or being served
19 by, or having the right to use, or having the right to be
20 served by, such project.

21 (3) To pledge and assign to, or in trust for the
22 benefit of, the holder or holders of such revenue certificates
23 an amount of the income and revenue derived from fees,
24 rentals, and other charges from students and others using or
25 being served by, or having the right to use, or having the
26 right to be served by, such project.

27 (4) To covenant with or for the benefit of the holder
28 or holders of such revenue certificates that so long as any of
29 such revenue certificates shall remain outstanding and unpaid,
30 such institution will fix, maintain, and collect in such
31 installments as may be agreed upon an amount of the fees,

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1 rentals, and other charges from students and others using or
2 being served by, or having the right to use, or having the
3 right to be served by, such project, which shall be sufficient
4 to pay when due such revenue certificates and interest
5 thereon, and to create and maintain reasonable reserves
6 therefor, and to pay the cost of operation and maintenance of
7 such project, which costs of operation and maintenance shall
8 be determined by the board in its absolute discretion.

9 (5) To make and enforce and agree to make and enforce
10 parietal rules that shall ensure the use of such project by
11 all students in attendance at such institutions to the maximum
12 extent to which such project is capable of serving such
13 students.

14 (6) To covenant that so long as any of such revenue
15 certificates shall remain outstanding and unpaid, it will not,
16 except upon such terms and conditions as may be determined:

17 (a) Voluntarily create or cause to be created any
18 debt, lien, pledge, assignment, encumbrance or other charge
19 having priority to the lien of such revenue certificates upon
20 any of the income and revenues derived from fees, rentals, and
21 other charges from students and others using or being served
22 by, or having the right to use, or having the right to be
23 served by, such project, or

24 (b) Convey or otherwise alienate such project or the
25 real estate upon which such project shall be located, except
26 at a price sufficient to pay all such revenue certificates
27 then outstanding and interest accrued thereon, and then only
28 in accordance with any agreements with the holder or holders
29 of such revenue certificates.

30 (7) To covenant as to the procedure by which the terms
31 of any contract with a holder or holders of such revenue

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1 certificates may be amended or abrogated, the amount of
2 percentage of revenue certificates the holder or holders of
3 which must consent thereto, and the manner in which such
4 consent may be given.

5 (8) To vest in a trustee or trustees the right to
6 receive all or any part of the income and revenue pledged and
7 assigned to, or for the benefit of, the holder or holders of
8 such revenue certificates and to hold, apply and dispose of
9 the same and the right to enforce any covenant made to secure
10 or pay or in relation to such revenue certificates; to execute
11 and deliver a trust agreement or trust agreements which may
12 set forth the powers and duties and the remedies available to
13 such trustee or trustees and limiting the liabilities thereof
14 and describing what occurrences shall constitute events of
15 default and prescribing the terms and conditions upon which
16 such trustee or trustees or the holder or holders of revenue
17 certificates of any specified amount or percentage of such
18 revenue certificate may exercise such rights and enforce any
19 and all such covenants and resort to such remedies as may be
20 appropriate.

21 (9) To vest in a trustee or trustees or the holder or
22 holders of any specified amount or percentage of revenue
23 certificates the right to apply to any court of competent
24 jurisdiction for and have granted the appointment of a
25 receiver or receivers of the income and revenue pledged and
26 assigned to or for the benefit of the holder or holders of
27 such revenue certificates, which receiver or receivers may
28 have and be granted such powers and duties as such court may
29 order or decree for the protection of the revenue certificate
30 holders.

31 (10) To make covenants with the holders of any bonds

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1 and to perform any other duties and responsibilities which are
2 deemed necessary or advisable to enhance the security of such
3 bonds, and the marketability thereof, and which are customary
4 in accordance with the market requirements for the sale of
5 such bonds.

6 Section 574. Section 1010.613, Florida Statutes, is
7 created to read:

8 1010.613 Remedies of any holder of revenue
9 certificates.--Any holder or holders of revenue certificates,
10 including a trustee, or trustees for holders of such revenue
11 certificates, shall have the right, in addition to all other
12 rights, by mandamus or other suit, action, or proceeding in
13 any court of competent jurisdiction to enforce his or her or
14 their rights against the State Board of Education to fix and
15 collect such rentals and other charges adequate to carry out
16 any agreement as to or pledge of such fees, rentals, or other
17 charges, and require the State Board of Education to carry out
18 any other covenants and agreements and to perform its duties
19 under this part.

20 Section 575. Section 1010.614, Florida Statutes, is
21 created to read:

22 1010.614 Validity of revenue certificates.--The
23 revenue certificates bearing the signatures of officers in
24 office on the date of the signing thereof shall be valid and
25 binding obligations, notwithstanding that before the delivery
26 thereof and payment therefor any or all of the persons whose
27 signatures appear thereon shall have ceased to be officers of
28 the State Board of Education. The validity of the revenue
29 certificates shall not be dependent on nor affected by the
30 validity or regularity of any proceedings to acquire the
31 project financed by the revenue certificates or taken in

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1 connection therewith.

2 Section 576. Section 1010.615, Florida Statutes, is
3 created to read:

4 1010.615 Prohibitions against obligating
5 state.--Nothing in this part shall be construed to authorize
6 the State Board of Education to contract a debt on behalf of,
7 or in any way to obligate, the state, or to pledge, assign, or
8 encumber in any way, or to permit the pledging, assigning, or
9 encumbering in any way of, appropriations made by the
10 Legislature.

11 Section 577. Section 1010.616, Florida Statutes, is
12 created to read:

13 1010.616 Revenue certificate obligations of State
14 Board of Education.--All revenue certificates issued pursuant
15 to this part shall be obligations of the State Board of
16 Education, payable only in accordance with the terms thereof
17 and shall not be obligations general, special, or otherwise of
18 the state. Such revenue certificates shall not be a bond or
19 debt of the state, and shall not be enforceable against the
20 state, nor shall payment thereof be enforceable out of any
21 funds of the board other than the income and revenue pledged
22 and assigned to, or in trust for the benefit of, the holder or
23 holders of such revenue certificates.

24 Section 578. Section 1010.617, Florida Statutes, is
25 created to read:

26 1010.617 Tax exemption and eligibility as legal
27 investments.--

28 (1) The exercise of the powers granted by this part in
29 all respects constitutes the performance of essential public
30 functions for the benefit of the people of the state. All
31 properties, revenues, or other assets of the State Board of

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Bill No. CS for CS for SB 1564, 1st Eng.

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

1 Education for which revenue certificates are issued under this
2 part, and all revenue certificates issued hereunder and the
3 interest thereon, shall be exempt from all taxation by any
4 agency or instrumentality of a county, municipality, or the
5 state. The exemption granted by this section is not applicable
6 to any tax imposed by chapter 220 on interest, income, or
7 profits on debt obligations owned by corporations.

8 (2) All obligations issued pursuant to this part shall
9 be and constitute legal investments without limitation for all
10 public bodies and for all banks, savings banks, guardians,
11 insurance funds, trustees, or other fiduciaries and shall be
12 and constitute eligible securities to be deposited as
13 collateral for security of any state, county, municipal, or
14 other public funds.

15 Section 579. Section 1010.618, Florida Statutes, is
16 created to read:

17 1010.618 Supplemental nature of part; construction and
18 purpose.--The powers conferred by this part shall be in
19 addition to and supplemental to, and the limitations imposed
20 by this part shall not affect, the powers conferred by any
21 other law, general or special, and revenue certificates may be
22 issued hereunder without any referendum, notwithstanding the
23 provisions of any other such law and without regard to the
24 procedure required by any other such law. Insofar as the
25 provisions of this part are inconsistent with the provisions
26 of any other law, general or special, the provisions of this
27 part shall be controlling.

28 Section 580. Section 1010.619, Florida Statutes, is
29 created to read:

30 1010.619 Board of Administration to act as fiscal
31 agent.--Prior to the issuance of any revenue certificates, the

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1 State Board of Education may request the State Board of
2 Administration to advise the State Board of Education as to
3 the fiscal sufficiency of the proposed issue. Upon sale and
4 delivery of any revenue certificates and disbursement of the
5 proceeds thereof pursuant to this part, the State Board of
6 Administration may upon request of the State Board of
7 Education take over the management, control, administration,
8 custody, and payment of any or all debt services or funds or
9 assets now or hereafter available for any revenue certificates
10 issued pursuant to this part. The State Board of
11 Administration shall upon request of the State Board of
12 Education invest all funds, including reserve funds, available
13 for any revenue certificates issued pursuant to this part in
14 the manner provided in s. 215.47. The State Board of Education
15 may from time to time provide by its duly adopted resolution
16 the duties the State Board of Administration shall perform,
17 and such duties may be changed, modified, or repealed by
18 subsequent resolution as the State Board of Education may deem
19 appropriate.

20 Section 581. Part V of chapter 1010, Florida Statutes,
21 shall be entitled "Trust Funds" and shall consist of ss.
22 1010.70-1010.86.

23 Section 582. Section 1010.70, Florida Statutes, is
24 created to read:

25 1010.70 Educational Enhancement Trust Fund.--Each
26 fiscal year, at least 38 percent of the gross revenue from the
27 sale of lottery tickets and other earned revenue, excluding
28 application processing fees, shall be deposited in the
29 Educational Enhancement Trust Fund as provided in s. 24.121.

30 Section 583. Section 1010.71, Florida Statutes, is
31 created to read:

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1 1010.71 State School Trust Fund.--

2 (1) The State School Trust Fund shall be derived from
3 the following sources:

4 (a) The proceeds of all lands that have been or may
5 hereafter be granted to the state by the United States for
6 public school purposes;

7 (b) Donations to the state when the purpose is not
8 specified;

9 (c) Appropriations by the state;

10 (d) The proceeds of escheated property or forfeitures;

11 and

12 (e) Twenty-five percent of the sales of public lands
13 which are now or may hereafter be owned by the state.

14 (2) The land comprising part of the State School Trust
15 Fund shall not be subject to taxes of any kind whatsoever, but
16 shall enjoy constitutional immunity therefrom, nor shall taxes
17 of any kind be imposed thereon; nor, since not subject to tax,
18 shall the state or any state agency be liable for taxes or the
19 equivalent thereof sought to be imposed upon said land. All
20 outstanding tax sale certificates against land of the State
21 School Trust Fund are hereby canceled.

22 Section 584. Section 1010.72, Florida Statutes, is
23 created to read:

24 1010.72 Excellent Teaching Program Trust Fund.--

25 (1) The Excellent Teaching Program Trust Fund is
26 created to be administered by the Department of Education.
27 Funds must be credited to the trust fund as provided in
28 chapter 98-309, Laws of Florida, to be used for the purposes
29 set forth therein.

30 (2) Pursuant to the provisions of s. 19(f)(2), Art.
31 III of the State Constitution, the Excellent Teaching Program

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1 Trust Fund shall, unless terminated sooner, be terminated on
2 July 1, 2002. Prior to its scheduled termination, the trust
3 fund shall be reviewed as provided in s. 215.3206(1) and (2).

4 Section 585. Section 1010.73, Florida Statutes, is
5 created to read:

6 1010.73 State Student Financial Assistance Trust
7 Fund.--

8 (1) The State Student Financial Assistance Trust Fund
9 is hereby created, to be administered by the Department of
10 Education. Funds shall be credited to the trust fund as
11 provided in the General Appropriations Act or similar
12 legislation, to be used for the purposes set forth therein.

13 (2) The department may transfer into this trust fund
14 general revenue, private donations for the purpose of matching
15 state funds, and federal receipts for scholarships and grant
16 programs. An individual account code shall be established for
17 each funded scholarship and grant program for accountability
18 purposes.

19 (3) Notwithstanding the provisions of s. 216.301, and
20 pursuant to s. 216.351, any balance in the trust fund at the
21 end of any fiscal year shall remain in the trust fund and
22 shall be available for carrying out the purposes of the trust
23 fund.

24 Section 586. Section 1010.731, Florida Statutes, is
25 created to read:

26 1010.731 Student Loan Guaranty Reserve Trust
27 Fund.--Chapter 99-35, Laws of Florida, re-created the Student
28 Loan Guaranty Reserve Trust Fund to be used by the Department
29 of Education for the administration of the guaranteed student
30 loan program as provided in s. 1009.92.

31 Section 587. Section 1010.74, Florida Statutes, is

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1 created to read:

2 1010.74 Educational Certification and Services Trust
3 Fund.--The proceeds from the collection of certification fees,
4 finances, penalties, and costs levied pursuant to s. 1012.59
5 shall be remitted by the Department of Education to the
6 Treasurer for deposit into and disbursed from the "Educational
7 Certification and Services Trust Fund" as re-created by
8 chapter 99-31, Laws of Florida.

9 Section 588. Section 1010.75, Florida Statutes, is
10 created to read:

11 1010.75 Teacher Certification Examination Trust
12 Fund.--The proceeds for the certification examination fee
13 levied pursuant to s. 1012.59 shall be remitted by the
14 Department of Education to the Treasurer for deposit into and
15 disbursed for the "Teacher Certification Examination Trust
16 Fund" as re-created by chapter 99-28, Laws of Florida.

17 Section 589. Section 1010.76, Florida Statutes, is
18 created to read:

19 1010.76 Educational Aids Trust Fund.--Chapter 99-27,
20 Laws of Florida, re-created the Educational Aids Trust Fund to
21 administer receipts and disbursements for federal grants
22 received by the Department of Education.

23 Section 590. Section 1010.77, Florida Statutes, is
24 created to read:

25 1010.77 Food and Nutrition Services Trust
26 Fund.--Chapter 99-34, Laws of Florida, re-created the Food and
27 Nutrition Services Trust Fund to record revenue and
28 disbursements of Federal Food and Nutrition funds received by
29 the Department of Education as authorized in s. 1006.06.

30 Section 591. Section 1010.78, Florida Statutes, is
31 created to read:

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1 1010.78 Projects, Contracts, and Grants Trust
2 Fund.--There is created in the Department of Education the
3 Projects, Contracts, and Grants Trust Fund. The personnel
4 employed to plan and administer grants or contracts for
5 specific projects shall be considered in time-limited
6 employment not to exceed the duration of the grant or until
7 completion of the project, whichever first occurs. Such
8 employees shall not acquire retention rights under the Career
9 Service System. Any employee holding permanent career service
10 status in a Department of Education position who is appointed
11 to a position under the Projects, Contracts, and Grants Trust
12 Fund shall retain such permanent status in the career service
13 position.

14 Section 592. Section 1010.79, Florida Statutes, is
15 created to read:

16 1010.79 Sophomore Level Test Trust Fund.--Chapter
17 99-26, Laws of Florida, re-created the Sophomore Level Test
18 Trust Fund to record revenue and disbursements of examination
19 fees received by the Department of Education as authorized in
20 s. 1008.29.

21 Section 593. Section 1010.80, Florida Statutes, is
22 created to read:

23 1010.80 Educational Media and Technology Trust
24 Fund.--Chapter 99-25, Laws of Florida, re-created the
25 Educational Media and Technology Trust Fund to record revenue
26 and disbursements by the Department of Education for the cost
27 of producing and disseminating educational materials and
28 products as authorized in s. 1006.39.

29 Section 594. Section 1010.81, Florida Statutes, is
30 created to read:

31 1010.81 Knott Data Center Working Capital Trust

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1 Fund.--Chapter 99-29, Laws of Florida, re-created the Knott
2 Data Center Working Capital Trust Fund to record the revenue
3 from fees paid for services provided by the Department of
4 Education's data center and disbursements to pay the costs of
5 operating the data center as authorized in s. 216.272.

6 Section 595. Section 1010.82, Florida Statutes, is
7 created to read:

8 1010.82 Textbook Bid Trust Fund.--Chapter 99-36, Laws
9 of Florida, re-created the Textbook Bid Trust Fund to record
10 the revenue and disbursements of textbook bid performance
11 deposits submitted to the Department of Education as required
12 in s. 1006.32.

13 Section 596. Section 1010.83, Florida Statutes, is
14 created to read:

15 1010.83 Institutional Assessment Trust Fund.--

16 (1) Chapter 99-32, Laws of Florida, re-created the
17 Institutional Assessment Trust Fund to be administered by the
18 Department of Education pursuant to this section and rules of
19 the State Board of Education. The trust fund shall consist of
20 all fees and fines imposed upon nonpublic colleges and schools
21 pursuant to this chapter, including all fees collected from
22 nonpublic colleges for participation in the common course
23 designation and numbering system. The department shall
24 maintain separate revenue accounts for independent colleges
25 and universities; nonpublic career education; and the
26 Department of Education.

27 (2) Funds from the trust fund shall be used for
28 purposes including, but not limited to, the following:

29 (a) Authorized expenses of the respective boards in
30 carrying out their required duties.

31 (b) Financial assistance programs for students who

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1 attend nonpublic institutions licensed by the board.

2 (c) Educational programs for the benefit of current
3 and prospective owners, administrators, agents, authorized
4 groups of individuals, and faculty of institutions receiving a
5 license, a certificate of exemption, or an authorization by
6 the board.

7 (d) Authorized expenses of the Department of Education
8 incurred as a result of the inclusion of nonpublic colleges in
9 the statewide course numbering system.

10 (3) The board may utilize other individuals or
11 entities to administer the programs authorized in subsection
12 (2).

13 Section 597. Section 1010.84, Florida Statutes, is
14 created to read:

15 1010.84 Displaced Homemaker Trust Fund.--Chapter
16 99-33, Laws of Florida, re-created the Displaced Homemaker
17 Trust Fund to record revenue and disbursements from fees as
18 authorized in s. 446.50.

19 Section 598. Section 1010.85, Florida Statutes, is
20 created to read:

21 1010.85 Phosphate Research Trust Fund.--Chapter 99-45,
22 Laws of Florida, re-created the Phosphate Research Trust Fund
23 to record the revenue and disbursements from tax on severance
24 of phosphate rock as provided in s. 211.3103.

25 Section 599. Section 1010.86, Florida Statutes, is
26 created to read:

27 1010.86 Administration of capital improvement and
28 building fees trust funds.--The State Board of Education shall
29 administer the Capital Improvement Fee Trust Fund and the
30 Building Fee Trust Fund which include receipts from capital
31 improvement and building student fee assessments, interest

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1 earnings, and subsidy grants. All funds, except those to be
2 used for debt service payments, reserve requirements, and
3 educational research centers for child development, pursuant
4 to s. 1011.48, shall be used to fund projects appropriated by
5 the Legislature. Projects funded pursuant to this section may
6 be expanded by the use of supplemental funds such as grants,
7 auxiliary enterprises, private donations, and other nonstate
8 sources.

9 Section 600. Chapter 1011, Florida Statutes, shall be
10 entitled "Planning and Budgeting" and shall consist of ss.
11 1011.01-1011.93.

12 Section 601. Part I of chapter 1011, Florida Statutes,
13 shall be entitled "Preparation, Adoption, and Implementation
14 of Budgets" and shall consist of ss. 1011.01-1011.57.

15 Section 602. Section 1011.01, Florida Statutes, is
16 created to read:

17 1011.01 Budget system established.--

18 (1) The State Board of Education shall prepare and
19 submit a coordinated K-20 education annual legislative budget
20 request to the Governor and the Legislature on or before the
21 date provided by the Governor and the Legislature. The board's
22 legislative budget request must clearly define the needs of
23 school districts, community colleges, universities, other
24 institutions, organizations, programs, and activities under
25 the supervision of the board and that are assigned by law or
26 the General Appropriations Act to the Department of Education.

27 (2) There shall be established in each school
28 district, community college, and university a budget system as
29 prescribed by law and rules of the State Board of Education.

30 (3) Each district school board, each community college
31 board of trustees, and each state university board of trustees

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1 shall prepare, adopt, and submit to the Commissioner of
2 Education for review an annual operating budget. Operating
3 budgets shall be prepared and submitted in accordance with the
4 provisions of law, rules of the State Board of Education, the
5 General Appropriations Act, and for district school boards in
6 accordance with the provisions of ss. 200.065 and 1011.64.

7 Section 603. Section 1011.011, Florida Statutes, is
8 created to read:

9 1011.011 Legislative capital outlay budget
10 request.--The State Board of Education shall submit an
11 integrated, comprehensive budget request for educational
12 facilities construction and fixed capital outlay needs for
13 school districts, community colleges, and universities
14 pursuant to this section and 1013.46 and applicable provisions
15 of chapter 216.

16 Section 604. Section 1011.012, Florida Statutes, is
17 created to read:

18 1011.012 Annual capital outlay budget.--

19 (1) Each district school board, community college
20 board of trustees, and university board of trustees shall,
21 each year, adopt a capital outlay budget for the ensuing year
22 in order that the capital outlay needs of the board for the
23 entire year may be well understood by the public. This capital
24 outlay budget shall be a part of the annual budget and shall
25 be based upon and in harmony with the educational plant and
26 ancillary facilities plan. This budget shall designate the
27 proposed capital outlay expenditures by project for the year
28 from all fund sources. The board may not expend any funds on
29 any project not included in the budget, as amended.

30 (2) Each district school board must prepare its
31 tentative district facilities work program as required by s.

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1 1013.35 before adopting the capital outlay budget.

2 Section 605. Part I.a. of chapter 1011, Florida
3 Statutes, shall be entitled "District School Boards:
4 Preparation, Adoption, and Implementation of Budgets" and
5 shall consist of ss. 1011.02-1011.24.

6 Section 606. Section 1011.02, Florida Statutes, is
7 created to read:

8 1011.02 District school boards to adopt tentative
9 budget.--

10 (1) On or before the date prescribed in rules of the
11 State Board of Education, each district school board shall
12 receive and examine the tentative budget submitted by the
13 district school superintendent, and shall require such changes
14 to be made, in keeping with the purposes of the school code,
15 as may be to the best interest of the school program in the
16 district.

17 (2) The district school board shall determine, within
18 prescribed limits, the reserves to be allotted for
19 contingencies, and the cash balance to be carried forward at
20 the end of the year. If the district school board shall
21 require any changes to be made in receipts, in the reserves
22 for contingencies, or in the cash balance to be carried
23 forward at the end of the year, it shall also require
24 necessary changes to be made in the appropriations for
25 expenditures so that the budget, as changed, will not contain
26 appropriations for expenditures and reserves in excess of, or
27 less than, estimated receipts and balances.

28 (3) The proposed budget shall include an amount for
29 local required effort for current operation, in accordance
30 with the requirements of s. 1011.62(4).

31 (4) When a tentative budget has been prepared in

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1 accordance with rules of the State Board of Education, the
2 proposed expenditures, plus transfers, and balances shall not
3 exceed the estimated income, transfers, and balances. The
4 budget and each of the parts thereof shall balance.

5 (5) The district school board shall adopt a tentative
6 budget.

7 Section 607. Section 1011.03, Florida Statutes, is
8 created to read:

9 1011.03 Public hearings; budget to be submitted to
10 Department of Education.--

11 (1) Each district school board must cause a summary of
12 its tentative budget, including the proposed millage levies as
13 provided for by law, and graphs illustrating a historical
14 summary of financial and demographic data, to be advertised at
15 least one time as a full-page advertisement in the newspaper
16 with the largest circulation published in the district or to
17 be posted at the courthouse door if there be no such
18 newspaper.

19 (2)(a) The advertisement must include a graph
20 illustrating the historical summary of financial and
21 demographic data for each of the following data values which
22 shall be plotted along the vertical axis of each graph:

23 1. Total revenue provided to the school district from
24 all sources for the corresponding fiscal year, including all
25 federal, state, and local revenue.

26 2. Total revenue provided to the school district for
27 the corresponding fiscal year for current operations.

28 3. Total revenue provided to the school district for
29 the corresponding fiscal year for fixed capital outlay
30 projects.

31 4. Total revenue provided to the school district for

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1 the corresponding fiscal year for debt service.

2 5. Total number of unweighted full-time equivalent
3 students, inclusive of all programs listed in s. 1011.62.

4 6. Total revenue provided to the school district for
5 current operations divided by the number of unweighted
6 full-time equivalent students for the corresponding fiscal
7 year.

8 7. Total number of employees of the school district
9 for the corresponding fiscal year.

10 8. Total number of employees of the school district
11 classified as instructional personnel under s. 1012.01 for the
12 corresponding fiscal year.

13 (b) Each graph must include a separate histogram
14 corresponding to the financial and demographic data for each
15 of the following fiscal years, which shall be plotted along
16 the horizontal axis of each graph:

17 1. Current fiscal year.

18 2. Fiscal year that is 5 years before the current
19 fiscal year.

20 3. Fiscal year that is 10 years before the current
21 fiscal year.

22 (c) The numeric value of the financial and demographic
23 data corresponding to each histogram must be included in each
24 graph.

25 (3) The advertisement of a district that has been
26 required by the Legislature to increase classroom expenditures
27 pursuant to s. 1011.64 must include the following statement:

28
29 "This proposed budget reflects an increase in classroom
30 expenditures as a percent of total current operating
31 expenditures of XX percent over the (previous fiscal year).

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1 fiscal year. This increase in classroom expenditures is
2 required by the Legislature because the district has performed
3 below the required performance standard on XX of XX student
4 performance standards for the (previous school year) school
5 year. In order to achieve the legislatively required level of
6 classroom expenditures as a percentage of total operating
7 expenditures, the proposed budget includes an increase in
8 overall classroom expenditures of \$XX,XXX,XXX above the amount
9 spent for this same purpose during the (previous fiscal year)
10 fiscal year. In order to achieve improved student academic
11 performance, this proposed increase is being budgeted for the
12 following activities: (list activities and amount budgeted)."

13 (4) The advertisement shall appear adjacent to the
14 advertisement required pursuant to s. 200.065. The State Board
15 of Education may adopt rules necessary to provide specific
16 requirements for the format of the advertisement.

17 (5) The board shall hold public hearings to adopt
18 tentative and final budgets pursuant to s. 200.065. The
19 hearings shall be primarily for the purpose of hearing
20 requests and complaints from the public regarding the budgets
21 and the proposed tax levies and for explaining the budget and
22 proposed or adopted amendments thereto, if any. The district
23 school board shall then require the superintendent to transmit
24 forthwith two copies of the adopted budget to the Department
25 of Education for approval as prescribed by law and rules of
26 the State Board of Education.

27 Section 608. Section 1011.04, Florida Statutes, is
28 created to read:

29 1011.04 Levying of taxes.--

30 (1) Upon receipt of the certificate of the property
31 appraiser giving the assessed valuation of the county and of

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1 each of the special tax school districts pursuant to s.
2 200.065, the district school board shall determine by
3 resolution the amounts necessary to be raised for current
4 operating purposes and for each district bond interest and
5 sinking fund and the millage necessary to be levied for each
6 such fund, including the voted millage. A certified copy of
7 the resolution shall thereupon be filed with the county
8 property appraiser, and the district school board shall also
9 order the property appraiser to assess the several millages
10 certified by the school board against the appropriate taxable
11 property in the school district.

12 (2) The property appraiser shall then assess the taxes
13 as ordered by the district school board. Tax millages so
14 assessed shall be clearly designated and separately identified
15 as to source on the tax bill for other county taxes.

16 (3) The collector shall collect said taxes and pay
17 over the same promptly as collected to the district school
18 depository or depositories to be used as provided by law;
19 provided, that all taxes authorized herein shall be assessed
20 and collected on railroad, street railroad, sleeping car,
21 parlor car, and telegraph company property in the manner now
22 provided by law.

23 Section 609. Section 1011.05, Florida Statutes, is
24 created to read:

25 1011.05 Implementation of the official budget.--The
26 official budget shall give the appropriations and reserves
27 therein the force and effect of fixed appropriations and
28 reserves, and the same shall not be altered, amended, or
29 exceeded except as authorized. However, if the actual
30 receipts during any year are less than budgeted receipts, and
31 any obligations are thereby incurred which cannot be met

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1 before the close of the year, such obligations shall be paid
2 and accounted for in the ensuing fiscal year in the manner
3 prescribed by rules of the State Board of Education and shall
4 be payable out of the first funds available for that purpose.

5 Section 610. Section 1011.06, Florida Statutes, is
6 created to read:

7 1011.06 Expenditures.--

8 (1) Expenditures shall be limited to the amount
9 budgeted under the classification of accounts provided for
10 each fund and to the total amount of the budget after the same
11 have been amended as prescribed by law and rules of the State
12 Board of Education. The school board shall endeavor to obtain
13 maximum value for all expenditures.

14 (2) EXPENDITURES FROM DISTRICT AND OTHER

15 FUNDS.--Expenditures from district and all other funds
16 available for the public school program of any district shall
17 be authorized by law and must be in accordance with procedures
18 prescribed by the district school board. A district school
19 board may establish policies that allow expenditures to exceed
20 the amount budgeted by function and object, provided that the
21 district school board approves the expenditure and amends the
22 budget within timelines established by school board policies.

23 Section 611. Section 1011.07, Florida Statutes, is
24 created to read:

25 1011.07 Internal funds.--

26 (1) The district school board shall be responsible for
27 the administration and control of all local school funds
28 derived by any public school from all activities or sources,
29 and shall prescribe the principles and procedures to be
30 followed in administering these funds consistent with
31 regulations adopted by the State Board of Education.

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1 (2) The State Board of Education shall adopt rules
2 governing the procedures for the recording of the receipts,
3 expenditures, deposits, and disbursements of internal funds.

4 Section 612. Section 1011.08, Florida Statutes, is
5 created to read:

6 1011.08 Expenditures between July 1 and date budget
7 becomes official.--During the period from July 1 to the date
8 the tentative budget becomes official, district school boards
9 are authorized to approve ordinary expenditures, including
10 salary payments, which are necessary for the approved school
11 program.

12 Section 613. Section 1011.09, Florida Statutes, is
13 created to read:

14 1011.09 Expenditure of funds by district school
15 board.--All state funds apportioned to the credit of any
16 district constitute a part of the district school fund of that
17 district and must be budgeted and expended under authority of
18 the district school board subject to the provisions of law and
19 rules of the State Board of Education.

20 (1) A district school board shall credit interest or
21 profits on investments to the specific budgeted fund, as
22 defined by the accounting system required by s. 1010.01, that
23 produced the earnings unless otherwise authorized by law or
24 rules of the State Board of Education.

25 (2) A district school board may temporarily advance
26 moneys from one fund, as defined by the accounting system
27 required by s. 1010.01, to another fund when insufficient
28 moneys are available to meet current obligations if the
29 temporary advancement is repaid within 13 months, appropriate
30 accounting records are maintained, and the temporary
31 advancement does not restrict, impede, or limit implementation

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1 or fulfillment of the original purposes for which the moneys
2 were received in the fund providing the advancement.

3 (3) Funds expended from school nonrecurring incentives
4 or bonus type state or federal funded programs based on
5 performance outcomes may not be used for measuring compliance
6 with state or federal maintenance of effort, supplanting, or
7 comparability standards.

8 Section 614. Section 1011.10, Florida Statutes, is
9 created to read:

10 1011.10 Penalty.--

11 (1) Any member of a district school board or any
12 district school superintendent who violates the provisions of
13 this section commits malfeasance and misfeasance in office and
14 shall be subject to removal from office by the Governor, and
15 any contract or attempted contract entered into by any school
16 officer or subordinate school officer that is not within the
17 purview or in violation of the provisions of this section
18 shall be void, and no such contract or attempted contract
19 shall be enforceable in any court.

20 (2) Each member of any district school board voting to
21 incur an indebtedness against the district school funds in
22 excess of the expenditure allowed by law, or in excess of any
23 appropriation as adopted in the original official budget or
24 amendments thereto, or to approve or pay any illegal charge
25 against the funds, and any chair of a district school board or
26 district school superintendent who signs a warrant for payment
27 of any such claim or bill of indebtedness against any of the
28 funds shall be personally liable for the amount, and shall be
29 guilty of malfeasance in office and subject to removal by the
30 Governor. It shall be the duty of the Auditor General, other
31 state officials, or independent certified public accountants

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1 charged by law with the responsibility for auditing school
2 accounts, upon discovering any such illegal expenditure or
3 expenditures in excess of the appropriations in the budget as
4 officially amended, to certify such fact to the Department of
5 Banking and Finance, which thereupon shall verify such fact
6 and it shall be the duty of the Department of Banking and
7 Finance to advise the Department of Legal Affairs thereof, and
8 it shall be the duty of the Department of Legal Affairs to
9 cause to be instituted and prosecuted, either through its
10 office or through any state attorney, proceedings at law or in
11 equity against such member or members of a district school
12 board or district school superintendent. If either of the
13 officers does not institute proceedings within 90 days after
14 the audit has been certified to them by the Department of
15 Banking and Finance, any taxpayer may institute suit in his or
16 her own name on behalf of the district.

17 Section 615. Section 1011.11, Florida Statutes, is
18 created to read:

19 1011.11 Certain provisions to be directory.--No
20 irregularities of form or manner in the preparation or
21 adoption of any budget under the provisions of this chapter
22 shall invalidate either the budget adopted or the taxes levied
23 therefor. However, the budget and the taxes levied must
24 conform substantially to the principles and provisions of law
25 and rules of the State Board of Education.

26 Section 616. Section 1011.12, Florida Statutes, is
27 created to read:

28 1011.12 Purposes of and procedures in incurring school
29 indebtedness.--Indebtedness for school purposes may be
30 incurred only as follows:

31 (1) School districts may issue bonds creating a

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1 long-term indebtedness as prescribed by law.

2 (2) Notes may be issued for money borrowed in
3 anticipation of the receipt of current school funds, included
4 in the budget from the state, county, or districts, as
5 authorized under s. 1011.13.

6 (3) Indebtedness may be incurred for certain purposes
7 as authorized under s. 1011.14, s. 1011.15, or s. 1011.16.

8 (4) Bonds or revenue certificates issued on behalf of
9 the district by the State Board of Education as authorized by
10 s. 18, Art. XII of the State Constitution of 1885 as adopted
11 by s. 9(d), Art. XII, 1968 revised constitution, and the
12 additional provisions of s. 9(d), Art. XII of said revision.

13 Section 617. Section 1011.13, Florida Statutes, is
14 created to read:

15 1011.13 Current loans authorized under certain
16 conditions.--Except as provided in subsection (2), for any
17 fiscal year in which school funds are estimated to be
18 insufficient at any time during that fiscal year to pay
19 obligations created by the district school board in accordance
20 with the official budget of the district, or a budget approved
21 by the district school board which is prepared preliminarily
22 to the tentative budget required by this chapter, the school
23 board is authorized to negotiate a current loan to pay these
24 obligations, providing for the repayment of that loan from the
25 proceeds of revenues reasonably to be anticipated during the
26 fiscal year in which the loan is made as prescribed below.
27 However, the district school board shall, whenever possible,
28 so arrange its expenditures as to make the incurring of
29 current loans unnecessary. When it is deemed necessary for the
30 benefit of the schools of the district for a current loan to
31 be negotiated, the school board shall arrange for a loan in an

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1 amount not violative of federal arbitrage regulations and for
2 the repayment of the loan, in accord with the other provisions
3 of this section.

4 (1) CURRENT LOANS AGAINST DISTRICT FUND, DISTRICT
5 CAPITAL PROJECTS FUNDS, AND DISTRICT INTEREST AND SINKING
6 FUNDS.--

7 (a) District school boards are authorized and
8 empowered to borrow money, to be retired from the district tax
9 receipts anticipated in the operating budget, the district
10 capital projects budget, and the debt service budget, at a
11 rate of interest not to exceed the rate authorized under the
12 provisions of s. 215.84, for the purpose of paying all
13 outstanding obligations and for the further purpose of paying
14 any and all lawful expenses incurred in operating the schools
15 of the district. However, it is unlawful for any district
16 school board to borrow any sum of money in any one year in
17 excess of 80 percent of the amount as estimated by it in the
18 official budget for the current fiscal year for the district
19 to be available from the district tax. The sum so borrowed
20 shall be paid in full before the school board is authorized to
21 borrow money in any succeeding year.

22 (b) Nothing in paragraph (a) shall be construed to
23 invalidate any outstanding debt of any district as now
24 existing and now due, or to become due, or as requiring any
25 school board to pay the same in full before being permitted to
26 borrow 80 percent on the estimate for the next ensuing year.

27 (c) In the event that the county tax roll is subjected
28 to litigation and the tax collector is prevented from
29 collecting taxes on that roll, the following provisions shall
30 apply:

31 1. The restriction of 80 percent in paragraph (b)

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1 shall not apply if the collection of taxes is delayed beyond
2 May 1.

3 2. District school boards are authorized and empowered
4 to borrow money, to be repaid from the district school fund
5 for operating purposes, the district capital projects funds,
6 and the district interest and sinking funds, at a rate not to
7 exceed the rate authorized under the provisions of s. 215.84,
8 for the purposes of paying any and all lawful operating
9 expense, capital expense, and required debt service necessary
10 for the outstanding bond issues of such districts at the times
11 that the funds are needed to prevent the bonds or interest
12 payments from being in default. However, the amount of money
13 so borrowed shall be limited to the amount of the district
14 school fund and district interest and sinking fund tax
15 receipts included in the official school budget for that year
16 or the amount necessary to be borrowed to meet such
17 obligations, whichever amount is the lesser. Any funds
18 borrowed pursuant to the authority of this subsection shall,
19 insofar as possible, be repaid during the fiscal year in which
20 the loan was made. However, any such loan unpaid at the end
21 of the fiscal year shall be repaid from the first available
22 revenue in the next succeeding year.

23 (2) CURRENT LOANS PAYABLE FROM REVENUE PROCEEDS.--

24 (a) A district school board is also authorized to
25 negotiate a current loan before the end of the fiscal year,
26 the note or notes from which loan shall be issued no earlier
27 than 60 days before the beginning of the subsequent fiscal
28 year, to be repaid during the subsequent fiscal year from the
29 proceeds of revenue reasonably anticipated to be received
30 during that year. The proceeds of any loan obtained pursuant
31 to this subsection shall be limited, and the district school

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1 board shall take any and all action necessary, to assure that
2 the Internal Revenue Code and the regulations promulgated
3 thereunder are not violated.

4 (b) Loans arranged pursuant to this subsection shall
5 be negotiated in accordance with a budget approved by the
6 district school board which is prepared preliminarily to the
7 tentative budget required by this chapter. Such loans shall
8 be at a rate of interest not to exceed the rate of interest
9 authorized under the provisions of s. 215.84 and shall not be
10 in excess of amounts authorized under the Internal Revenue
11 Code for arbitrage.

12 (c) The proceeds of any loan obtained pursuant to this
13 subsection, or any interest earnings thereon, shall not be
14 used to pay any expenses incurred in the fiscal year in which
15 the loan is made; nor shall the proceeds of the loan or
16 interest earnings thereon be in any way encumbered to pay
17 expenses incurred in the fiscal year in which the loan is
18 made, but shall be held in escrow until the subsequent fiscal
19 year. Any outstanding loan issued pursuant to subsection (1)
20 must be defeased not less than 5 business days prior to the
21 issuance of any obligation pursuant to this subsection. All
22 proceeds of any loan obtained pursuant to this subsection, and
23 any interest earnings thereon, shall be placed at closing in
24 an irrevocable escrow account and held until the beginning of
25 the subsequent fiscal year. The district school board shall
26 maintain the integrity of such loan proceeds and related
27 interest in its accounting records so as to be able to
28 validate compliance with the provisions of this paragraph.

29 Section 618. Section 1011.14, Florida Statutes, is
30 created to read:

31 1011.14 Obligations for a period of 1 year.--District

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1 school boards are authorized only under the following
2 conditions to create obligations by way of anticipation of
3 budgeted revenues accruing on a current basis without pledging
4 the credit of the district or requiring future levy of taxes
5 for certain purposes for a period of 1 year; however, such
6 obligations may be extended from year to year with the consent
7 of the lender for a period not to exceed 4 years, or for a
8 total of 5 years including the initial year of the loan:

9 (1) PURPOSES.--The purposes for which such obligations
10 may be incurred within the intent of this section shall
11 include only the purchase of school buses, land, and equipment
12 for educational purposes; the erection of, alteration to, or
13 addition to educational facilities; and the adjustment of
14 insurance on educational property on a 5-year plan, as
15 provided by rules of the State Board of Education.

16 (2) OBLIGATIONS MAY NOT EXCEED ONE-FOURTH OF DISTRICT
17 AD VALOREM TAX REVENUE FOR OPERATIONS FOR THE PRECEDING
18 YEAR.--No obligation of the nature prescribed herein may be
19 incurred by any district school board when such proposed
20 obligations exceed one-fourth of the revenue received during
21 the preceding year for the district school fund for operating
22 expense of the district.

23 (3) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the
24 district school board proposes to incur obligations of the
25 nature authorized in this section, it shall adopt and spread
26 upon its minutes a resolution giving the nature of the
27 obligations to be incurred, stating the plan of payment, and
28 providing that such funds will be budgeted during the period
29 of the loan from the current revenue to retire the obligations
30 maturing during the year. This plan of payment shall not
31 extend over a period longer than 1 year.

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1 (4) INTEREST-BEARING NOTES AUTHORIZED.--Each district
2 school board which has authorized the incurring of the
3 obligations as provided in this section shall issue
4 interest-bearing notes for the obligations. The notes shall
5 provide the terms of payment and shall not bear interest in
6 excess of the rate authorized under the provisions of s.
7 215.84. No additional obligations of a similar nature may be
8 incurred against the funds of any school district when notes
9 authorized under this subsection are still outstanding and
10 unpaid when such proposed obligations together with the unpaid
11 notes outstanding exceed one-fourth of the revenue of the
12 preceding year, as defined in subsection (2).

13 Section 619. Section 1011.15, Florida Statutes, is
14 created to read:

15 1011.15 Obligations to eliminate major emergency
16 conditions.--The district school board of any district
17 experiencing a major emergency condition in an existing school
18 plant that demands immediate correction in order to prevent
19 further damage to the building or equipment or to eliminate a
20 safety hazard that constitutes an immediate danger to the
21 students and other occupants is authorized to create an
22 obligation for a period of 1 year by way of anticipation of
23 revenues for capital outlay purposes accruing on a current
24 basis without pledging the credit of the district. Such
25 obligation may be extended from year to year with the consent
26 of the lender for a period not to exceed 4 years, or for a
27 total of 5 years including the initial year of the loan.
28 Obligations occurring under this section may be repaid from
29 funds to be received from taxes authorized by s. 1011.71(2)
30 and from any other funds available to the district school
31 board for the purpose under the following conditions:

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1 (1) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the
2 district school board proposes to incur obligations of the
3 nature authorized in this section, it shall adopt and spread
4 upon its minutes a resolution fully describing the emergency
5 condition outlined above, giving the nature of the obligations
6 to be incurred, stating the plan of payment, and providing
7 that such funds will be budgeted during the period of the loan
8 from the current revenue to retire the obligations maturing
9 during the year. This plan of payment shall not extend over a
10 period longer than 1 year.

11 (2) INTEREST-BEARING NOTES AUTHORIZED.--Each district
12 school board which has authorized the incurring of the
13 obligations as provided in this section shall issue
14 interest-bearing notes for the obligations. The notes shall
15 provide the terms of payment and shall not bear interest in
16 excess of the rate authorized in s. 1010.59.

17 Section 620. Section 1011.16, Florida Statutes, is
18 created to read:

19 1011.16 Provisions for retirement of existing
20 indebtedness which is unfunded or in default.--In any district
21 in which there is any indebtedness outstanding against the
22 district school fund which has not yet been funded, or at any
23 time any such indebtedness is in default as to principal or
24 interest, the district school board shall proceed as follows:

25 (1) PLAN FOR RETIRING INDEBTEDNESS TO BE
26 PROPOSED.--The district school board shall prepare and propose
27 a plan for retiring any unfunded indebtedness or any such
28 indebtedness which is in default so that no creditor having a
29 valid claim will be given a preferred status. This plan shall
30 be so prepared as to show the funds needed for operating the
31 schools on the most economical basis practicable, the amount

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1 of any other obligations which must be met each year, the
2 total funds available each year for the entire school program,
3 and the funds that can reasonably be spared for retirement of
4 indebtedness without needlessly handicapping the school
5 program and which can be budgeted each year for the retirement
6 of such indebtedness.

7 (2) PROPOSAL TO BE SUBMITTED TO DEPARTMENT OF
8 EDUCATION.--The proposal for funding and retiring all such
9 indebtedness, when approved by the district school board,
10 shall be submitted to the Department of Education for
11 consideration. The district school board shall not attempt to
12 retire any such indebtedness until this procedure has been
13 followed and until it has had the benefit of the
14 recommendations of the department. Upon receiving the
15 proposal, the department shall determine the minimum funds
16 which are, in its opinion, necessary for the operation of the
17 school program in the district; shall determine what funds
18 remain for retirement of indebtedness each year; shall
19 determine whether the proposed plan is in accordance with
20 these facts, and, if it is not, shall propose modifications in
21 the plan in accordance with the facts. The recommendations of
22 the department shall then be submitted to the district school
23 board for consideration.

24 (3) WHEN PLAN TO BE EFFECTIVE.--The plan for retiring
25 indebtedness, herein prescribed, shall become effective when
26 the district school board and the Department of Education
27 jointly agree upon the amount of funds necessary for operating
28 the schools and the amount which can be budgeted each year for
29 retiring indebtedness. When this plan has been agreed upon, it
30 shall become the duty of the district school board to see that
31 the amount approved for retiring indebtedness is incorporated

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1 in the budget each year, and the department shall see that
2 this amount has been incorporated before the budget is
3 approved, or, if such an amount can not reasonably be
4 incorporated in the budget, as shown by evidence submitted by
5 the district school board, determine the respects in which the
6 plan should be modified, and to see that the budget includes
7 the amount for retiring indebtedness which can reasonably be
8 included.

9 (4) FUNDING OUTSTANDING INDEBTEDNESS.--

10 (a) Each district school board having an outstanding
11 indebtedness legally incurred and constituting an obligation
12 or obligations payable from the district school fund is
13 authorized to issue and sell interest-bearing coupon warrants
14 in a sum or sums not to exceed the total amount of such
15 indebtedness. Such coupon warrants shall bear interest at a
16 rate not to exceed the rates authorized under the provisions
17 of s. 215.84, shall be payable either annually or
18 semiannually, and shall be in such form and denomination as
19 the district school board issuing the same shall prescribe.
20 None of such warrants shall be issued to run for a longer
21 period of time than 10 years from the date of issue. Such
22 warrants shall be numbered consecutively, beginning with
23 number one, and each warrant shall have attached thereto
24 interest coupons, each coupon bearing the number of its
25 warrant and representing or calling for an annual or
26 semiannual, as the case may be, payment of interest on its
27 warrant.

28 (b) Each such warrant shall be signed by the chair and
29 attested by the secretary of the district school board issuing
30 the same, and shall have the seal of the district school board
31 affixed thereto, and the interest coupons attached thereto

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1 shall be signed by, or bear the printed or lithographed
2 facsimile signature of the chair and secretary. Each warrant
3 and interest coupon shall be dated and shall bear the due
4 date. Such warrants and interest coupons shall be issued upon,
5 and payable from, the fund designated on the face thereof. The
6 fund so designated shall be the district school fund. All
7 funds derived from the sale of interest-bearing coupon
8 warrants, as herein provided, shall be used for the purpose of
9 retiring the indebtedness for payment of which the warrants
10 were issued, and for no other purpose, and any funds remaining
11 from the sale of such warrants shall be applied to retiring
12 the interest-bearing coupon warrants from which such funds
13 were derived.

14 (5) FUNDING OR REFUNDING OTHER TYPES OF
15 INDEBTEDNESS.--Any proposed plan for refunding any type of
16 outstanding and legally incurred school indebtedness, not
17 covered by this section, shall be submitted to the Department
18 of Education for approval under rules of the State Board of
19 Education. No such indebtedness may be refunded and no plan
20 for refunding such indebtedness may be approved, unless the
21 plan provides for retiring the indebtedness in reasonably
22 equal annual installments over the period of years covered,
23 unless other obligations to be retired during any of these
24 years make adjustments necessary. No indebtedness of any type
25 may be refunded on a sinking fund basis. The district school
26 board shall provide that all refunding warrants, notes, or
27 bonds shall be callable, upon proper notice, beginning not
28 more than 10 years following the date of refunding. If any
29 indebtedness outstanding against the county or district
30 current school funds cannot be retired over a period of 10
31 years as prescribed in this section, or cannot be funded or

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1 refunded by issuing interest-bearing coupon warrants, the
2 Department of Education is authorized to cooperate with the
3 school officials of the district in developing a practicable
4 plan for refunding such indebtedness and, when such a plan has
5 been developed, may approve an agreement with the district
6 school officials for refunding such indebtedness to be retired
7 over a period of time which shall not exceed a maximum of 20
8 years; and, if necessary, for refunding the indebtedness by
9 issuing interest-bearing notes. Any funding or refunding
10 obligations issued, as prescribed herein, are not and shall
11 not be deemed to be additional bonds within the meaning of the
12 Constitution and laws of Florida, and it shall not be
13 necessary for such obligations to be submitted to, or approved
14 by, a vote of the people of the district. In preparing and
15 carrying out such a plan for funding or refunding the school
16 indebtedness, the district school board and the district
17 school superintendent shall follow the procedures prescribed
18 in this section, supplemented by rules of the State Board of
19 Education, except for the modifications which are herein
20 authorized.

21 Section 621. Section 1011.17, Florida Statutes, is
22 created to read:

23 1011.17 School funds to be paid to Treasurer or into
24 depository.--

25 (1) Every tax collector, or other person having moneys
26 which by law go to any district school fund shall at least
27 once each month pay the same over to the depository or
28 depositories designated by the district school board for such
29 purpose, and shall provide said board with confirmation of the
30 deposit. Every officer having moneys which by law go to any
31 state school fund, shall pay the same to the Treasurer of the

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1 state, and the Treasurer shall see that these moneys are
2 deposited to the credit of the proper state school fund.

3 (2) The district school board shall have the authority
4 to designate that funds due it be placed for investment for
5 its account with the State Board of Administration rather than
6 be deposited, and said board may direct those persons having
7 moneys due it or due any state school fund to pay out such
8 funds to the State Board of Administration to make authorized
9 investments for its account.

10 Section 622. Section 1011.18, Florida Statutes, is
11 created to read:

12 1011.18 School depositories; payments into and
13 withdrawals from depositories.--

14 (1) SCHOOL FUNDS TO BE PAID INTO DEPOSITORIES.--The
15 tax collector, the clerk of the circuit court, the
16 superintendent, and all other persons having, receiving, or
17 collecting any money payable to the school district shall
18 promptly pay the same to the bank or banks selected by the
19 district school board to receive funds for that purpose. No
20 bank shall be so selected unless it is qualified as an
21 approved depository as provided by law. Each bank receiving
22 any school money as provided herein shall make a receipt for
23 same.

24 (2) INVESTMENT OF FUNDS DUE.--The district school
25 board shall have the authority to designate that funds due it
26 be placed for investment for its account with the State Board
27 of Administration rather than be deposited, and the district
28 school board may direct those persons having moneys due it or
29 due any state school fund to pay out such funds to the State
30 Board of Administration to make authorized investments for its
31 account.

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1 (3) FUNDS ON DEPOSIT WITH EACH DEPOSITORY; OVERDRAWING
2 ACCOUNTS PROHIBITED.--The district school board shall require
3 an accurate and complete set of accounts to be maintained in
4 the books and records for each fund on deposit in each
5 district school depository. Each such account shall show the
6 amount subject to withdrawal, the amount deposited, the amount
7 expended, and the balance of the account. In compliance with
8 the provisions of this subsection, a district school board may
9 maintain a separate checking account for each such fund or may
10 utilize a single checking account for the deposit and
11 withdrawal of moneys from all funds and segregate the various
12 funds on the books and records only. No check or warrant shall
13 be drawn in excess of the balance to the credit of the
14 appropriate fund. The funds awaiting clearing may be invested
15 in an approved county depository in instruments earning
16 interest, such as repurchase agreements, savings accounts,
17 etc. If repurchase agreements are involved, United States
18 Treasury securities or GNMA's must be pledged as collateral
19 for an amount to exceed the principal, interest, and a
20 reasonable safety margin for protection against date-to-date
21 price fluctuation.

22 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money
23 drawn from any district school depository holding same as
24 prescribed herein shall be upon a check or warrant drawn on
25 authority of the district school board as prescribed by law.
26 Each check or warrant shall be signed by the chair or, in his
27 or her absence, the vice chair of the district school board
28 and countersigned by the district school superintendent, with
29 corporate seal of the school board affixed. However, as a
30 matter of convenience, the corporate seal of the district
31 school board may be printed upon the warrant and a proper

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1 record of such warrant shall be maintained. The district
2 school board may by resolution, a copy of which must be
3 delivered to the depository, provide for internal funds to be
4 withdrawn from any district depository by a check duly signed
5 by at least two bonded school employees designated by the
6 board to be responsible for administering such funds. However,
7 the district school superintendent or his or her designee,
8 after having been by resolution specifically authorized by the
9 district school board, may transfer funds from one depository
10 to another, within a depository, to another institution, or
11 from another institution to a depository for investment
12 purposes and may transfer funds in a similar manner when the
13 transfer does not represent an expenditure, advance, or
14 reduction of cash assets. Such transfer may be made by
15 electronic, telephonic, or other medium; and each transfer
16 shall be confirmed in writing and signed by the district
17 school superintendent or his or her designee.

18 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The
19 district school board is authorized to establish the form or
20 forms of warrants, which are to be signed by the chair or, in
21 his or her absence, the vice chair of the district school
22 board and countersigned by the district school superintendent,
23 for payment or disbursement of moneys out of the school
24 depository and to change the form thereof from time to time as
25 the district school board deems appropriate. If authorized in
26 writing by the payee, such district school board warrants may
27 provide for the direct deposit of funds to the account of the
28 payee in any financial institution that is designated in
29 writing by the payee and that has lawful authority to accept
30 such deposits. The written authorization of the payee must be
31 filed with the district school board. Direct deposit of funds

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1 may be by any electronic or other medium approved by the
2 district school board for such purpose. The State Board of
3 Education shall adopt rules prescribing minimum security
4 measures that must be implemented by any district school board
5 before establishing the system authorized in this subsection.

6 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND
7 THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

8 (a) Each district school board is authorized to
9 contract with an approved service organization to provide
10 self-insurance services, including, but not limited to, the
11 evaluation, settlement, and payment of self-insurance claims
12 on behalf of the district school board. Pursuant to such
13 contract, the district school board may advance money to the
14 service organization to be deposited in a special checking
15 account for paying claims against the district school board
16 under its self-insurance program. The special checking
17 account shall be maintained in a designated district school
18 depository. The district school board may replenish such
19 account as often as necessary upon the presentation by the
20 service organization of documentation for claims paid equal to
21 the amount of the requested reimbursement. Such replenishment
22 shall be made by a warrant signed by the chair of the district
23 school board and countersigned by the district school
24 superintendent. Such replenishment may be made by electronic,
25 telephonic, or other medium, and each transfer shall be
26 confirmed in writing and signed by the superintendent or his
27 or her designee.

28 (b) The district school board may contract with an
29 insurance company or professional administrator who holds a
30 valid certificate of authority issued by the Department of
31 Insurance to provide any or all services that a third-party

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1 administrator is authorized by law to perform. Pursuant to
2 such contract, the district school board may advance or remit
3 money to the administrator to be deposited in a designated
4 special checking account for paying claims against the
5 district school board under its self-insurance programs, and
6 remitting premiums to the providers of insured benefits on
7 behalf of the district school board and the participants in
8 such programs, and otherwise fulfilling the obligations
9 imposed upon the administrator by law and the contractual
10 agreements between the district school board and the
11 administrator. The special checking account shall be
12 maintained in a designated district school depository. The
13 district school board may replenish such account as often as
14 necessary upon the presentation by the service organization of
15 documentation for claims or premiums due paid equal to the
16 amount of the requested reimbursement. Such replenishment
17 shall be made by a warrant signed by the chair of the district
18 school board and countersigned by the district school
19 superintendent. Such replenishment may be made by electronic,
20 telephonic, or other medium, and each transfer shall be
21 confirmed in writing and signed by the district school
22 superintendent or his or her designee. The provisions of
23 strict accountability of all funds and an annual audit by an
24 independent certified public accountant as provided in s.
25 1001.42(10)(k) shall apply to this subsection.

26 Section 623. Section 1011.19, Florida Statutes, is
27 created to read:

28 1011.19 Sources of district school fund.--The district
29 school fund shall consist of funds derived from the district
30 school tax levy; state appropriations; appropriations by
31 county commissioners; local, state, and federal school food

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1 service funds; any and all other sources for school purposes;
2 national forest trust funds and other federal sources; and
3 gifts and other sources.

4 Section 624. Section 1011.20, Florida Statutes, is
5 created to read:

6 1011.20 Apportionment and use of district school
7 fund.--The district school fund shall be apportioned, expended
8 and disbursed in the district solely for the support of the
9 public schools of the district as prescribed by law; provided,
10 however, that the district school fund shall also be used to
11 pay the principal and interest on bonds legally issued and
12 payable from said fund, together with other proper items of
13 debt service against such fund, including any necessary
14 refunding expense as prescribed by rules of the State Board of
15 Education. The district school board shall, before the
16 maturity of such bonds or other indebtedness and before
17 interest due dates, deposit with the paying agent or make
18 available, as designated in the resolution authorizing the
19 issuance of the bonds or other legal evidences of
20 indebtedness, sufficient funds with which to pay all principal
21 and interest when due; provided, that when such funds have
22 been so deposited with the paying agent or made available, all
23 interest on the indebtedness represented by the maturing
24 bonds, coupons or other evidences of indebtedness shall cease
25 as of their maturity dates; and provided, further, that if any
26 such bonds, coupons or other evidences of indebtedness are not
27 presented for payment within 6 months after the date on which
28 they mature, the funds shall be returned to the district
29 school board and shall be placed by said board in the district
30 school fund and the district school board shall pay said
31 bonds, coupons or other evidences of indebtedness from said

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1 fund when presented for payment. Any holder of bonds, coupons
2 or other indebtedness claiming interest after maturity on
3 account of the fact that funds were not deposited with the
4 paying agent or made available to pay such bonds, coupons or
5 other indebtedness at maturity, shall be required to produce
6 evidence in the form of a letter from the paying agent or the
7 district school board, respectively, acknowledging that the
8 bonds, coupons and other evidences of indebtedness upon which
9 interest is claimed were presented for payment, that no funds
10 were available for the payment thereof, that such bonds,
11 coupons and other evidences of indebtedness were presented for
12 payment at least annually thereafter and that no funds were
13 available to pay such indebtedness. The paying agent or the
14 district school board, whichever has the duty of holding the
15 funds, shall, upon request of the holder of defaulted bonds,
16 coupons or other evidences of indebtedness, furnish to such
17 holder the letter required herein. When such evidence is
18 presented the district school fund shall be liable for the
19 payment of principal and interest on the bonds, coupons or
20 other evidences of indebtedness from maturity until paid at
21 the rate prescribed on the face thereof. If at any time any
22 bonds, coupons or other evidences of indebtedness are reduced
23 to judgment, the district school fund shall be responsible for
24 past due interest only at the rate prescribed by the bonds or
25 other evidences of indebtedness and any rate of interest in
26 excess of that amount shall be illegal and invalid. Such
27 judgments shall bear interest at the rate of 5 percent per
28 annum until paid. When any proposal for refunding the
29 indebtedness against said district school fund has been
30 prepared and approved by the State Board of Education, as
31 required by law, and when the holders of at least 80 percent

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1 of the outstanding indebtedness against said fund have agreed
2 in writing to the refunding plan, the district school board
3 shall be authorized to pay, out of the district school fund,
4 from and after that date, on the original and refunding bonds
5 or other evidences of indebtedness only the rate of interest
6 which has been agreed upon for the refunding bonds or other
7 evidences of indebtedness and no owner or holder of a bond,
8 coupon or other evidence of indebtedness shall be entitled to
9 a higher rate of interest after that date; provided, that such
10 owner or holder shall be given the option by the district
11 school board of receiving payment in cash for all principal
12 and interest due on the bonds and coupons or other evidence of
13 indebtedness he or she holds at the same rate at which the
14 remaining indebtedness has been refunded.

15 Section 625. Section 1011.21, Florida Statutes, is
16 created to read:

17 1011.21 Source and use of district interest and
18 sinking fund.--The district interest and sinking fund of any
19 school district shall comprise the proceeds of the tax levied
20 for the purpose of paying the principal and interest of bonds
21 outstanding against the district as provided in this chapter
22 and in addition such funds as may accrue to the credit of the
23 district interest and sinking fund from interest on deposits,
24 investments or other sources. The district interest and
25 sinking fund in each district shall be used to pay the
26 principal and interest on bonds legally issued against the
27 district and other proper items of debt service against such
28 district, including any necessary refunding expense as
29 prescribed by rules of the State Board of Education. The
30 district school board shall, before the maturity of bonds and
31 before interest due dates, deposit with the paying agent or

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1 make available, as designated in the resolution authorizing
2 the issuance of bonds, sufficient money of the district
3 interest and sinking fund with which to pay all principal and
4 interest when due; provided, that when such money has been so
5 deposited with the paying agent or made available, all
6 interest on the indebtedness represented by the maturing bonds
7 or coupons shall cease as of their maturity dates; and
8 provided, further, that if any such bonds or coupons are not
9 presented for payment within 6 months after the date on which
10 they mature, the money shall be returned to the district
11 school board and shall be held by the board as a reserve fund
12 in the account of the district interest and sinking fund until
13 the bonds and coupons are presented for payment. Any holder
14 of bonds or coupons claiming interest after maturity shall be
15 required to produce evidence in the form of a letter from the
16 paying agent or the district school board of the district,
17 respectively, acknowledging that the bonds or coupons upon
18 which interest is claimed were presented for payment upon
19 maturity, that no funds were available for the payment
20 thereof, that such bonds or coupons were presented for payment
21 at least annually thereafter and that no funds were available
22 to pay such bonds or coupons. The paying agent or the
23 district school board, whichever has the duty of holding the
24 money shall, upon request of the holder of defaulted bonds or
25 coupons, furnish to such holder the letter required herein.
26 When such evidence is presented, the district interest and
27 sinking fund shall be liable for the payment of principal and
28 interest on the bonds and coupons from maturity until paid at
29 the rate prescribed on the face of the bonds. If at any time
30 any bonds or coupons are reduced to judgment, the district
31 interest and sinking fund shall be responsible for past due

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1 interest only at the rate prescribed by the bonds and any rate
2 of interest in excess of that amount shall be illegal and
3 invalid. Such judgments shall bear interest at the rate of 5
4 percent per annum until paid. When any proposal for refunding
5 the indebtedness against any district has been prepared and
6 approved by the Department of Education, as required by law,
7 and when the holders of at least 80 percent of the outstanding
8 indebtedness represented by the bond issue have agreed in
9 writing to the refunding plan, the district school board shall
10 be authorized to pay, from and after that date on the original
11 and refunding bonds from the district interest and sinking
12 fund, only the rate of interest which has been agreed upon for
13 the refunding bonds and no owner or holder of a bond or coupon
14 shall be entitled to a higher rate of interest after that
15 date; provided, that such owner or holder shall be given the
16 option by the school board of receiving payment in cash for
17 all principal and interest due on the bonds and coupons he or
18 she holds at the same rate at which the remaining bonds and
19 coupons have been refunded.

20 Section 626. Section 1011.22, Florida Statutes, is
21 created to read:

22 1011.22 Interest and sinking funds may be invested in
23 certain bonds, warrants, and notes.--Each district school
24 board shall have the power at all times to invest the interest
25 and sinking funds collected for the retirement of any bonds of
26 the school district in any investment as authorized in s.
27 1010.53(2). The district school board shall have authority at
28 any time to use the interest and sinking fund of any district
29 for purchasing, for the purpose of canceling and retiring,
30 bonds outstanding against the interest and sinking fund of
31 said district at any price which will result in a net saving

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1 to the taxpayers of the district; provided, always, that the
2 district school board shall have the right to keep the
3 interest and sinking fund on deposit earning the rate of
4 interest agreed upon until such time as within its judgment it
5 may be able to invest it in bonds, warrants, or notes to
6 better advantage as provided herein.

7 Section 627. Section 1011.23, Florida Statutes, is
8 created to read:

9 1011.23 Disposition of balance in interest and sinking
10 fund.--If all principal and interest outstanding against any
11 school district shall have been paid, and there shall still
12 remain a balance in the interest and sinking fund to the
13 credit of that district, the district school board shall, by
14 resolution, authorize this balance to be transferred to the
15 credit of the district school fund.

16 Section 628. Section 1011.24, Florida Statutes, is
17 created to read:

18 1011.24 Special district units.--For the purposes of
19 funding through chapters 1011 and 1013, developmental research
20 schools shall be designated as special school districts. Such
21 districts shall be accountable to the Department of Education
22 for budget requests and reports on expenditures.

23 Section 629. Part I.b. of chapter 1011, Florida
24 Statutes, shall be entitled "Community Colleges: Preparation,
25 Adoption, and Implementation of Budgets" and shall consist of
26 ss. 1011.30-1011.32.

27 Section 630. Section 1011.30, Florida Statutes, is
28 created to read:

29 1011.30 Budgets for community colleges.--Each
30 community college president shall recommend to the community
31 college board of trustees a budget of income and expenditures

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1 at such time and in such form as the State Board of Education
2 may prescribe. Upon approval of a budget by the community
3 college board of trustees, such budget shall be transmitted to
4 the Department of Education for review and approval. Rules of
5 the State Board of Education shall prescribe procedures for
6 effecting budget amendments subsequent to the final approval
7 of a budget for a given year.

8 Section 631. Section 1011.31, Florida Statutes, is
9 created to read:

10 1011.31 Current loans to community college boards of
11 trustees.--

12 (1) At any time the current funds on hand are
13 insufficient to pay obligations created by a community college
14 board of trustees in accordance with the approved budget of
15 the community college, the community college board of trustees
16 may request approval by the Commissioner of Education of a
17 proposal to negotiate a current loan, with provisions for the
18 repayment of such loan during the fiscal year in which the
19 loan is made, in order to meet these obligations.

20 (2) The Commissioner of Education shall approve such
21 proposal when, in his opinion, the proposal is reasonable and
22 just, the expenditure is necessary, and revenues sufficient to
23 meet the requirements of the loan can reasonably be
24 anticipated.

25 Section 632. Section 1011.32, Florida Statutes, is
26 created to read:

27 1011.32 Community College Facility Enhancement
28 Challenge Grant Program.--

29 (1) The Legislature recognizes that the community
30 colleges do not have sufficient physical facilities to meet
31 the current demands of their instructional and community

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1 programs. It further recognizes that, to strengthen and
2 enhance community colleges, it is necessary to provide
3 facilities in addition to those currently available from
4 existing revenue sources. It further recognizes that there are
5 sources of private support that, if matched with state
6 support, can assist in constructing much needed facilities and
7 strengthen the commitment of citizens and organizations in
8 promoting excellence at each community college. Therefore, it
9 is the intent of the Legislature to establish a program to
10 provide the opportunity for each community college through its
11 direct-support organization to receive and match challenge
12 grants for instructional and community-related capital
13 facilities within the community college.

14 (2) There is established the Community College
15 Facility Enhancement Challenge Grant Program for the purpose
16 of assisting the community colleges in building high priority
17 instructional and community-related capital facilities
18 consistent with s. 1004.65, including common areas connecting
19 such facilities. The direct-support organizations that serve
20 the community colleges shall solicit gifts from private
21 sources to provide matching funds for capital facilities. For
22 the purposes of this section, private sources of funds shall
23 not include any federal or state government funds that a
24 community college may receive.

25 (3) The Community College Capital Facilities Matching
26 Program shall provide funds to match private contributions for
27 the development of high priority instructional and
28 community-related capital facilities, including common areas
29 connecting such facilities, within the community colleges.

30 (4) Within the direct-support organization of each
31 community college there must be established a separate capital

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1 facilities matching account for the purpose of providing
2 matching funds from the direct-support organization's
3 unrestricted donations or other private contributions for the
4 development of high priority instructional and
5 community-related capital facilities, including common areas
6 connecting such facilities. The Legislature shall appropriate
7 funds for distribution to a community college after matching
8 funds are certified by the direct-support organization and
9 community college. The Public Education Capital Outlay and
10 Debt Service Trust Fund shall not be used as the source of the
11 state match for private contributions.

12 (5) A project may not be initiated unless all private
13 funds for planning, construction, and equipping the facility
14 have been received and deposited in the direct-support
15 organization's matching account and the state's share for the
16 minimum amount of funds needed to begin the project has been
17 appropriated by the Legislature. The Legislature may
18 appropriate the state's matching funds in one or more fiscal
19 years for the planning, construction, and equipping of an
20 eligible facility. However, these requirements shall not
21 preclude the community college or direct-support organization
22 from expending available funds from private sources to develop
23 a prospectus, including preliminary architectural schematics
24 and/or models, for use in its efforts to raise private funds
25 for a facility. Additionally, any private sources of funds
26 expended for this purpose are eligible for state matching
27 funds should the project materialize as provided for in this
28 section.

29 (6) To be eligible to participate in the Community
30 College Facility Enhancement Challenge Grant Program, a
31 community college, through its direct-support organization,

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1 shall raise a contribution equal to one-half of the total cost
2 of a facilities construction project from private sources
3 which shall be matched by a state appropriation equal to the
4 amount raised for a facilities construction project, subject
5 to the General Appropriations Act.

6 (7) If the state's share of the required match is
7 insufficient to meet the requirements of subsection (6), the
8 community college shall renegotiate the terms of the
9 contribution with the donors. If the project is terminated,
10 each private donation, plus accrued interest, reverts to the
11 direct-support organization for remittance to the donor.

12 (8) By September 1 of each year, the State Board of
13 Education shall transmit to the Legislature a list of projects
14 which meet all eligibility requirements to participate in the
15 Community College Facility Enhancement Challenge Grant Program
16 and a budget request which includes the recommended schedule
17 necessary to complete each project.

18 (9) In order for a project to be eligible under this
19 program, it must be survey recommended under the provisions of
20 s. 1013.31 and included in the community colleges 5-year
21 capital improvement plan, and it must receive prior approval
22 from the State Board of Education.

23 (10) A community college project may not be removed
24 from the approved 3-year PECO priority list because of its
25 successful participation in this program until approved by the
26 Legislature and provided for in the General Appropriations
27 Act. When such a project is completed and removed from the
28 list, all other projects shall move up on the 3-year PECO
29 priority list.

30 (11) Any project funds that are unexpended after a
31 project is completed shall revert to the community college's

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1 direct-support organization capital facilities matching
2 account. Fifty percent of such unexpended funds shall be
3 reserved for the community college which originally received
4 the private contribution for the purpose of providing private
5 matching funds for future facility construction projects as
6 provided in this section. The balance of such unexpended funds
7 shall be returned to the General Revenue Fund.

8 (12) The surveys, architectural plans, facility, and
9 equipment shall be the property of the participating community
10 college. A facility constructed under this section may be
11 named in honor of a donor at the option of the community
12 college district board of trustees. A facility may not be
13 named after a living person without prior approval by the
14 State Board of Education.

15 Section 633. Part I.c. of chapter 1011, Florida
16 Statutes, shall be entitled "Universities: Preparation,
17 Adoption, and Implementation of Budgets" and shall consist of
18 ss. 1011.40-1011.52.

19 Section 634. Section 1011.40, Florida Statutes, is
20 created to read:

21 1011.40 Budgets for universities.--

22 (1) LEGISLATIVE BUDGET REQUEST.--The State Board of
23 Education shall provide instructions, guidelines, and standard
24 formats to be used by each university that will provide to the
25 State Board of Education and the Legislature adequate
26 information to support and justify the legislative budget
27 requests submitted pursuant to ss. 216.023, 1013.60, and
28 1011.90 for each university.

29 (2) OPERATING BUDGET.--Each university board of
30 trustees shall adopt an operating budget for the operation of
31 the university as prescribed by law and rules of the State

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1 Board of Education. Each university president shall prepare
2 and implement the operating budget of the university as
3 prescribed by law, rules of the State Board of Education,
4 policies of the university board of trustees, and provisions
5 of the General Appropriations Act. The proposed expenditures,
6 plus transfers, and balances shall not exceed the estimated
7 income, transfers, and balances. The budget and each part
8 thereof shall balance. If at any time the unencumbered balance
9 in the education and general fund of the university board of
10 trustees approved operating budget goes below five percent,
11 the president shall provide written notification to the State
12 Board of Education.

13 (3) EXPENDITURES.--Expenditures from any source of
14 funds by any university shall not exceed the funds available.
15 Expenditures shall not exceed the amount budgeted under each
16 classification of accounts for each fund and the total amount
17 of the budget, as amended as prescribed by rules of the State
18 Board of Education. No expenditure of funds, contract, or
19 agreement of any nature shall be made that requires additional
20 appropriation of funds by the Legislature unless specifically
21 authorized in advance by law or the General Appropriations
22 Act.

23 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated
24 in the General Appropriations Act for the operation of state
25 universities shall be distributed by the State Board of
26 Education to the universities twice monthly. The Executive
27 Office of the Governor may modify this schedule if required to
28 meet specific needs of a university.

29 Section 635. Section 1011.41, Florida Statutes, is
30 created to read:

31 1011.41 University appropriations.--Funds for the

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1 general operations of universities shall be requested and
2 appropriated as Aid to Local Governments Grants and Aids,
3 subject to provisions of the General Appropriations Act.

4 Section 636. Section 1011.4105, Florida Statutes, is
5 created to read:

6 1011.4105 Transition from state accounting system
7 (FLAIR) to university accounting system.--

8 (1) Universities and colleges under the supervision of
9 the State Board of Education shall use the state accounting
10 system (FLAIR) for fiscal year 2002-2003. The universities
11 shall not be required to provide funds to the Department of
12 Banking and Finance for the utilization of FLAIR.

13 (2) Beginning with the 2003-2004 fiscal year any
14 university may transition from FLAIR to the university's
15 accounting system.

16 (3) To accomplish the transition from FLAIR to a
17 university's accounting system the university board of
18 trustees must submit to the State Board of Education a plan
19 developed in cooperation with the State Comptroller (Chief
20 Financial Officer.) The plan must contain the actions the
21 university will take, or has taken, to implement this
22 transition. The plan must provide time lines for completion of
23 actions and the target date the university will have
24 implemented and tested parallel systems with appropriate audit
25 and internal controls in place that will enable the university
26 to satisfactorily and timely perform all accounting and
27 reporting functions required by State and Federal law and
28 rules of the State Board of Education.

29 (4) When a university is ready to transition from
30 FLAIR to its own system, the State Board of Education shall
31 verify that the system the university has implemented and

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1 tested is adequate for the university, the university has
2 appropriate audit and internal controls in place, the
3 university has the resources required to operate and maintain
4 the system, and that the university and the State Comptroller
5 (Chief Financial Officer) are prepared to implement the
6 transition. The State Board of Education shall submit to the
7 Executive Office of the Governor and the Chairs of the
8 Appropriations Committees of the Senate and House of
9 Representatives confirmation of this verification and the date
10 the transition will be effective. Transition for any
11 university shall not take place until after the State Board of
12 Education has submitted this confirmation.

13 (5) The State Board of Education in cooperation with
14 each university and the Department of Banking and Finance
15 shall develop a plan and establish the deadline for all
16 universities to have completed the transition from FLAIR. The
17 Board shall submit a copy of this plan to the Executive Office
18 of the Governor and the Chairs of the Appropriations
19 Committees of the Senate and House of Representatives.

20 Section 637. Section 1011.4106, Florida Statutes, is
21 created to read:

22 1011.4106 Trust fund dissolution.--Notwithstanding the
23 provisions of ss. 215.3206(2) and 215.3208(2), and pursuant to
24 s. 216.351, all unexpended balances as of June 30, 2002 in the
25 following state university system trust funds are hereby
26 appropriated to the appropriate accounts of each university
27 based upon the original source of the trust fund revenue and
28 any accrued interest: the Education/General Student and Other
29 Fees Trust Fund, the Experiment Station Federal Grant Trust
30 Fund, the Experiment Station Incidental Trust Fund, the
31 Extension Service Federal Grant Trust Fund, the Extension

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1 Service Incidental Trust Fund, the Incidental Trust Fund, the
2 UF Health Center Operations and Maintenance Trust Fund, the
3 Operations and Maintenance Trust Fund, and all other trust
4 funds in the State Treasury for universities. Expenditure of
5 these funds by each university must be based on the laws,
6 rules, grant agreements, or other legal controlling factors
7 associated with all trust fund balances which are appropriated
8 to local accounts pursuant to this section, and included in
9 each university board of trustees' approved operating budget.
10 Each university shall be responsible for the payment of
11 outstanding debts or obligations associated with these funds.

12 Section 638. Section 1011.411, Florida Statutes, is
13 created to read:

14 1011.411 Budgets for sponsored research at
15 universities.--Funds for sponsored research at each university
16 shall be budgeted and expended pursuant to ss. 1010.30 and
17 1011.42.

18 Section 639. Section 1011.42, Florida Statutes, is
19 created to read:

20 1011.42 University depositories; deposits into and
21 withdrawals from depositories.--

22 (1) The board of trustees of each university shall
23 designate the depositories in which any university funds may
24 be deposited. No bank shall be designated unless it is a
25 qualified depository as provided by Florida Statutes.

26 (2) All funds received by a university, from whatever
27 source and for whatever purpose, shall promptly be deposited
28 in a board of trustees approved qualified depository.

29 (3) The board of trustees shall require an accurate
30 and complete set of accounts to be maintained in the books and
31 records for each fund on deposit in each university

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1 depository. Each account shall show the amount subject to
2 withdrawal, the amount deposited, the amount expended, and the
3 balance of the account.

4 (4) The university may maintain a separate checking
5 account for each fund or may utilize a single checking account
6 for the deposit and withdrawal of moneys from all funds and
7 segregate the various funds on the books and records only. No
8 check or withdrawal shall be drawn in excess of the balance to
9 the credit of the appropriate fund.

10 (5) Funds awaiting clearing may be invested in
11 investments earning interest in a qualified depository, in the
12 State Treasury, and in the State Board of Administration.
13 Investments of university funds shall comply with the
14 requirements of Florida Statutes for the investment of public
15 funds by local government. Due diligence shall be exercised to
16 assure that the highest available amount of earnings is
17 obtained on investments.

18 (6) The university president or his designee, after
19 having been specifically authorized by the university board of
20 trustees, may transfer funds from one depository to another,
21 within a depository, to another institution, or from another
22 institution to a depository for investment purposes and may
23 transfer funds in a similar manner when the transfer does not
24 represent an expenditure, advance, or reduction of cash
25 assets.

26 (7) The university board of trustees shall
27 specifically designate and spread upon the minutes of the
28 board the legal name and position title of any university
29 employee authorized to sign checks to pay legal obligations of
30 the university.

31 Section 640. Section 1011.43, Florida Statutes, is

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1 created to read:

2 1011.43 Investment of university agency and activity
3 funds; earnings used for scholarships.--Each university is
4 authorized to invest available agency and activity funds and
5 to use the earnings from such investments for student
6 scholarships and loans. The university board of trustees shall
7 provide procedures for the administration of these
8 scholarships and loans by rules.

9 Section 641. Section 1011.45, Florida Statutes, is
10 created to read:

11 1011.45 End of year balance of funds.--Unexpended
12 amounts in any fund in a university current year operating
13 budget shall be carried forward and included as the balance
14 forward for that fund in the approved operating budget for the
15 following year.

16 Section 642. Section 1011.47, Florida Statutes, is
17 created to read:

18 1011.47 Auxiliary enterprises; contracts, grants, and
19 donations.--As used in s. 19(f)(3), Art. III of the State
20 Constitution, the term:

21 (1) "Auxiliary enterprises" includes activities that
22 directly or indirectly provide a product or a service, or
23 both, to a university or its students, faculty, or staff and
24 for which a charge is made. These auxiliary enterprises are
25 business activities of a university which require no support
26 from the General Revenue Fund, and include activities such as
27 housing, bookstores, student health services, continuing
28 education programs, food services, college stores, operation
29 of vending machines, specialty shops, day care centers, golf
30 courses, student activities programs, data center operations,
31 and intercollegiate athletics programs.

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1 (2) "Contracts, grants, and donations" includes
2 noneducational and general funding sources in support of
3 research, public services, and training. The term includes
4 grants and donations, sponsored-research contracts, and
5 Department of Education funding for developmental research
6 schools and other activities for which the funds are deposited
7 outside the State Treasury.

8 Section 643. Section 1011.48, Florida Statutes, is
9 created to read:

10 1011.48 Establishment of educational research centers
11 for child development.--

12 (1) Upon approval of the university president, the
13 student government association of any state university may
14 establish an educational research center for child development
15 in accordance with the provisions of this section. Each such
16 center shall be a child day care center established to provide
17 care for the children of students, both graduate and
18 undergraduate, faculty, and other staff and employees of the
19 university and to provide an opportunity for interested
20 schools or departments of the university to conduct
21 educational research programs and establish internship
22 programs within such centers. Whenever possible, such center
23 shall be located on the campus of the university. There shall
24 be a director of each center, selected by the board of
25 directors of the center.

26 (2) There shall be a board of directors for each
27 educational research center for child development, consisting
28 of the president of the university or his or her designee, the
29 student government president or his or her designee, the chair
30 of each department participating in the center or his or her
31 designee, and one parent for each 50 children enrolled in the

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1 center, elected by the parents of children enrolled in the
2 center. The director of the center shall be an ex officio,
3 nonvoting member of the board. The board shall establish local
4 policies and perform local oversight and operational guidance
5 for the center.

6 (3) Each center is authorized to charge fees for the
7 care and services it provides. Such fees must be approved by
8 the State Board of Education and may be imposed on a sliding
9 scale based on ability to pay or any other factors deemed
10 relevant by the board.

11 (4) The State Board of Education is authorized and
12 directed to promulgate rules for the establishment, operation,
13 and supervision of educational research centers for child
14 development. Such rules shall include, but need not be limited
15 to: a defined method of establishment of and participation in
16 the operation of centers by the appropriate student government
17 associations; guidelines for the establishment of an intern
18 program in each center; and guidelines for the receipt and
19 monitoring of funds from grants and other sources of funds
20 consistent with existing laws.

21 (5) Each educational research center for child
22 development shall be funded by a portion of the Capital
23 Improvement Trust Fund fee established by the State Board of
24 Education pursuant to s. 1009.24(7). Each university that
25 establishes a center shall receive a portion of such fees
26 collected from the students enrolled at that university,
27 usable only at that university, equal to 22.5 cents per
28 student per credit hour taken per term, based on the summer
29 term and fall and spring semesters. This allocation shall be
30 used by the university only for the establishment and
31 operation of a center as provided by this section and rules

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1 promulgated hereunder. Said allocation may be made only after
2 all bond obligations required to be paid from such fees have
3 been met.

4 Section 644. Section 1011.49, Florida Statutes, is
5 created to read:

6 1011.49 Assent to Smith-Lever Act; university board of
7 trustees authorized to receive grants.--The Legislature, in
8 behalf of and for the state, assents to, and gives its assent
9 to, the provisions and requirements of the Act of Congress
10 commonly known as the "Smith-Lever Act," and all acts
11 supplemental thereto, and the University of Florida Board of
12 Trustees, having supervision over and control of the
13 University of Florida, located at Gainesville, may receive the
14 grants of money appropriated under said Act of Congress and
15 organize and conduct agricultural and home economics extension
16 work, which shall be carried on in connection with the
17 University of Florida Institute of Food and Agricultural
18 Sciences, in accordance with the terms and conditions
19 expressed in said Act of Congress.

20 Section 645. Section 1011.50, Florida Statutes, is
21 created to read:

22 1011.50 Agricultural experiment stations; assent to
23 Act of Congress; federal appropriation.--The objects and
24 purposes contained in the Act of Congress entitled "An Act to
25 provide for an increased annual appropriation for agricultural
26 experiment stations and regulating the expenditure thereof"
27 are assented to; and the Board of Trustees of the University
28 of Florida is authorized to accept and receive the annual
29 appropriations for the use and benefit of the agricultural
30 experiment station fund of the Institute of Food and
31 Agricultural Sciences of the University of Florida, located at

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1 Gainesville, upon the terms and conditions contained in said
2 Act of Congress.

3 Section 646. Section 1011.501, Florida Statutes, is
4 created to read:

5 1011.501 Assent to ss. 1444 and 1445 of the Food and
6 Agriculture Act of 1977; board of trustees authorized to
7 receive grants, etc.--The assent of Legislature is given to
8 the provisions and requirements of ss. 1444 and 1445 of the
9 Act of Congress commonly known as the "Food and Agriculture
10 Act of 1977" and all acts supplemental thereto. The Board of
11 Trustees of the Florida Agricultural and Mechanical University
12 may receive grants of money appropriated under said sections
13 of said act and may organize and conduct agricultural
14 extension work and conduct agricultural research, which shall
15 be carried on in connection with the College of Engineering
16 Sciences, Technology and Agriculture of said Florida
17 Agricultural and Mechanical University, in accordance with the
18 terms and conditions expressed in the Act of Congress
19 aforsaid.

20 Section 647. Section 1011.51, Florida Statutes, is
21 created to read:

22 1011.51 Independent postsecondary endowment grants.--
23 (1) The Legislature finds and declares that accredited
24 baccalaureate-degree-granting independent nonprofit colleges
25 and universities are an integral part of the higher education
26 system in this state; that significant numbers of persons
27 choose to utilize these institutions for obtaining higher
28 education; that the burdens on public colleges and
29 universities are lessened because of the students that choose
30 to utilize these institutions for their higher education; that
31 having a strong system of baccalaureate-degree-granting

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1 independent nonprofit colleges and universities will improve
2 the educational, economic, and social well-being of the state;
3 and that creation of a state program to provide matching
4 endowment grants will improve the academic excellence of these
5 institutions and enhance educational opportunities for Florida
6 citizens, furthering the improvement of the overall
7 educational system in the state.

8 (2) There is established the Florida Postsecondary
9 Endowment Grants Program to be administered by the Department
10 of Education. The program shall provide matching endowment
11 grants to independent nonprofit colleges and universities in
12 Florida that meet the requirements of this section. The
13 Legislature shall designate funds for the program to be
14 transferred to the Grants and Donations Trust Fund from
15 available sources. All funds transferred to the trust fund,
16 or retained in the trust fund, shall be invested in accordance
17 with the provisions of chapter 215. Notwithstanding the
18 provisions of s. 216.301 and pursuant to s. 216.351, any
19 undisbursed balance remaining in the trust fund for the
20 program and income from investments and interest related
21 thereto shall remain in the trust fund and shall increase the
22 total funds available for such matching endowment grants.

23 (3) The matching endowment grants made available under
24 this section shall be made available to any independent
25 nonprofit college or university which:

26 (a) Is located in and chartered by the state.

27 (b) Is accredited by the Commission on Colleges of the
28 Southern Association of Colleges and Schools.

29 (c) Grants baccalaureate degrees.

30 (d) Is not a state university or community college.

31 (e) Has a secular purpose, so long as the receipt of

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1 state aid by students at the institution would not have the
2 primary effect of advancing or impeding religion or result in
3 an excessive entanglement between the state and any religious
4 sect.

5 (4)(a) The amounts appropriated for the program shall
6 be allocated by the Department of Education to each
7 independent nonprofit college or university that meets the
8 criteria of subsection (3) in the following manner:

9 1. Each such college or university that raises an
10 endowment contribution of at least \$50,000, but no more than
11 \$75,000, from private sources shall receive a matching
12 endowment grant equal to 70 percent of the private
13 contribution.

14 2. Each such college or university that raises an
15 endowment contribution in excess of \$75,000, but no more than
16 \$100,000, from private sources shall receive a matching
17 endowment grant equal to 75 percent of the private
18 contribution.

19 3. Each such college or university that raises an
20 endowment contribution in excess of \$100,000, but no more than
21 \$125,000, from private sources shall receive a matching
22 endowment grant equal to 80 percent of the private
23 contribution.

24 4. Each such college or university that raises an
25 endowment contribution in excess of \$125,000 from private
26 sources shall receive a matching endowment grant equal to 100
27 percent of the private contribution.

28 (b) The private sources may include combined
29 contributions for a common purpose, but shall not include
30 separate unrelated contributions. The state endowment
31 matching grant shall be disbursed to the independent nonprofit

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1 college or university upon certification by the college or
2 university that it has received and deposited the
3 proportionate amount specified in this subsection.

4 (c) Contributions may also be eligible for matching if
5 there is a commitment to make a donation of \$125,000, and an
6 initial payment of \$25,000 is accompanied by a written pledge
7 to provide the balance within 4 years after the date of such
8 initial payment. Payments on the balance must be at least
9 \$25,000 per year and shall be made on or before the
10 anniversary date of the initial payment. No matching
11 endowment grant shall be disbursed prior to collection of the
12 total pledged contribution from the private source, but a
13 pledged contribution shall encumber the matching endowment
14 grant for that independent nonprofit college or university.

15 (5)(a) By July 1 of each year, each independent
16 nonprofit college or university that desires to participate in
17 the program shall certify to the department its eligibility.
18 The department, upon receipt and acceptance of such
19 certifications, shall reserve an equal amount of the
20 additional funds for the program transferred to the Grants and
21 Donations Trust Fund for that fiscal year for each independent
22 nonprofit college or university that is eligible to
23 participate. An eligible independent nonprofit college or
24 university shall have 3 fiscal years within which to encumber
25 its share of trust funds reserved during the first 3 fiscal
26 years. After the third fiscal year, if any independent
27 nonprofit college or university does not fully utilize or
28 encumber its share of reserved trust funds for any single
29 fiscal year, such reserved funds shall be available in
30 subsequent fiscal years for the purposes of this program.

31 (b) Each eligible institution shall certify to the

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1 department its contributions for the year ending June 30,
2 1989. Only the qualified new contributions above the certified
3 base shall be calculated for the purpose of allocating grants
4 during the first 3 years of the program. In subsequent years,
5 only the qualified new contributions above the certified prior
6 year base shall be calculated for the purpose of allocating
7 such grants.

8 (6) Matching endowment grants made pursuant to this
9 section to a qualified independent nonprofit college or
10 university shall be placed in a separate restricted endowment
11 by such institution. The interest or other income accruing
12 from the endowment shall be expended exclusively for
13 professorships, library resources, scientific and technical
14 equipment, and nonathletic scholarships. Moreover, the funds
15 in the endowment shall not be used for pervasively sectarian
16 instruction, religious worship, or theology or divinity
17 programs or resources. The records of the endowment shall be
18 subject to review by the department and audit or examination
19 by the Auditor General and the Office of Program Policy
20 Analysis and Government Accountability. If any institution
21 receiving a matching endowment grant pursuant to this section
22 ceases operations and undergoes dissolution proceedings, then
23 all funds received pursuant to this section from the state
24 shall be returned.

25 (7) The State Board of Education shall adopt rules
26 necessary to implement this section.

27 (8) This section shall be implemented to the extent
28 specifically funded and authorized by law.

29 Section 648. Section 1011.52, Florida Statutes, is
30 created to read:

31 1011.52 Appropriation to first accredited medical

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1 school.--

2 (1) Subject to the provisions hereinafter set forth,
3 the Legislature shall provide an annual appropriation to the
4 first accredited medical school. Payments of moneys from such
5 appropriation shall be made semiannually at the beginning of
6 the first and third quarters.

7 (2) In order for a medical school to qualify under the
8 provisions of this section and to be entitled to the benefits
9 herein, such medical school:

10 (a) Must be primarily operated and established to
11 offer, afford, and render a medical education to residents of
12 the state qualifying for admission to such institution;

13 (b) Must be operated by a municipality or county of
14 this state, or by a nonprofit organization heretofore or
15 hereafter established exclusively for educational purposes;

16 (c) Must, upon the formation and establishment of an
17 accredited medical school, transmit and file with the
18 Department of Education documentary proof evidencing the facts
19 that such institution has been certified and approved by the
20 council on medical education and hospitals of the American
21 Medical Association and has adequately met the requirements of
22 that council in regard to its administrative facilities,
23 administrative plant, clinical facilities, curriculum, and all
24 other such requirements as may be necessary to qualify with
25 the council as a recognized, approved, and accredited medical
26 school;

27 (d) Must certify to the Department of Education the
28 name, address, and educational history of each student
29 approved and accepted for enrollment in such institution for
30 the ensuing school year.

31 (3) The Department of Education shall, within 60 days

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1 of the receipt of the student enrollment of the medical
2 school, pay to the school, each year, the amount appropriated
3 for students accepted and approved for enrollment in such
4 medical institution, provided each medical student is a legal
5 resident of the state or, if the student is not of legal age,
6 his or her parents or legal guardian are residents of the
7 state at the time of the student's acceptance and approval as
8 a medical student. In the event a student resigns or is
9 dismissed from such medical institution for any reason
10 whatsoever before the end of a school year, then the medical
11 institution shall, within 30 days from such dismissal or
12 resignation, remit to the state, through the Department of
13 Education, a pro rata amount of the sum before paid by the
14 state to the medical institution, which amount is to be
15 computed by dividing the total number of days in the school
16 year into the sum paid for that student and multiplying the
17 result by the total number of days remaining in such school
18 year after such resignation or dismissal.

19 (4) Such institution is prohibited from expending any
20 of the sums received under the terms of this section for any
21 purposes whatsoever, except for the operation and maintenance
22 of a medical school and for medical research. The institution
23 is further prohibited from expending any sums received under
24 the terms of this section for the construction or erection of
25 any buildings of any kind, nature, or description or for the
26 maintenance and operation of a hospital in any form or manner
27 whatsoever.

28 Section 649. Part I.d. of chapter 1011, Florida
29 Statutes, shall be entitled "Florida School for the Deaf and
30 the Blind: Preparation, Adoption, and Implementation of
31 Budgets" and shall consist of ss. 1011.55-1011.57.

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1 Section 650. Section 1011.55, Florida Statutes, is
2 created to read:

3 1011.55 Procedure for legislative budget requests for
4 the Florida School for the Deaf and the Blind.--

5 (1) The legislative budget request of the Florida
6 School for the Deaf and the Blind shall be prepared using the
7 same format, procedures, and timelines required for the
8 submission of the legislative budget of the Department of
9 Education. The Commissioner of Education shall include the
10 Florida School for the Deaf and the Blind in the department's
11 legislative budget request to the State Board of Education,
12 the Governor, and the Legislature. The legislative budget
13 request and the appropriation for the Florida School for the
14 Deaf and the Blind shall be a separate identifiable sum in the
15 public schools budget entity of the Department of Education.
16 The annual appropriation for the school shall be distributed
17 monthly in payments as nearly equal as possible.
18 Appropriations for textbooks, instructional technology, and
19 school buses may be released and distributed as necessary to
20 serve the instructional program for the students.

21 (2) Fixed capital outlay needs of the school shall
22 continue to be requested in the public education capital
23 outlay legislative budget request of the Department of
24 Education.

25 Section 651. Section 1011.56, Florida Statutes, is
26 created to read:

27 1011.56 Operating budget for the Florida School for
28 the Deaf and the Blind.--The president of the school shall
29 recommend to the board of trustees a budget of income and
30 expenditures at such time and in such form as the board of
31 trustees may prescribe. The board of trustees shall adopt

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1 procedures for the approval of budget amendments.

2 Section 652. Section 1011.57, Florida Statutes, is
3 created to read:

4 1011.57 Florida School for the Deaf and the Blind;
5 board of trustees; management flexibility.--

6 (1) Notwithstanding the provisions of ss. 216.031,
7 216.181, and 216.262 to the contrary and pursuant to the
8 provisions of s. 216.351, but subject to any guidelines
9 imposed in the General Appropriations Act, funds for the
10 operation of the Florida School for the Deaf and the Blind
11 shall be requested and appropriated within budget entities,
12 program components, program categories, lump sums, or special
13 categories. Funds appropriated to the Florida School for the
14 Deaf and the Blind for each program category, lump sum, or
15 special category may be transferred to traditional categories
16 for expenditure by the board of trustees of the school. The
17 board of trustees shall develop an annual operating budget
18 that allocates funds by program component and traditional
19 expenditure category.

20 (2) Notwithstanding the provisions of s. 216.181 and
21 pursuant to the provisions of s. 216.351, but subject to any
22 requirements imposed in the General Appropriations Act, no
23 lump-sum plan is required to implement the special categories,
24 program categories, or lump-sum appropriations. Upon release
25 of the special categories, program categories, or lump-sum
26 appropriations to the board of trustees, the Comptroller, upon
27 the request of the board of trustees, shall transfer or
28 reallocate funds to or among accounts established for
29 disbursement purposes. The board of trustees shall maintain
30 records to account for the original appropriation.

31 (3) Notwithstanding the provisions of ss. 216.031,

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1 216.181, 216.251, and 216.262 to the contrary and pursuant to
2 the provisions of s. 216.351, but subject to any requirements
3 imposed in the General Appropriations Act, the board of
4 trustees shall establish the authorized positions and may
5 amend such positions, within the total funds authorized
6 annually in the appropriations act.

7 Section 653. Part II of chapter 1011, Florida
8 Statutes, shall be entitled "Funding for School Districts" and
9 shall consist of ss. 1011.60-1011.77.

10 Section 654. Section 1011.60, Florida Statutes, is
11 created to read:

12 1011.60 Minimum requirements of the Florida Education
13 Finance Program.--Each district which participates in the
14 state appropriations for the Florida Education Finance Program
15 shall provide evidence of its effort to maintain an adequate
16 school program throughout the district and shall meet at least
17 the following requirements:

18 (1) ACCOUNTS AND REPORTS.--Maintain adequate and
19 accurate records, including a system of internal accounts for
20 individual schools, and file with the Department of Education,
21 in correct and proper form on or before the date due as fixed
22 by law or rule, each annual or periodic report that is
23 required by rules of the State Board of Education.

24 (2) MINIMUM TERM.--Operate all schools for a term of
25 at least 180 actual teaching days as prescribed in s.
26 1003.01(14) or the equivalent on an hourly basis as specified
27 by rules of the State Board of Education each school year. The
28 State Board of Education may prescribe procedures for
29 altering, and, upon written application, may alter, this
30 requirement during a national, state, or local emergency as it
31 may apply to an individual school or schools in any district

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1 or districts if, in the opinion of the board, it is not
2 feasible to make up lost days, and the apportionment may, at
3 the discretion of the Commissioner of Education and if the
4 board determines that the reduction of school days is caused
5 by the existence of a bona fide emergency, be reduced for such
6 district or districts in proportion to the decrease in the
7 length of term in any such school or schools. A strike, as
8 defined in s. 447.203(6), by employees of the school district
9 may not be considered an emergency.

10 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
11 appointment, promotion, transfer, suspension, and dismissal of
12 personnel.

13 (a) Such rules must conform to applicable law and
14 rules of the State Board of Education and must include the
15 duties and responsibilities of the district school
16 superintendent and school board pertaining to these and other
17 personnel matters.

18 (b) All personnel shall be paid in accordance with
19 payroll period schedules adopted by the school board and
20 included in the official salary schedule.

21 (c) No salary payment shall be paid to any employee in
22 advance of service being rendered.

23 (d) District school boards may authorize a maximum of
24 six paid legal holidays which shall apply to the 196 days of
25 service.

26 (e) Such rules may include reasonable time for
27 vacation and absences for further professional studies for
28 personnel employed on a 12-month basis.

29 (f) Such rules must require 12 calendar months of
30 service for such principals as prescribed by rules of the
31 State Board of Education and must require 10 months to include

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1 not less than 196 days of service, excluding Sundays and other
2 holidays, for all members of the instructional staff, with any
3 such service on a 12-month basis to include reasonable
4 allowance for vacation or further study as prescribed by the
5 school board in accordance with rules of the State Board of
6 Education.

7 (4) SALARY SCHEDULES.--Expend funds for salaries in
8 accordance with a salary schedule or schedules adopted by the
9 school board in accordance with the provisions of law and
10 rules of the State Board of Education. Expenditures for
11 salaries of instructional personnel must include compensation
12 based on employee performance demonstrated under s. 1012.34.

13 (5) BUDGETS.--Observe fully at all times all
14 requirements of law and rules of the State Board of Education
15 relating to the preparation, adoption, and execution of
16 budgets for district school boards.

17 (6) MINIMUM FINANCIAL EFFORT REQUIRED.--Make the
18 minimum financial effort required for the support of the
19 Florida Education Finance Program as prescribed in the current
20 year's General Appropriations Act.

21 (7) DISTRICT EDUCATIONAL PLANNING.--Maintain a system
22 of planning and evaluation as required by law.

23 (8) MINIMUM CLASSROOM EXPENDITURE
24 REQUIREMENTS.--Comply with the minimum classroom expenditure
25 requirements and associated reporting pursuant to s. 1011.64.

26 Section 655. Section 1011.61, Florida Statutes, is
27 created to read:

28 1011.61 Definitions.--Notwithstanding the provisions
29 of s. 1000.21, the following terms are defined as follows for
30 the purposes of the Florida Education Finance Program:

31 (1) A "full-time equivalent student" in each program

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1 of the district is defined in terms of full-time students and
2 part-time students as follows:

3 (a) A "full-time student" is one student on the
4 membership roll of one school program or a combination of
5 school programs listed in s. 1011.62(1)(c) for the school year
6 or the equivalent for:

7 1. Instruction in a standard school, comprising not
8 less than 900 net hours for a student in or at the grade level
9 of 4 through 12, or not less than 720 net hours for a student
10 in or at the grade level of kindergarten through grade 3 or in
11 an authorized prekindergarten exceptional program;

12 2. Instruction in a double-session school or a school
13 utilizing an experimental school calendar approved by the
14 Department of Education, comprising not less than the
15 equivalent of 810 net hours in grades 4 through 12 or not less
16 than 630 net hours in kindergarten through grade 3; or

17 3. Instruction comprising the appropriate number of
18 net hours set forth in subparagraph 1. or subparagraph 2. for
19 students who, within the past year, have moved with their
20 parents for the purpose of engaging in the farm labor or fish
21 industries, if a plan furnishing such an extended school day
22 or week, or a combination thereof, has been approved by the
23 commissioner. Such plan may be approved to accommodate the
24 needs of migrant students only or may serve all students in
25 schools having a high percentage of migrant students. The plan
26 described in this subparagraph is optional for any school
27 district and is not mandated by the state.

28 (b) A "part-time student" is a student on the active
29 membership roll of a school program or combination of school
30 programs listed in s. 1011.62(1)(c) who is less than a
31 full-time student.

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

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

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

8 (I) A full-time student, except a postsecondary or
9 adult student or a senior high school student enrolled in
10 adult education when such courses are required for high school
11 graduation, in a combination of programs listed in s.
12 1011.62(1)(c) shall be a fraction of a full-time equivalent
13 membership in each special program equal to the number of net
14 hours per school year for which he or she is a member, divided
15 by the appropriate number of hours set forth in subparagraph
16 (a)1. or subparagraph (a)2. The difference between that
17 fraction or sum of fractions and the maximum value as set
18 forth in subsection (4) for each full-time student is presumed
19 to be the balance of the student's time not spent in such
20 special education programs and shall be recorded as time in
21 the appropriate basic program.

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

24 2. A student in membership in a program scheduled for
25 more or less than 180 school days is a fraction of a full-time
26 equivalent membership equal to the number of instructional
27 hours in membership divided by the appropriate number of hours
28 set forth in subparagraph (a)1.; however, for the purposes of
29 this subparagraph, membership in programs scheduled for more
30 than 180 days is limited to students enrolled in juvenile
31 justice education programs.

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

(2) A "full-time equivalent student" is a student in grades 4 through 8 who is participating in a student-teacher adviser program conducted during homeroom period, who is a fraction of a full-time equivalent membership based on net hours in the program, with a maximum of 36 net hours in any fiscal year. Each district program shall be approved by the Department of Education.

(3) For the purpose of calculating the "current operation program," a student is in membership until he or she withdraws or until the close of the 11th consecutive school day of his or her absence, whichever comes first.

(4) The maximum value for funding a student in kindergarten through grade 12 or in a prekindergarten program for exceptional children as provided in s. 1003.21(1)(e), except for a student as set forth in sub-sub-subparagraph (1)(c)1.b.(I), is one full-time equivalent student membership for a school year or equivalent.

(5) The "Florida Education Finance Program" includes all programs and costs as provided in s. 1011.62.

(6) "Basic programs" include, but are not limited to, language arts, mathematics, art, music, physical education, science, and social studies.

Section 656. Effective upon this act becoming a law, section 1011.62, Florida Statutes, is created to read:

1011.62 Funds for operation of schools.--If the annual

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1 allocation from the Florida Education Finance Program to each
2 district for operation of schools is not determined in the
3 annual appropriations act or the substantive bill implementing
4 the annual appropriations act, it shall be determined as
5 follows:

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

10 (a) Determination of full-time equivalent
11 membership.--During each of several school weeks, including
12 scheduled intersessions of a year-round school program during
13 the fiscal year, a program membership survey of each school
14 shall be made by each district by aggregating the full-time
15 equivalent student membership of each program by school and by
16 district. The department shall establish the number and
17 interval of membership calculations, except that for basic and
18 special programs such calculations shall not exceed nine for
19 any fiscal year. The district's full-time equivalent
20 membership shall be computed and currently maintained in
21 accordance with regulations of the commissioner.

22 (b) Determination of base student allocation.--The
23 base student allocation for the Florida Education Finance
24 Program for kindergarten through grade 12 shall be determined
25 annually by the Legislature and shall be that amount
26 prescribed in the current year's General Appropriations Act.

27 (c) Determination of programs.--Cost factors based on
28 desired relative cost differences between the following
29 programs shall be established in the annual General
30 Appropriations Act. The Commissioner of Education shall
31 specify a matrix of services and intensity levels to be used

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1 by districts in the determination of the two weighted cost
2 factors for exceptional students with the highest levels of
3 need. For these students, the funding support level shall fund
4 the exceptional students' education program, with the
5 exception of extended school year services for students with
6 disabilities.

7 1. Basic programs.--

8 a. Kindergarten and grades 1, 2, and 3.

9 b. Grades 4, 5, 6, 7, and 8.

10 c. Grades 9, 10, 11, and 12.

11 2. Programs for exceptional students.--

12 a. Support Level IV.

13 b. Support Level V.

14 3. Secondary career and technical education
15 programs.--

16 4. English for Speakers of Other Languages.--

17 (d) Annual allocation calculation.--

18 1. The Department of Education is authorized and
19 directed to review all district programs and enrollment
20 projections and calculate a maximum total weighted full-time
21 equivalent student enrollment for each district for the K-12
22 FEFP.

23 2. Maximum enrollments calculated by the department
24 shall be derived from enrollment estimates used by the
25 Legislature to calculate the FEFP. If two or more districts
26 enter into an agreement under the provisions of s.
27 1001.42(4)(d), after the final enrollment estimate is agreed
28 upon, the amount of FTE specified in the agreement, not to
29 exceed the estimate for the specific program as identified in
30 paragraph (c), may be transferred from the participating
31 districts to the district providing the program.

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1 3. As part of its calculation of each district's
2 maximum total weighted full-time equivalent student
3 enrollment, the department shall establish separate enrollment
4 ceilings for each of two program groups. Group 1 shall be
5 composed of basic programs for grades K-3, grades 4-8, and
6 grades 9-12. Group 2 shall be composed of students in
7 exceptional student education programs, English for Speakers
8 of Other Languages programs, and all career and technical
9 programs in grades 7-12.

10 a. The weighted enrollment ceiling for group 2
11 programs shall be calculated by multiplying the final
12 enrollment conference estimate for each program by the
13 appropriate program weight. The weighted enrollment ceiling
14 for program group 2 shall be the sum of the weighted
15 enrollment ceilings for each program in the program group,
16 plus the increase in weighted full-time equivalent student
17 membership from the prior year for clients of the Department
18 of Children and Family Services and the Department of Juvenile
19 Justice.

20 b. If, for any calculation of the FEFP, the weighted
21 enrollment for program group 2, derived by multiplying actual
22 enrollments by appropriate program weights, exceeds the
23 enrollment ceiling for that group, the following procedure
24 shall be followed to reduce the weighted enrollment for that
25 group to equal the enrollment ceiling:

26 (I) The weighted enrollment ceiling for each program
27 in the program group shall be subtracted from the weighted
28 enrollment for that program derived from actual enrollments.

29 (II) If the difference calculated under
30 sub-sub-subparagraph (I) is greater than zero for any program,
31 a reduction proportion shall be computed for the program by

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1 dividing the absolute value of the difference by the total
2 amount by which the weighted enrollment for the program group
3 exceeds the weighted enrollment ceiling for the program group.

4 (III) The reduction proportion calculated under
5 sub-sub-subparagraph (II) shall be multiplied by the total
6 amount of the program group's enrollment over the ceiling as
7 calculated under sub-sub-subparagraph (I).

8 (IV) The prorated reduction amount calculated under
9 sub-sub-subparagraph (III) shall be subtracted from the
10 program's weighted enrollment. For any calculation of the
11 FEFP, the enrollment ceiling for group 1 shall be calculated
12 by multiplying the actual enrollment for each program in the
13 program group by its appropriate program weight.

14 c. For program group 2, the weighted enrollment
15 ceiling shall be a number not less than the sum obtained by:

16 (I) Multiplying the sum of reported FTE for all
17 programs in the program group that have a cost factor of 1.0
18 or more by 1.0, and

19 (II) By adding this number to the sum obtained by
20 multiplying the projected FTE for all programs with a cost
21 factor less than 1.0 by the actual cost factor.

22 4. Following completion of the weighted enrollment
23 ceiling calculation as provided in subparagraph 3., a
24 supplemental capping calculation shall be employed for those
25 districts that are over their weighted enrollment ceiling. For
26 each such district, the total reported unweighted FTE
27 enrollment for group 2 programs shall be compared with the
28 total appropriated unweighted FTE enrollment for group 2
29 programs. If the total reported unweighted FTE for group 2 is
30 greater than the appropriated unweighted FTE, then the excess
31 unweighted FTE up to the unweighted FTE transferred from group

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1 2 to group 1 for each district by the Public School FTE
2 Estimating Conference shall be funded at a weight of 1.0 and
3 added to the funded weighted FTE computed in subparagraph 3.

4 (e) Funding model for exceptional student education
5 programs.--

6 1.a. The funding model uses basic, at-risk, support
7 levels IV and V for exceptional students and career and
8 technical Florida Education Finance Program cost factors, and
9 a guaranteed allocation for exceptional student education
10 programs. Exceptional education cost factors are determined by
11 using a matrix of services to document the services that each
12 exceptional student will receive. The nature and intensity of
13 the services indicated on the matrix shall be consistent with
14 the services described in each exceptional student's
15 individual educational plan.

16 b. In order to generate funds using one of the two
17 weighted cost factors, a matrix of services must be completed
18 at the time of the student's initial placement into an
19 exceptional student education program and at least once every
20 3 years by personnel who have received approved training.
21 Nothing listed in the matrix shall be construed as limiting
22 the services a school district must provide in order to ensure
23 that exceptional students are provided a free, appropriate
24 public education.

25 c. Students identified as exceptional, in accordance
26 with chapter 6A-6, Florida Administrative Code, who do not
27 have a matrix of services as specified in sub-subparagraph b.
28 shall generate funds on the basis of full-time-equivalent
29 student membership in the Florida Education Finance Program at
30 the same funding level per student as provided for basic
31 students. Additional funds for these exceptional students will

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1 be provided through the guaranteed allocation designated in
2 subparagraph 2.

3 2. For students identified as exceptional who do not
4 have a matrix of services, there is created a guaranteed
5 allocation to provide these students with a free appropriate
6 public education, in accordance with s. 1001.42(4)(m) and
7 rules of the State Board of Education, which shall be
8 allocated annually to each school district in the amount
9 provided in the General Appropriations Act. These funds shall
10 be in addition to the funds appropriated on the basis of FTE
11 student membership in the Florida Education Finance Program,
12 and the amount allocated for each school district shall not be
13 recalculated during the year. These funds shall be used to
14 provide special education and related services for exceptional
15 students.

16 (f) Supplemental academic instruction; categorical
17 fund.--

18 1. There is created a categorical fund to provide
19 supplemental academic instruction to students in kindergarten
20 through grade 12. This paragraph may be cited as the
21 "Supplemental Academic Instruction Categorical Fund."

22 2. Categorical funds for supplemental academic
23 instruction shall be allocated annually to each school
24 district in the amount provided in the General Appropriations
25 Act. These funds shall be in addition to the funds
26 appropriated on the basis of FTE student membership in the
27 Florida Education Finance Program and shall be included in the
28 total potential funds of each district. These funds shall be
29 used to provide supplemental academic instruction to students
30 enrolled in the K-12 program. Supplemental instruction
31 strategies may include, but are not limited to: modified

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1 curriculum, reading instruction, after-school instruction,
2 tutoring, mentoring, class size reduction, extended school
3 year, intensive skills development in summer school, and other
4 methods for improving student achievement. Supplemental
5 instruction may be provided to a student in any manner and at
6 any time during or beyond the regular 180-day term identified
7 by the school as being the most effective and efficient way to
8 best help that student progress from grade to grade and to
9 graduate.

10 3. Effective with the 1999-2000 fiscal year, funding
11 on the basis of FTE membership beyond the 180-day regular term
12 shall be provided in the FEFP only for students enrolled in
13 juvenile justice education programs. Funding for instruction
14 beyond the regular 180-day school year for all other K-12
15 students shall be provided through the supplemental academic
16 instruction categorical fund and other state, federal, and
17 local fund sources with ample flexibility for schools to
18 provide supplemental instruction to assist students in
19 progressing from grade to grade and graduating.

20 4. The Florida State University School, as a
21 developmental research school, is authorized to expend from
22 its FEFP or Lottery Enhancement Trust Fund allocation the cost
23 to the student of remediation in reading, writing, or
24 mathematics for any graduate who requires remediation at a
25 postsecondary educational institution.

26 5. Beginning in the 1999-2000 school year, dropout
27 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
28 (b), and (c), and 1003.54 shall be included in Group 1
29 programs under subparagraph (1)(d)3.

30 (g) Education for speakers of other languages.--A
31 school district shall be eligible to report full-time

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1 equivalent student membership in the ESOL program in the
2 Florida Education Finance Program provided the following
3 conditions are met:

4 1. The school district has a plan approved by the
5 Department of Education.

6 2. The eligible student is identified and assessed as
7 limited English proficient based on assessment criteria.

8 3.a. An eligible student may be reported for funding
9 in the ESOL program for a base period of 3 years. However, a
10 student whose English competency does not meet the criteria
11 for proficiency after 3 years in the ESOL program may be
12 reported for a fourth, fifth, and sixth year of funding,
13 provided his or her limited English proficiency is assessed
14 and properly documented prior to his or her enrollment in each
15 additional year beyond the 3-year base period.

16 b. If a student exits the program and is later
17 reclassified as limited English proficient, the student may be
18 reported in the ESOL program for funding for an additional
19 year, or extended annually for a period not to exceed a total
20 of 6 years pursuant to this paragraph, based on an annual
21 evaluation of the student's status.

22 4. An eligible student may be reported for funding in
23 the ESOL program for membership in ESOL instruction in English
24 and ESOL instruction or home language instruction in the basic
25 subject areas of mathematics, science, social studies, and
26 computer literacy.

27 (h) Small, isolated high schools.--Districts which
28 levy the maximum nonvoted discretionary millage, exclusive of
29 millage for capital outlay purposes levied pursuant to s.
30 1011.71(2), may calculate full-time equivalent students for
31 small, isolated high schools by multiplying the number of

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1 unweighted full-time equivalent students times 2.75; provided
2 the percentage of students at such school passing both parts
3 of the high school competency test, as defined by law and
4 rule, has been equal to or higher than such percentage for the
5 state or district, whichever is greater. For the purpose of
6 this section, the term "small, isolated high school" means any
7 high school which is located no less than 28 miles by the
8 shortest route from another high school; which has been
9 servng students primarily in basic studies provided by
10 sub-subparagraphs (c)1.b. and c. and may include subparagraph
11 (c)4.; and which has a membership of no more than 100
12 students, but no fewer than 28 students, in grades 9 through
13 12.

14 (i) Calculation of full-time equivalent membership
15 with respect to instruction from community colleges or state
16 universities.--Students enrolled in community college or
17 university dual enrollment instruction pursuant to s. 1007.271
18 may be included in calculations of full-time equivalent
19 student memberships for basic programs for grades 9 through 12
20 by a district school board. Such students may also be
21 calculated as the proportional shares of full-time equivalent
22 enrollments they generate for the community college or
23 university conducting the dual enrollment instruction. Early
24 admission students shall be considered dual enrollments for
25 funding purposes. Students may be enrolled in dual enrollment
26 instruction provided by an eligible independent college or
27 university and may be included in calculations of full-time
28 equivalent student memberships for basic programs for grades 9
29 through 12 by a district school board. However, those
30 provisions of law which exempt dual enrolled and early
31 admission students from payment of instructional materials and

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1 tuition and fees, including laboratory fees, shall not apply
2 to students who select the option of enrolling in an eligible
3 independent institution. An independent college or university
4 which is located and chartered in Florida, is not for profit,
5 is accredited by the Commission on Colleges of the Southern
6 Association of Colleges and Schools or the Accrediting
7 Commission of the Association of Independent Colleges and
8 Schools, and which confers degrees as defined in s. 1005.02
9 shall be eligible for inclusion in the dual enrollment or
10 early admission program. Students enrolled in dual enrollment
11 instruction shall be exempt from the payment of tuition and
12 fees, including laboratory fees. No student enrolled in
13 college credit mathematics or English dual enrollment
14 instruction shall be funded as a dual enrollment unless the
15 student has successfully completed the relevant section of the
16 entry-level examination required pursuant to s. 1008.30.

17 (j) Coenrollment.--If a high school student wishes to
18 earn high school credits from a community college and enrolls
19 in one or more adult secondary education courses at the
20 community college, the community college shall be reimbursed
21 for the costs incurred because of the high school student's
22 coenrollment as provided in the General Appropriations Act.

23 (k) Instruction in exploratory career
24 education.--Students in grades 7 through 12 who are enrolled
25 for more than four semesters in exploratory career education
26 may not be counted as full-time equivalent students for this
27 instruction.

28 (l) Calculation of additional full-time equivalent
29 membership based on international baccalaureate examination
30 scores of students.--A value of 0.24 full-time equivalent
31 student membership shall be calculated for each student

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1 enrolled in an international baccalaureate course who receives
2 a score of 4 or higher on a subject examination. A value of
3 0.3 full-time equivalent student membership shall be
4 calculated for each student who receives an international
5 baccalaureate diploma. Such value shall be added to the total
6 full-time equivalent student membership in basic programs for
7 grades 9 through 12 in the subsequent fiscal year. The school
8 district shall distribute to each classroom teacher who
9 provided international baccalaureate instruction:
10 1. A bonus in the amount of \$50 for each student
11 taught by the International Baccalaureate teacher in each
12 international baccalaureate course who receives a score of 4
13 or higher on the international baccalaureate examination.
14 2. An additional bonus of \$500 to each International
15 Baccalaureate teacher in a school designated performance grade
16 category "D" or "F" who has at least one student scoring 4 or
17 higher on the international baccalaureate examination,
18 regardless of the number of classes taught or of the number of
19 students scoring a 4 or higher on the international
20 baccalaureate examination.
21
22 Bonuses awarded to a teacher according to this paragraph shall
23 not exceed \$2,000 in any given school year and shall be in
24 addition to any regular wage or other bonus the teacher
25 received or is scheduled to receive.
26 (m) Calculation of additional full-time equivalent
27 membership based on Advanced International Certificate of
28 Education examination scores of students.--A value of 0.24
29 full-time equivalent student membership shall be calculated
30 for each student enrolled in a full-credit Advanced
31 International Certificate of Education course who receives a

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1 score of 2 or higher on a subject examination. A value of 0.12
2 full-time equivalent student membership shall be calculated
3 for each student enrolled in a half-credit Advanced
4 International Certificate of Education course who receives a
5 score of 1 or higher on a subject examination. A value of 0.3
6 full-time equivalent student membership shall be calculated
7 for each student who received an Advanced International
8 Certificate of Education diploma. Such value shall be added to
9 the total full-time equivalent student membership in basic
10 programs for grades 9 through 12 in the subsequent fiscal
11 year. The school district shall distribute to each classroom
12 teacher who provided Advanced International Certificate of
13 Education instruction:

14 1. A bonus in the amount of \$50 for each student
15 taught by the Advanced International Certificate of Education
16 teacher in each full-credit Advanced International Certificate
17 of Education course who receives a score of 2 or higher on the
18 Advanced International Certificate of Education examination. A
19 bonus in the amount of \$25 for each student taught by the
20 Advanced International Certificate of Education teacher in
21 each half-credit Advanced International Certificate of
22 Education course who receives a score of 1 or higher on the
23 Advanced International Certificate of Education examination.

24 2. An additional bonus of \$500 to each Advanced
25 International Certificate of Education teacher in a school
26 designated performance grade category "D" or "F" who has at
27 least one student scoring 2 or higher on the full-credit
28 Advanced International Certificate of Education examination,
29 regardless of the number of classes taught or of the number of
30 students scoring a 2 or higher on the full-credit Advanced
31 International Certificate of Education examination.

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1 3. Additional bonuses of \$250 each to teachers of
2 half-credit Advanced International Certificate of Education
3 classes in a school designated performance grade category "D"
4 or "F" which has at least one student scoring a 1 or higher on
5 the half-credit Advanced International Certificate of
6 Education examination in that class. The maximum additional
7 bonus for a teacher awarded in accordance with this
8 subparagraph shall not exceed \$500 in any given school year.
9 Teachers receiving an award under subparagraph 2. are not
10 eligible for a bonus under this subparagraph.

11
12 Bonuses awarded to a teacher according to this paragraph shall
13 not exceed \$2,000 in any given school year and shall be in
14 addition to any regular wage or other bonus the teacher
15 received or is scheduled to receive.

16 (n) Calculation of additional full-time equivalent
17 membership based on college board advanced placement scores of
18 students.--A value of 0.24 full-time equivalent student
19 membership shall be calculated for each student in each
20 advanced placement course who receives a score of 3 or higher
21 on the College Board Advanced Placement Examination for the
22 prior year and added to the total full-time equivalent student
23 membership in basic programs for grades 9 through 12 in the
24 subsequent fiscal year. Each district must allocate at least
25 80 percent of the funds provided to the district for advanced
26 placement instruction, in accordance with this paragraph, to
27 the high school that generates the funds. The school district
28 shall distribute to each classroom teacher who provided
29 advanced placement instruction:

30 1. A bonus in the amount of \$50 for each student
31 taught by the Advanced Placement teacher in each advanced

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1 placement course who receives a score of 3 or higher on the
2 College Board Advanced Placement Examination.

3 2. An additional bonus of \$500 to each Advanced
4 Placement teacher in a school designated performance grade
5 category "D" or "F" who has at least one student scoring 3 or
6 higher on the College Board Advanced Placement Examination,
7 regardless of the number of classes taught or of the number of
8 students scoring a 3 or higher on the College Board Advanced
9 Placement Examination.

10
11 Bonuses awarded to a teacher according to this paragraph shall
12 not exceed \$2,000 in any given school year and shall be in
13 addition to any regular wage or other bonus the teacher
14 received or is scheduled to receive.

15 (o) Year-round-school programs.--The Commissioner of
16 Education is authorized to adjust student eligibility
17 definitions, funding criteria, and reporting requirements of
18 statutes and rules in order that year-round-school programs
19 may achieve equivalent application of funding requirements
20 with non-year-round-school programs.

21 (p) Extended-school-year program.--It is the intent of
22 the Legislature that students be provided additional
23 instruction by extending the school year to 210 days or more.
24 Districts may apply to the Commissioner of Education for funds
25 to be used in planning and implementing an
26 extended-school-year program. The Department of Education
27 shall recommend to the Legislature the policies necessary for
28 full implementation of an extended school year.

29 (q) Determination of the basic amount for current
30 operation.--The basic amount for current operation to be
31 included in the Florida Education Finance Program for

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1 kindergarten through grade 12 for each district shall be the
2 product of the following:

3 1. The full-time equivalent student membership in each
4 program, multiplied by

5 2. The cost factor for each program, adjusted for the
6 maximum as provided by paragraph (c), multiplied by

7 3. The base student allocation.

8 (r) Computation for funding through the Florida
9 Education Finance Program.--The State Board of Education may
10 adopt rules establishing programs and courses for which the
11 student may earn credit toward high school graduation.

12 (2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.--The
13 Commissioner of Education shall annually compute for each
14 district the current year's district cost differential. The
15 district cost differential shall be calculated by adding each
16 district's price level index as published in the Florida Price
17 Level Index for the most recent 3 years and dividing the
18 resulting sum by 3. The result for each district shall be
19 multiplied by 0.008 and to the resulting product shall be
20 added 0.200; the sum thus obtained shall be the cost
21 differential for that district for that year.

22 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING
23 EXPENDITURE.--Of the amount computed in subsections (1) and
24 (2), a percentage of the base student allocation per full-time
25 equivalent student or other funds shall be expended for
26 educational training programs as determined by the district
27 school board as provided in s. 1012.98.

28 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
29 EFFORT.--The Legislature shall prescribe the aggregate
30 required local effort for all school districts collectively as
31 an item in the General Appropriations Act for each fiscal

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1 year. The amount that each district shall provide annually
2 toward the cost of the Florida Education Finance Program for
3 kindergarten through grade 12 programs shall be calculated as
4 follows:
5 (a) Estimated taxable value calculations.--
6 1.a. Not later than 2 working days prior to July 19,
7 the Department of Revenue shall certify to the Commissioner of
8 Education its most recent estimate of the taxable value for
9 school purposes in each school district and the total for all
10 school districts in the state for the current calendar year
11 based on the latest available data obtained from the local
12 property appraisers. Not later than July 19, the Commissioner
13 of Education shall compute a millage rate, rounded to the next
14 highest one one-thousandth of a mill, which, when applied to
15 95 percent of the estimated state total taxable value for
16 school purposes, would generate the prescribed aggregate
17 required local effort for that year for all districts. The
18 Commissioner of Education shall certify to each district
19 school board the millage rate, computed as prescribed in this
20 subparagraph, as the minimum millage rate necessary to provide
21 the district required local effort for that year.
22 b. The General Appropriations Act shall direct the
23 computation of the statewide adjusted aggregate amount for
24 required local effort for all school districts collectively
25 from ad valorem taxes to ensure that no school district's
26 revenue from required local effort millage will produce more
27 than 90 percent of the district's total Florida Education
28 Finance Program calculation, and the adjustment of the
29 required local effort millage rate of each district that
30 produces more than 90 percent of its total Florida Education
31 Finance Program entitlement to a level that will produce only

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1 90 percent of its total Florida Education Finance Program
2 entitlement in the July calculation.

3 2. As revised data are received from property
4 appraisers, the Department of Revenue shall amend the
5 certification of the estimate of the taxable value for school
6 purposes. The Commissioner of Education, in administering the
7 provisions of subparagraph (9)(a)2., shall use the most recent
8 taxable value for the appropriate year.

9 (b) Final calculation.--

10 1. The Department of Revenue shall, upon receipt of
11 the official final assessed value of property from each of the
12 property appraisers, certify to the Commissioner of Education
13 the taxable value total for school purposes in each school
14 district, subject to the provisions of paragraph (d). The
15 commissioner shall use the official final taxable value for
16 school purposes for each school district in the final
17 calculation of the annual Florida Education Finance Program
18 allocations.

19 2. For the purposes of this paragraph, the official
20 final taxable value for school purposes shall be the taxable
21 value for school purposes on which the tax bills are computed
22 and mailed to the taxpayers, adjusted to reflect final
23 administrative actions of value adjustment boards and judicial
24 decisions pursuant to part I of chapter 194. By September 1 of
25 each year, the Department of Revenue shall certify to the
26 commissioner the official prior year final taxable value for
27 school purposes. For each county that has not submitted a
28 revised tax roll reflecting final value adjustment board
29 actions and final judicial decisions, the Department of
30 Revenue shall certify the most recent revision of the official
31 taxable value for school purposes. The certified value shall

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1 be the final taxable value for school purposes, and no further
2 adjustments shall be made, except those made pursuant to
3 subparagraph (9)(a)2.

4 (c) Equalization of required local effort.--

5 1. The Department of Revenue shall include with its
6 certifications provided pursuant to paragraph (a) its most
7 recent determination of the assessment level of the prior
8 year's assessment roll for each county and for the state as a
9 whole.

10 2. The Commissioner of Education shall adjust the
11 required local effort millage of each district for the current
12 year, computed pursuant to paragraph (a), as follows:

13 a. The equalization factor for the prior year's
14 assessment roll of each district shall be multiplied by 95
15 percent of the taxable value for school purposes shown on that
16 roll and by the prior year's required local-effort millage,
17 exclusive of any equalization adjustment made pursuant to this
18 paragraph. The dollar amount so computed shall be the
19 additional required local effort for equalization for the
20 current year.

21 b. Such equalization factor shall be computed as the
22 quotient of the prior year's assessment level of the state as
23 a whole divided by the prior year's assessment level of the
24 county, from which quotient shall be subtracted 1.

25 c. The dollar amount of additional required local
26 effort for equalization for each district shall be converted
27 to a millage rate, based on 95 percent of the current year's
28 taxable value for that district, and added to the required
29 local effort millage determined pursuant to paragraph (a).

30 3. Notwithstanding the limitations imposed pursuant to
31 s. 1011.71(1), the total required local-effort millage,

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1 including additional required local effort for equalization,
2 shall be an amount not to exceed 10 minus the maximum millage
3 allowed as nonvoted discretionary millage, exclusive of
4 millage authorized pursuant to s. 1011.71(2). Nothing herein
5 shall be construed to allow a millage in excess of that
6 authorized in s. 9, Art. VII of the State Constitution.

7 4. For the purposes of this chapter, the term
8 "assessment level" means the value-weighted mean assessment
9 ratio for the county or state as a whole, as determined
10 pursuant to s. 195.096, or as subsequently adjusted. In the
11 event a court has adjudicated that the department failed to
12 establish an accurate estimate of an assessment level of a
13 county and recomputation resulting in an accurate estimate
14 based upon the evidence before the court was not possible,
15 that county shall be presumed to have an assessment level
16 equal to that of the state as a whole.

17 5. If, in the prior year, taxes were levied against an
18 interim assessment roll pursuant to s. 193.1145, the
19 assessment level and prior year's nonexempt assessed valuation
20 used for the purposes of this paragraph shall be those of the
21 interim assessment roll.

22 (d) Exclusion.--

23 1. In those instances in which:

24 a. There is litigation either attacking the authority
25 of the property appraiser to include certain property on the
26 tax assessment roll as taxable property or contesting the
27 assessed value of certain property on the tax assessment roll,
28 and

29 b. The assessed value of the property in contest
30 involves more than 6 percent of the total nonexempt assessment
31 roll, the plaintiff shall provide to the district school board

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1 of the county in which the property is located and to the
2 Department of Education a certified copy of the petition and
3 receipt for the good faith payment at the time they are filed
4 with the court.

5 2. For purposes of computing the required local effort
6 for each district affected by such petition, the Department of
7 Education shall exclude from the district's total nonexempt
8 assessment roll the assessed value of the property in contest
9 and shall add the amount of the good faith payment to the
10 district's required local effort.

11 (e) Recomputation.--Following final adjudication of
12 any litigation on the basis of which an adjustment in taxable
13 value was made pursuant to paragraph (d), the department shall
14 recompute the required local effort for each district for each
15 year affected by such adjustments, utilizing taxable values
16 approved by the court, and shall adjust subsequent allocations
17 to such districts accordingly.

18 (5) CATEGORICAL FUNDS.--

19 (a) In addition to the basic amount for current
20 operations for the FEFP as determined in subsection (1) the
21 Legislature may appropriate categorical funding for specified
22 programs, activities, or purposes.

23 (b) For fiscal year 2002-2003, if a district school
24 board finds and declares in a resolution adopted at a regular
25 meeting of the school board that the funds received for any of
26 the following categorical appropriations are urgently needed
27 to maintain school board specified academic classroom
28 instruction, the school board may consider and approve an
29 amendment to the school district operating budget transferring
30 the identified amount of the categorical funds to the
31 appropriate account for expenditure:

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- 1 1. Funds for student transportation.
- 2 2. Funds for in-service educational personnel
- 3 training.
- 4 3. Funds for safe schools.
- 5 4. Funds for public school technology.
- 6 5. Funds for teacher recruitment and retention.
- 7 6. Funds for supplemental academic instruction.
- 8 (c) Each district school board shall include in its
- 9 annual financial report to the Department of Education the
- 10 amount of funds the school board transferred from each of the
- 11 categorical funds identified in this subsection and the
- 12 specific academic classroom instruction for which the
- 13 transferred funds were expended. The Department of Education
- 14 shall provide instructions and specify the format to be used
- 15 in submitting this required information as a part of the
- 16 district annual financial report.
- 17 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--
- 18 (a) Annually, in an amount to be determined by the
- 19 Legislature through the General Appropriations Act, there
- 20 shall be added to the basic amount for current operation of
- 21 the FEFP qualified districts a sparsity supplement which shall
- 22 be computed as follows:
- 23
- 24 1101.8918
- 25 Sparsity Factor = 2700 + district - 0.1101
- 26 sparsity
- 27 index
- 28
- 29 except that districts with a sparsity index of 1,000 or less
- 30 shall be computed as having a sparsity index of 1,000, and
- 31 districts having a sparsity index of 7,308 and above shall be

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1 computed as having a sparsity factor of zero. A qualified
2 district's full-time equivalent student membership shall equal
3 or be less than that prescribed annually by the Legislature in
4 the appropriations act. The amount prescribed annually by the
5 Legislature shall be no less than 17,000, but no more than
6 24,000.

7 (b) The district sparsity index shall be computed by
8 dividing the total number of full-time equivalent students in
9 all programs in the district by the number of senior high
10 school centers in the district, not in excess of three, which
11 centers are approved as permanent centers by a survey made by
12 the Department of Education.

13 (c) Each district's allocation of sparsity supplement
14 funds shall be adjusted in the following manner:

15 1. A maximum discretionary levy per FTE value for each
16 district shall be calculated by dividing the value of each
17 district's maximum discretionary levy by its FTE student
18 count;

19 2. A state average discretionary levy value per FTE
20 shall be calculated by dividing the total maximum
21 discretionary levy value for all districts by the state total
22 FTE student count;

23 3. For districts that have a levy value per FTE as
24 calculated in subparagraph 1. higher than the state average
25 calculated in subparagraph 2., a sparsity wealth adjustment
26 shall be calculated as the product of the difference between
27 the state average levy value per FTE calculated in
28 subparagraph 2. and the district's levy value per FTE
29 calculated in subparagraph 1. and the district's FTE student
30 count and -1;

31 4. Each district's sparsity supplement allocation

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1 shall be calculated by adding the amount calculated as
2 specified in paragraphs (a) and (b) and the wealth adjustment
3 amount calculated in this paragraph.

4 (7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In
5 those districts where there is a decline between prior year
6 and current year unweighted FTE students, 50 percent of the
7 decline in the unweighted FTE students shall be multiplied by
8 the prior year calculated FEFP per unweighted FTE student and
9 shall be added to the allocation for that district. For this
10 purpose, the calculated FEFP shall be computed by multiplying
11 the weighted FTE students by the base student allocation and
12 then by the district cost differential. If a district
13 transfers a program to another institution not under the
14 authority of the district's school board, including a charter
15 technical career center, the decline is to be multiplied by a
16 factor of 0.15.

17 (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
18 annually in the General Appropriations Act determine a
19 percentage increase in funds per K-12 unweighted FTE as a
20 minimum guarantee to each school district. The guarantee shall
21 be calculated from prior year base funding per unweighted FTE
22 student which shall include the adjusted FTE dollars as
23 provided in subsection (9), quality guarantee funds, and
24 actual nonvoted discretionary local effort from taxes. From
25 the base funding per unweighted FTE, the increase shall be
26 calculated for the current year. The current year funds from
27 which the guarantee shall be determined shall include the
28 adjusted FTE dollars as provided in subsection (9) and
29 potential nonvoted discretionary local effort from taxes. A
30 comparison of current year funds per unweighted FTE to prior
31 year funds per unweighted FTE shall be computed. For those

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1 school districts which have less than the legislatively
2 assigned percentage increase, funds shall be provided to
3 guarantee the assigned percentage increase in funds per
4 unweighted FTE student. Should appropriated funds be less than
5 the sum of this calculated amount for all districts, the
6 commissioner shall prorate each district's allocation. This
7 provision shall be implemented to the extent specifically
8 funded.

9 (9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
10 FOR CURRENT OPERATION.--The total annual state allocation to
11 each district for current operation for the FEFP shall be
12 distributed periodically in the manner prescribed in the
13 General Appropriations Act.

14 (a) The basic amount for current operation for the
15 FEFP as determined in subsection (1), multiplied by the
16 district cost differential factor as determined in subsection
17 (2), plus the amounts provided for categorical components
18 within the FEFP, plus the amount for the sparsity supplement
19 as determined in subsection (6), the decline in full-time
20 equivalent students as determined in subsection (7), and the
21 quality assurance guarantee as determined in subsection (8),
22 less the required local effort as determined in subsection
23 (4). If the funds appropriated for the purpose of funding the
24 total amount for current operation as provided in this
25 paragraph are not sufficient to pay the state requirement in
26 full, the department shall prorate the available state funds
27 to each district in the following manner:

28 1. Determine the percentage of proration by dividing
29 the sum of the total amount for current operation, as provided
30 in this paragraph for all districts collectively, and the
31 total district required local effort into the sum of the state

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1 funds available for current operation and the total district
2 required local effort.

3 2. Multiply the percentage so determined by the sum of
4 the total amount for current operation as provided in this
5 paragraph and the required local effort for each individual
6 district.

7 3. From the product of such multiplication, subtract
8 the required local effort of each district; and the remainder
9 shall be the amount of state funds allocated to the district
10 for current operation.

11 (b) The amount thus obtained shall be the net annual
12 allocation to each school district. However, if it is
13 determined that any school district received an
14 underallocation or overallocation for any prior year because
15 of an arithmetical error, assessment roll change, full-time
16 equivalent student membership error, or any allocation error
17 revealed in an audit report, the allocation to that district
18 shall be appropriately adjusted. If the Department of
19 Education audit adjustment recommendation is based upon
20 controverted findings of fact, the Commissioner of Education
21 is authorized to establish the amount of the adjustment based
22 on the best interests of the state.

23 (c) The amount thus obtained shall represent the net
24 annual state allocation to each district; however,
25 notwithstanding any of the provisions herein, each district
26 shall be guaranteed a minimum level of funding in the amount
27 and manner prescribed in the General Appropriations Act.

28 Section 657. Section 1011.64, Florida Statutes, is
29 created to read:

30 1011.64 School district minimum classroom expenditure
31 requirements.--

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1 (1) The Legislature may require any school district
2 that fails to meet minimum academic performance standards to
3 increase emphasis on classroom instruction activities from
4 operating funds, including, but not limited to, those provided
5 for the operation of schools pursuant to s. 1011.62.

6 (2) For the purpose of implementing the provisions of
7 this section, the Legislature shall prescribe minimum academic
8 performance standards and minimum classroom expenditure
9 requirements for districts not meeting such minimum academic
10 performance standards in the General Appropriations Act.

11 (a) Minimum academic performance standards may be
12 based on, but are not limited to, district performance grades
13 determined pursuant to s. 1008.34(8).

14 (b) School district minimum classroom expenditure
15 requirements shall be calculated pursuant to subsection (3).

16 (3)(a) Annually the Department of Education shall
17 calculate for each school district:

18 1. Total K-12 operating expenditures, which are
19 defined as the amount of total general fund expenditures for
20 K-12 programs as reported in accordance with the accounts and
21 codes prescribed in the most recent issuance of the Department
22 of Education publication entitled "Financial and Program Cost
23 Accounting and Reporting for Florida Schools" and as included
24 in the most recent annual financial report submitted to the
25 Commissioner of Education, less the student transportation
26 revenue allocation from the state appropriation for that
27 purpose, amounts transferred to other funds, and increases to
28 the amount of the general fund unreserved ending fund balance
29 when the total unreserved ending fund balance is in excess of
30 5 percent of the total general fund revenues.

31 2. Expenditures for classroom instruction, which shall

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1 be the sum of the general fund expenditures for K-12
2 instruction and instructional staff training.

3 (b) The department shall annually calculate for each
4 district, and for the entire state, the percentage of
5 classroom expenditures to total operating expenditures as
6 calculated pursuant to subparagraphs (a)1. and 2.

7 (4) In order for the Department of Education to
8 monitor the implementation of this section, each school
9 district which is required to increase emphasis on classroom
10 activities from operating funds pursuant to subsection (1)
11 shall submit to the department the following two reports in a
12 format determined by the department:

13 (a) An initial report, which shall include the
14 proposed budget actions identified for increased classroom
15 expenditures, a description of how such actions are designed
16 to improve student achievement, and a copy of the published
17 statement required by s. 1011.03(3). This report shall be
18 submitted within 30 days after final budget approval as
19 provided in s. 200.065.

20 (b) A final report, prepared at the end of each fiscal
21 year, which shall include, but is not limited to, information
22 that clearly indicates the degree of each district's
23 compliance or noncompliance with the requirements of this
24 section. If not fully compliant, the district shall include a
25 statement which has been adopted at a public hearing and
26 signed by the district school superintendent and district
27 school board members, which explains why the requirements of
28 this section have not been met.

29 (c) The department shall provide annual summaries of
30 these two reports to the Governor, the President of the
31 Senate, and the Speaker of the House of Representatives.

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

1 Section 658. Section 1011.65, Florida Statutes, is
2 created to read:

3 1011.65 Florida Education Finance Program
4 Appropriation Allocation Conference.--Prior to the
5 distribution of any funds appropriated in the General
6 Appropriations Act for the K-12 Florida Education Finance
7 Program formula and for the formula-funded categorical
8 programs, the Commissioner of Education shall conduct an
9 allocation conference. Conference principals shall include
10 representatives of the Department of Education, the Executive
11 Office of the Governor, and the Appropriations Committees of
12 the Senate and the House of Representatives. Conference
13 principals shall discuss and agree to all conventions,
14 including rounding conventions, and methods of computation to
15 be used to calculate Florida Education Finance Program and
16 categorical entitlements of the districts for the fiscal year
17 for which the appropriations are made. These conventions and
18 calculation methods shall remain in effect until further
19 agreements are reached in subsequent allocation conferences
20 called by the commissioner for that purpose. The commissioner
21 shall also, prior to each recalculation of Florida Education
22 Finance Program and categorical allocations of the districts,
23 provide conference principals with all data necessary to
24 replicate those allocations precisely. This data shall include
25 a matrix by district by program of all full-time equivalent
26 changes made by the department as part of its administration
27 of state full-time equivalent caps.

28 Section 659. Section 1011.66, Florida Statutes, is
29 created to read:

30 1011.66 Distribution of funds in first quarter.--Upon
31 the request of any school district whose net state FEFP

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1 funding is less than 60 percent of its gross state and local
2 FEFP funding, the Department of Education shall distribute to
3 that school district in the first quarter of the fiscal year
4 an amount from the funds appropriated for the FEFP in the
5 General Appropriations Act up to a maximum of 15 percent of
6 that school district's gross state and local FEFP funding or
7 that school district's net state FEFP funding, whichever is
8 less.

9 Section 660. Section 1011.67, Florida Statutes, is
10 created to read:

11 1011.67 Funds for instructional materials.--The
12 department is authorized to allocate and distribute to each
13 district an amount as prescribed annually by the Legislature
14 for instructional materials for student membership in basic
15 and special programs in grades K-12, which will provide for
16 growth and maintenance needs. For purposes of this section,
17 unweighted full-time equivalent students enrolled in the lab
18 schools in state universities are to be included as school
19 district students and reported as such to the department. The
20 annual allocation shall be determined as follows:

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

23 (a) Subtract from that district's projected full-time
24 equivalent membership of students in basic and special
25 programs in grades K-12 used in determining the initial
26 allocation of the Florida Education Finance Program, the prior
27 year's full-time equivalent membership of students in basic
28 and special programs in grades K-12 for that district.

29 (b) Multiply any such increase in full-time equivalent
30 student membership by the allocation for a set of
31 instructional materials, as determined by the department, or

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1 as provided for in the General Appropriations Act.

2 (c) The amount thus determined shall be that
3 district's initial allocation for growth for the school year.
4 However, the department shall recompute and adjust the initial
5 allocation based on actual full-time equivalent student
6 membership data for that year.

7 (2) The maintenance of the instructional materials
8 allocation for each school district shall be calculated by
9 multiplying each district's prior year full-time equivalent
10 membership of students in basic and special programs in grades
11 K-12 by the allocation for maintenance of a set of
12 instructional materials as provided for in the General
13 Appropriations Act. The amount thus determined shall be that
14 district's initial allocation for maintenance for the school
15 year; however, the department shall recompute and adjust the
16 initial allocation based on such actual full-time equivalent
17 student membership data for that year.

18 (3) In the event the funds appropriated are not
19 sufficient for the purpose of implementing this section in
20 full, the department shall prorate the funds available for
21 instructional materials after first funding in full each
22 district's growth allocation.

23 Section 661. Section 1011.68, Florida Statutes, is
24 created to read:

25 1011.68 Funds for student transportation.--The annual
26 allocation to each district for transportation to public
27 school programs, including charter schools as provided in s.
28 1002.33(18)(b), of students in membership in kindergarten
29 through grade 12 and in migrant and exceptional student
30 programs below kindergarten shall be determined as follows:

31 (1) Subject to the rules of the State Board of

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1 Education, each district shall determine the membership of
2 students who are transported:

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

4 (b) By reason of being students with disabilities or
5 enrolled in a teenage parent program, regardless of distance
6 to school.

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

9 (d) By reason of being career and technical, dual
10 enrollment, or students with disabilities transported from one
11 school center to another to participate in an instructional
12 program or service; or students with disabilities, transported
13 from one designation to another in the state, provided one
14 designation is a school center and provided the student's
15 individual educational plan (IEP) identifies the need for the
16 instructional program or service and transportation to be
17 provided by the school district. A "school center" is defined
18 as a public school center, community college, state
19 university, or other facility rented, leased, or owned and
20 operated by the school district or another public agency. A
21 "dual enrollment student" is defined as a public school
22 student in membership in both a public secondary school
23 program and a community college or a state university program
24 under a written agreement to partially fulfill ss. 1003.435
25 and 1007.23 and earning full-time equivalent membership under
26 s. 1011.62(1)(i).

27 (e) With respect to elementary school students whose
28 grade level does not exceed grade 6, by reason of being
29 subjected to hazardous walking conditions en route to or from
30 school as provided in s. 1006.23. Such rules shall, when
31 appropriate, provide for the determination of membership under

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1 this paragraph for less than 1 year to accommodate the needs
2 of students who require transportation only until such
3 hazardous conditions are corrected.

4 (f) By reason of being a pregnant student or student
5 parent, and the child of a student parent as provided in s.
6 1003.54, regardless of distance from school.

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

9
10 T = B + EX. The elements of this formula are defined as
11 follows: T is the total dollar allocation for transportation.
12 B is the base transportation dollar allocation prorated by an
13 adjusted student membership count. The adjusted membership
14 count shall be derived from a multiplicative index function in
15 which the base student membership is adjusted by multiplying
16 it by index numbers that individually account for the impact
17 of the price level index, average bus occupancy, and the
18 extent of rural population in the district. EX is the base
19 transportation dollar allocation for disabled students
20 prorated by an adjusted disabled student membership count.
21 The base transportation dollar allocation for disabled
22 students is the total state base disabled student membership
23 count weighted for increased costs associated with
24 transporting disabled students and multiplying it by the prior
25 year's average per student cost for transportation. The
26 adjusted disabled student membership count shall be derived
27 from a multiplicative index function in which the weighted
28 base disabled student membership is adjusted by multiplying it
29 by index numbers that individually account for the impact of
30 the price level index, average bus occupancy, and the extent
31 of rural population in the district. Each adjustment factor

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1 shall be designed to affect the base allocation by no more or
2 less than 10 percent.

3 (3) The total allocation to each district for
4 transportation of students shall be the sum of the amounts
5 determined in subsection (2). If the funds appropriated for
6 the purpose of implementing this section are not sufficient to
7 pay the base transportation allocation and the base
8 transportation allocation for disabled students, the
9 Department of Education shall prorate the available funds on a
10 percentage basis. If the funds appropriated for the purpose
11 of implementing this section exceed the sum of the base
12 transportation allocation and the base transportation
13 allocation for disabled students, the base transportation
14 allocation for disabled students shall be limited to the
15 amount calculated in subsection (2), and the remaining balance
16 shall be added to the base transportation allocation.

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

21 (5) Funds allocated or apportioned for the payment of
22 student transportation services may be used to pay for
23 transportation of students to and from school on local general
24 purpose transportation systems. Student transportation funds
25 may also be used to pay for transportation of students to and
26 from school in private passenger cars and boats when the
27 transportation is for isolated students, or students with
28 disabilities as defined by rule. Subject to the rules of the
29 State Board of Education, each school district shall determine
30 and report the number of assigned students using general
31 purpose transportation private passenger cars and boats. The

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1 allocation per student must be equal to the allocation per
2 student riding a school bus.

3 (6) Notwithstanding other provisions of this section,
4 in no case shall any student or students be counted for
5 transportation funding more than once per day. This provision
6 includes counting students for funding pursuant to trips in
7 school buses, passenger cars, or boats or general purpose
8 transportation.

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

13 Section 662. Section 1011.69, Florida Statutes, is
14 created to read:

15 1011.69 Equity in School-Level Funding Act.--

16 (1) This section may be cited as the "Equity in
17 School-Level Funding Act."

18 (2)(a) Beginning in the 2000-2001 fiscal year,
19 district school boards shall allocate to each school within
20 the district at least 50 percent of the funds generated by
21 that school based upon the Florida Education Finance Program
22 as provided in s. 1011.62 and the General Appropriations Act,
23 including gross state and local funds, discretionary lottery
24 funds, and funds from the school district's current operating
25 discretionary millage levy.

26 (b) Beginning in the 2001-2002 fiscal year, district
27 school boards shall allocate to each school within the
28 district at least 65 percent of the funds generated by that
29 school based upon the Florida Education Finance Program as
30 provided in s. 1011.62 and the General Appropriations Act,
31 including gross state and local funds, discretionary lottery

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1 funds, and funds from the school district's current operating
2 discretionary millage levy.

3 (c) Beginning in the 2002-2003 fiscal year, district
4 school boards shall allocate to each school within the
5 district at least 80 percent of the funds generated by that
6 school based upon the Florida Education Finance Program as
7 provided in s. 1011.62 and the General Appropriations Act,
8 including gross state and local funds, discretionary lottery
9 funds, and funds from the school district's current operating
10 discretionary millage levy.

11 (d) Beginning in the 2003-2004 fiscal year, district
12 school boards shall allocate to each school within the
13 district at least 90 percent of the funds generated by that
14 school based upon the Florida Education Finance Program as
15 provided in s. 1011.62 and the General Appropriations Act,
16 including gross state and local funds, discretionary lottery
17 funds, and funds from the school district's current operating
18 discretionary millage levy.

19
20 Total funding for each school shall be recalculated during the
21 year to reflect the revised calculations under the Florida
22 Education Finance Program by the state and the actual weighted
23 full-time equivalent students reported by the school during
24 the full-time equivalent student survey periods designated by
25 the Commissioner of Education. If the district school board is
26 providing programs or services to students funded by federal
27 funds, any eligible students enrolled in the schools in the
28 district shall be provided federal funds. Only those districts
29 that initially applied for charter school district status,
30 pursuant to s. 1003.62, and have been approved by the State
31 Board of Education are exempt from the provisions of this

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1 section.

2 (3) Funds allocated to a school pursuant to this
3 section that are unused at the end of the fiscal year shall
4 not revert to the district, but shall remain with the school.
5 These carryforward funds may be used for any purpose provided
6 by law at the discretion of the principal of the school.

7 (4) Recommendations made by the Governor's Equity in
8 Educational Opportunity Task Force shall be reviewed to
9 identify potential categorical funds to be included in the
10 district allocation methodology required in subsection (2).

11 (5) Funds appropriated in the General Appropriations
12 Act for supplemental academic instruction to be used for the
13 purposes described in s. 1011.62(1)(f) are excluded from the
14 school-level allocation under this section.

15 Section 663. Section 1011.70, Florida Statutes, is
16 created to read:

17 1011.70 Medicaid certified school funding
18 maximization.--

19 (1) Each school district, subject to the provisions of
20 ss. 409.9071 and 409.908(21) and this section, is authorized
21 to certify funds provided for a category of required Medicaid
22 services termed "school-based services," which are
23 reimbursable under the federal Medicaid program. Such services
24 shall include, but not be limited to, physical, occupational,
25 and speech therapy services, behavioral health services,
26 mental health services, transportation services, Early
27 Periodic Screening, Diagnosis, and Treatment (EPSDT)
28 administrative outreach for the purpose of determining
29 eligibility for exceptional student education, and any other
30 such services, for the purpose of receiving federal Medicaid
31 financial participation. Certified school funding shall not be

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1 available for the following services:

2 (a) Family planning.

3 (b) Immunizations.

4 (c) Prenatal care.

5 (2) The Department of Education shall monitor

6 compliance of each participating school district with the

7 Medicaid provider agreements. In addition, the department

8 shall develop standardized recordkeeping procedures for the

9 school districts that meet Medicaid requirements for audit

10 purposes.

11 (3) Each school district's continued participation in

12 certifying funds to be reimbursed for Medicaid expenditures is

13 contingent upon the district providing to the department an

14 annual accounting of how the federal Medicaid reimbursements

15 are utilized.

16 (4) Funds generated pursuant to this section may be

17 used for autism therapy services allowed by federal law.

18 (5) Developmental research schools, as authorized

19 under s. 1002.32, shall be authorized to participate in the

20 Medicaid certified school match program subject to the

21 provisions of subsections (1)-(4) and ss. 409.9071 and

22 409.908(21).

23 Section 664. Section 1011.71, Florida Statutes, is

24 created to read:

25 1011.71 District school tax.--

26 (1) If the district school tax is not provided in the

27 General Appropriations Act or the substantive bill

28 implementing the General Appropriations Act, each district

29 school board desiring to participate in the state allocation

30 of funds for current operation as prescribed by s. 1011.62(9)

31 shall levy on the taxable value for school purposes of the

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1 district, exclusive of millage voted under the provisions of
2 s. 9(b) or s. 12, Art. VII of the State Constitution, a
3 millage rate not to exceed the amount certified by the
4 commissioner as the minimum millage rate necessary to provide
5 the district required local effort for the current year,
6 pursuant to s. 1011.62(4)(a)1. In addition to the required
7 local effort millage levy, each district school board may levy
8 a nonvoted current operating discretionary millage. The
9 Legislature shall prescribe annually in the appropriations act
10 the maximum amount of millage a district may levy. The millage
11 rate prescribed shall exceed zero mills but shall not exceed
12 the lesser of 1.6 mills or 25 percent of the millage which is
13 required pursuant to s. 1011.62(4), exclusive of millage
14 levied pursuant to subsection (2).

15 (2) In addition to the maximum millage levy as
16 provided in subsection (1), each school board may levy not
17 more than 2 mills against the taxable value for school
18 purposes to fund:

19 (a) New construction and remodeling projects, as set
20 forth in s. 1013.64(3)(b) and (6)(b) and included in the
21 district's educational plant survey pursuant to s. 1013.31,
22 without regard to prioritization, sites and site improvement
23 or expansion to new sites, existing sites, auxiliary
24 facilities, athletic facilities, or ancillary facilities.

25 (b) Maintenance, renovation, and repair of existing
26 school plants or of leased facilities to correct deficiencies
27 pursuant to s. 1013.15(2).

28 (c) The purchase, lease-purchase, or lease of school
29 buses; drivers' education vehicles; motor vehicles used for
30 the maintenance or operation of plants and equipment; security
31 vehicles; or vehicles used in storing or distributing

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1 materials and equipment.

2 (d) The purchase, lease-purchase, or lease of new and
3 replacement equipment.

4 (e) Payments for educational facilities and sites due
5 under a lease-purchase agreement entered into by a district
6 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2),
7 not exceeding, in the aggregate, an amount equal to
8 three-fourths of the proceeds from the millage levied by a
9 district school board pursuant to this subsection.

10 (f) Payment of loans approved pursuant to ss. 1011.14
11 and 1011.15.

12 (g) Payment of costs directly related to complying
13 with state and federal environmental statutes, rules, and
14 regulations governing school facilities.

15 (h) Payment of costs of leasing relocatable
16 educational facilities, of renting or leasing educational
17 facilities and sites pursuant to s. 1013.15(2), or of renting
18 or leasing buildings or space within existing buildings
19 pursuant to s. 1013.15(4).

20
21 Violations of these expenditure provisions shall result in an
22 equal dollar reduction in the Florida Education Finance
23 Program (FEFP) funds for the violating district in the fiscal
24 year following the audit citation.

25 (3) These taxes shall be certified, assessed, and
26 collected as prescribed in s. 1011.04 and shall be expended as
27 provided by law.

28 (4) Nothing in s. 1011.62(4)(a)1. shall in any way be
29 construed to increase the maximum school millage levies as
30 provided for in subsection (1).

31 (5)(a) It is the intent of the Legislature that, by

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1 July 1, 2003, revenue generated by the millage levy authorized
2 by subsection (2) should be used only for the costs of
3 construction, renovation, remodeling, maintenance, and repair
4 of the educational plant; for the purchase, lease, or
5 lease-purchase of equipment, educational plants, and
6 construction materials directly related to the delivery of
7 student instruction; for the rental or lease of existing
8 buildings, or space within existing buildings, originally
9 constructed or used for purposes other than education, for
10 conversion to use as educational facilities; for the opening
11 day collection for the library media center of a new school;
12 for the purchase, lease-purchase, or lease of school buses;
13 and for servicing of payments related to certificates of
14 participation issued for any purpose prior to the effective
15 date of this act. Costs associated with the lease-purchase of
16 equipment, educational plants, and school buses may include
17 the issuance of certificates of participation on or after the
18 effective date of this act and the servicing of payments
19 related to certificates so issued. For purposes of this
20 section, "maintenance and repair" is defined in s. 1013.01.

21 (b) For purposes not delineated in paragraph (a) for
22 which proceeds received from millage levied under subsection
23 (2) may be legally expended, a district school board may spend
24 no more than the following percentages of the amount the
25 district spent for these purposes in fiscal year 1995-1996:

- 26 1. In fiscal year 2000-2001, 40 percent.
27 2. In fiscal year 2001-2002, 25 percent.
28 3. In fiscal year 2002-2003, 10 percent.

29 (c) Beginning July 1, 2003, revenue generated by the
30 millage levy authorized by subsection (2) must be used only
31 for the purposes delineated in paragraph (a).

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1 (d) Notwithstanding any other provision of this
2 subsection, if through its adopted facilities work program a
3 district has clearly identified the need for an ancillary
4 plant, has provided opportunity for public input as to the
5 relative value of the ancillary plant versus an educational
6 plant, and has obtained public approval, the district may use
7 revenue generated by the millage levy authorized by subsection
8 (2) for the construction, renovation, remodeling, maintenance,
9 or repair of an ancillary plant.

10
11 A district that violates these expenditure restrictions shall
12 have an equal dollar reduction in funds appropriated to the
13 district under s. 1011.62 in the fiscal year following the
14 audit citation. The expenditure restrictions do not apply to
15 any school district that certifies to the Commissioner of
16 Education that all of the district's instructional space needs
17 for the next 5 years can be met from capital outlay sources
18 that the district reasonably expects to receive during the
19 next 5 years or from alternative scheduling or construction,
20 leasing, rezoning, or technological methodologies that exhibit
21 sound management.

22 (6) In addition to the maximum millage levied under
23 this section and the General Appropriations Act, a school
24 district may levy, by local referendum or in a general
25 election, additional millage for school operational purposes
26 up to an amount that, when combined with nonvoted millage
27 levied under this section, does not exceed the 10-mill limit
28 established in s. 9(b), Art. VII of the State Constitution.
29 Any such levy shall be for a maximum of 4 years and shall be
30 counted as part of the 10-mill limit established in s. 9(b),
31 Art. VII of the State Constitution. Millage elections

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1 conducted under the authority granted pursuant to this section
2 are subject to s. 1011.73. Funds generated by such additional
3 millage do not become a part of the calculation of the Florida
4 Education Finance Program total potential funds in 2001-2002
5 or any subsequent year and must not be incorporated in the
6 calculation of any hold-harmless or other component of the
7 Florida Education Finance Program formula in any year. If an
8 increase in required local effort, when added to existing
9 millage levied under the 10-mill limit, would result in a
10 combined millage in excess of the 10-mill limit, any millage
11 levied pursuant to this subsection shall be considered to be
12 required local effort to the extent that the district millage
13 would otherwise exceed the 10-mill limit.

14 Section 665. Section 1011.715, Florida Statutes, is
15 created to read:

16 1011.715 Resolution regarding school capital outlay
17 surcharge.--The resolution of a district school board
18 providing for the imposition of the school capital outlay
19 surtax authorized in s. 212.055(6) may include a covenant by
20 the district school board to decrease the capital local school
21 property tax levied pursuant to s. 1011.71(2) and to maintain
22 that tax at the reduced millage as long as the surtax is in
23 effect. The resolution may also provide that the surtax shall
24 sunset on December 31 of any year in which the district school
25 board levies the capital property tax under s. 1011.71(2) at a
26 millage rate in excess of the reduced millage rate promised in
27 the resolution. Finally, if the surtax revenues are pledged
28 to service bonded indebtedness, the district school board may
29 covenant not to levy the capital property tax under s.
30 1011.71(2) at a millage rate in excess of the reduced millage
31 rate promised in the resolution.

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1 Section 666. Section 1011.72, Florida Statutes, is
2 created to read:

3 1011.72 Levy based on interim assessment roll;
4 reimbursement to state for additional taxes collected upon
5 reconciliation of roll.--In any year in which the base student
6 allocation has been guaranteed to school districts through the
7 use of state funds, a school district which levied taxes based
8 on an interim assessment roll shall be required to reimburse
9 the state in an amount equal to the additional taxes collected
10 upon reconciliation of that roll. Beginning with the
11 distribution following the delinquency date of the
12 supplemental bills, the state shall withhold all funds
13 otherwise available to that school district from the
14 appropriation to the Florida Education Finance Program until
15 such time as the state is completely reimbursed.

16 Section 667. Section 1011.73, Florida Statutes, is
17 created to read:

18 1011.73 District millage elections.--

19 (1) MILLAGE AUTHORIZED NOT TO EXCEED TWO YEARS.--The
20 district school board, pursuant to resolution adopted at a
21 regular meeting, shall direct the county commissioners to call
22 an election at which the electors within the school districts
23 may approve an ad valorem tax millage as authorized in s. 9,
24 Art. VII of the State Constitution. Such election may be held
25 at any time, except that not more than one such election shall
26 be held during any 12-month period. Any millage so authorized
27 shall be levied for a period not in excess of 2 years or until
28 changed by another millage election, whichever is the earlier.
29 In the event any such election is invalidated by a court of
30 competent jurisdiction, such invalidated election shall be
31 considered not to have been held.

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1 (2) MILLAGE AUTHORIZED NOT TO EXCEED FOUR YEARS.--The
2 district school board, pursuant to resolution adopted at a
3 regular meeting, shall direct the county commissioners to call
4 an election at which the electors within the school district
5 may approve an ad valorem tax millage as authorized under s.
6 1011.71(6). Such election may be held at any time, except that
7 not more than one such election shall be held during any
8 12-month period. Any millage so authorized shall be levied for
9 a period not in excess of 4 years or until changed by another
10 millage election, whichever is earlier. If any such election
11 is invalidated by a court of competent jurisdiction, such
12 invalidated election shall be considered not to have been
13 held.

14 (3) HOLDING ELECTIONS.--All school district millage
15 elections shall be held and conducted in the manner prescribed
16 by law for holding general elections, except as provided in
17 this chapter.

18 (4) FORM OF BALLOT.--

19 (a) The district school board may propose a single
20 millage or two millages, with one for operating expenses and
21 another for a local capital improvement reserve fund. When two
22 millage figures are proposed, each millage must be voted on
23 separately.

24 (b) The district school board shall provide the
25 wording of the substance of the measure and the ballot title
26 in the resolution calling for the election. The wording of the
27 ballot must conform to the provisions of s. 101.161.

28 (5) QUALIFICATION OF ELECTORS.--All qualified electors
29 of the school district are entitled to vote in the election to
30 set the school tax district millage levy.

31 (6) RESULTS OF ELECTION.--When the district school

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1 board proposes one tax levy for operating expenses and another
2 for the local capital improvement reserve fund, the results
3 shall be considered separately. The tax levy shall be levied
4 only in case a majority of the electors participating in the
5 election vote in favor of the proposed special millage.

6 (7) EXPENSES OF ELECTION.--The cost of the publication
7 of the notice of the election and all expenses of the election
8 in the school district shall be paid by the district school
9 board.

10 Section 668. Section 1011.74, Florida Statutes, is
11 created to read:

12 1011.74 Source and use of district capital improvement
13 fund.--The district capital improvement fund shall consist of
14 funds derived from the sale of school district bonds
15 authorized in s. 17, Art. XII of the State Constitution of
16 1885 as amended, together with any other funds directed to be
17 placed therein by rules of the State Board of Education, and
18 other similar funds which are to be used for capital outlay
19 purposes within the district.

20 Section 669. Section 1011.75, Florida Statutes, is
21 created to read:

22 1011.75 Gifted education exemplary program grants.--

23 (1) This section shall be known and may be cited as
24 the "Challenge Grant Program for the Gifted."

25 (2) There is hereby created a grant program for
26 education for the gifted which shall be administered by the
27 Commissioner of Education in cooperation and consultation with
28 appropriate organizations and associations concerned with
29 education for the gifted and pursuant to rules adopted by the
30 State Board of Education. The program may be implemented in
31 any public school.

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1 (3) Pursuant to policies and rules to be adopted by
2 the State Board of Education, each district school board, two
3 or more district school boards in cooperation, or a public
4 school principal through the district school board may submit
5 to the commissioner a proposed program designed to effectuate
6 an exemplary program for education for the gifted in a school,
7 district, or group of districts. Consideration for funding
8 shall be given to proposed programs of district school boards
9 that are developed with the cooperation of a community college
10 or public or private college or university for the purpose of
11 providing advanced accelerated instruction for public school
12 students pursuant to s. 1003.435. In order to be approved, a
13 program proposal must include:

14 (a) Clearly stated goals and objectives expressed, to
15 the maximum extent possible, in measurable terms.

16 (b) Information concerning the number of students,
17 teachers, and other personnel to be involved in the program.

18 (c) The estimated cost of the program and the number
19 of years for which it is to be funded.

20 (d) Provisions for evaluation of the program and for
21 its integration into the general curriculum and financial
22 program of the school district or districts at the end of the
23 funded period.

24 (e) Such other information and provisions as the
25 commissioner requires.

26 (4) The commissioner shall review and approve,
27 disapprove, or resubmit for modification all proposed programs
28 for education for the gifted submitted. For those programs
29 approved, the commissioner shall authorize distribution of
30 funds equal to the cost of the program from funds appropriated
31 to the Department of Education for exemplary program grants

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1 for education for the gifted as provided for by this section.
2 These funds shall be in addition to any funds for education
3 for the gifted provided pursuant to s. 1011.62.

4 Section 670. Section 1011.76, Florida Statutes, is
5 created to read:

6 1011.76 Small School District Stabilization Program.--

7 (1) There is created the Small School District
8 Stabilization Program to assist school districts in rural
9 communities that document economic conditions or other
10 significant community influences that negatively impact the
11 school district. The purpose of the program is to provide
12 technical assistance and financial support to maintain the
13 stability of the educational program in the school district. A
14 rural community means a county with a population of 75,000 or
15 less; or a county with a population of 100,000 or less that is
16 contiguous to a county with a population of 75,000 or less.

17 (2) In order to participate in this program, a school
18 district must be located in a rural area of critical economic
19 concern designated by the Executive Office of the Governor,
20 and the district school board must submit a resolution to the
21 Office of Tourism, Trade, and Economic Development requesting
22 participation in the program. A rural area of critical
23 economic concern must be a rural community, or a region
24 composed of such, that has been adversely affected by an
25 extraordinary economic event or a natural disaster or that
26 presents a unique economic development concern or opportunity
27 of regional impact. The resolution must be accompanied with
28 documentation of the economic conditions in the community,
29 provide information indicating the negative impact of these
30 conditions on the school district's financial stability, and
31 the school district must participate in a best financial

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1 management practices review to determine potential
2 efficiencies that could be implemented to reduce program costs
3 in the district.

4 (3) The Office of Tourism, Trade, and Economic
5 Development, in consultation with the Department of Education,
6 shall review the resolution and other information required by
7 subsection (2) and determine whether the school district is
8 eligible to participate in the program. Factors influencing
9 the office's determination may include, but are not limited
10 to, reductions in the county tax roll resulting from business
11 closures or other causes, or a reduction in student enrollment
12 due to business closures or impacts in the local economy.

13 (4) Effective July 1, 2000, and thereafter, when the
14 Office of Tourism, Trade, and Economic Development authorizes
15 a school district to participate in the program, the
16 Legislature may give priority to that district for a best
17 financial management practices review in the school district,
18 subject to approval pursuant to s. 1008.35(7), to the extent
19 that funding is provided annually for such purpose in the
20 General Appropriations Act. The scope of the review shall be
21 as set forth in s. 1008.35.

22 (5) Effective July 1, 2000, and thereafter, the
23 Department of Education may award the school district a
24 stabilization grant intended to protect the district from
25 continued financial reductions. The amount of the grant will
26 be determined by the Department of Education and may be
27 equivalent to the amount of the decline in revenues projected
28 for the next fiscal year. In addition, the Office of Tourism,
29 Trade, and Economic Development may implement a rural economic
30 development initiative to identify the economic factors that
31 are negatively impacting the community and may consult with

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1 Enterprise Florida, Inc., in developing a plan to assist the
2 county with its economic transition. The grant will be
3 available to the school district for a period of up to 5 years
4 to the extent that funding is provided for such purpose in the
5 General Appropriations Act.

6 (6) Based on the availability of funds, the Office of
7 Tourism, Trade, and Economic Development or the Department of
8 Education may enter into contracts or issue grants necessary
9 to implement the program.

10 Section 671. Section 1011.765, Florida Statutes, is
11 created to read:

12 1011.765 Florida Academic Improvement Trust Fund
13 matching grants.--

14 (1) MATCHING GRANTS.--The Florida Academic Improvement
15 Trust Fund shall be utilized to provide matching grants to the
16 Florida School for the Deaf and the Blind Endowment Fund and
17 to any public school district education foundation that meets
18 the requirements of this section and is recognized by the
19 local school district as its designated K-12 education
20 foundation.

21 (a) The State Board of Education shall adopt rules for
22 the administration, submission, documentation, evaluation, and
23 approval of requests for matching funds and for maintaining
24 accountability for endowments and the proceeds of endowments.

25 (b) Donations, state matching funds, or proceeds from
26 endowments established pursuant to this section shall be used
27 at the discretion of the public school district education
28 foundation or the Florida School for the Deaf and the Blind
29 for academic achievement within the school district or school,
30 and shall not be expended for the construction of facilities
31 or for the support of interscholastic athletics. No public

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1 school district education foundation or the Florida School for
2 the Deaf and the Blind shall accept or purchase facilities for
3 which the state will be asked for operating funds unless the
4 Legislature has granted prior approval for such acquisition.

5 (2) ALLOCATION OF THE TRUST FUND.--Funds appropriated
6 to the Florida Academic Improvement Trust Fund shall be
7 allocated by the Department of Education in the following
8 manner:

9 (a) For every year in which there is a legislative
10 appropriation to the trust fund, an equal amount of the annual
11 appropriation, to be determined by dividing the total
12 legislative appropriation by the number of local education
13 foundations as well as the Florida School for the Deaf and the
14 Blind, must be reserved for each public school district
15 education foundation and the Florida School for the Deaf and
16 the Blind Endowment Fund to provide each foundation and the
17 Florida School for the Deaf and the Blind with an opportunity
18 to receive and match appropriated funds. Trust funds that
19 remain unmatched by contribution on April 1 of any year shall
20 be made available for matching by any public school district
21 education foundation and by the Florida School for the Deaf
22 and the Blind which shall have an opportunity to apply for
23 excess trust funds prior to the award of such funds.

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

28 (c) Funds sufficient to provide the match shall be
29 transferred from the state trust fund to the public school
30 education foundation or to the Florida School for the Deaf and
31 the Blind Endowment Fund upon notification that a

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1 proportionate amount has been received and deposited by the
2 foundation or school into its own trust fund.

3 (d) If the total of the amounts to be distributed in
4 any quarter pursuant to this subsection exceeds the amount of
5 funds remaining from specific appropriations made for the
6 implementation of this section, all grants shall be
7 proportionately reduced so that the total of matching grants
8 distributed does not exceed available appropriations.

9 (3) GRANT ADMINISTRATION.--

10 (a) Each public school district education foundation
11 and the Florida School for the Deaf and the Blind
12 participating in the Florida Academic Improvement Trust Fund
13 shall separately account for all funds received pursuant to
14 this section, and may establish its own academic improvement
15 trust fund as a depository for the private contributions,
16 state matching funds, and earnings on investments of such
17 funds. State matching funds shall be transferred to the public
18 school district education foundation or to the Florida School
19 for the Deaf and the Blind Endowment Fund upon notification
20 that the foundation or school has received and deposited
21 private contributions that meet the criteria for matching as
22 provided in this section. The public school district education
23 foundations and the Florida School for the Deaf and the Blind
24 are responsible for the maintenance, investment, and
25 administration of their academic improvement trust funds.

26 (b) The public school district education foundations
27 and the Florida School for the Deaf and the Blind shall be
28 responsible for soliciting and receiving contributions to be
29 deposited and matched with grants for establishing endowments
30 for academic achievement within the school district or school.

31 (c) Each public school district education foundation

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1 and the Florida School for the Deaf and the Blind shall be
2 responsible for proper expenditure of the funds received
3 pursuant to this section.

4 Section 672. Section 1011.77, Florida Statutes, is
5 created to read:

6 1011.77 Special laws and general laws of local
7 application prohibited.--

8 (1) Pursuant to s. 11(a)(21), Art. III of the State
9 Constitution, the Legislature hereby prohibits special laws
10 and general laws of local application pertaining to:

11 (a) The assessment or collection of taxes for school
12 purposes insofar as it may affect the distribution of state
13 funds, including the determination of millages therefor, the
14 extension of time therefor, relief of tax officers from due
15 performance of their duties, and relief of their sureties from
16 liability.

17 (b) The Florida Education Finance Program as enacted
18 in 1973 or as subsequently amended.

19 (2) The department shall determine whether any
20 district has received additional funds subsequent to June 30,
21 1973, as a result of any special law or general law of local
22 application described in subsection (1) and shall deduct an
23 amount equal to any such additional funds from allocations to
24 that district.

25 Section 673. Part III of chapter 1011, Florida
26 Statutes, shall be entitled "Funding for Workforce Education"
27 and shall consist of ss. 1011.80-1011.801.

28 Section 674. Section 1011.80, Florida Statutes, is
29 created to read:

30 1011.80 Funds for operation of adult technical
31 education programs.--

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1 (1) As used in this section, the terms "workforce
2 development education" and "workforce development program"
3 include:

4 (a) Adult general education programs designed to
5 improve the employability skills of the state's workforce as
6 defined in s. 1004.02(5).

7 (b) Career and technical certificate programs, as
8 defined in s. 1004.02(23).

9 (c) Applied technology diploma programs.

10 (d) Continuing workforce education courses.

11 (e) Degree technical education programs.

12 (f) Apprenticeship and preapprenticeship programs as
13 defined in s. 446.021.

14 (2) Any workforce development education program may be
15 conducted by a community college or a school district, except
16 that college credit in an associate in applied science or an
17 associate in science degree may be awarded only by a community
18 college. However, if an associate in applied science or an
19 associate in science degree program contains within it an
20 occupational completion point that confers a certificate or an
21 applied technology diploma, that portion of the program may be
22 conducted by a school district technical center. Any
23 instruction designed to articulate to a degree program is
24 subject to guidelines and standards adopted by the State Board
25 of Education pursuant to s. 1007.25.

26 (3) If a program for disabled adults pursuant to s.
27 1004.93 is a workforce development program as defined in law,
28 it must be funded as provided in this section.

29 (4) The Florida Workforce Development Education Fund
30 is created to provide performance-based funding for all
31 workforce development programs, whether the programs are

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1 offered by a school district or a community college. Funding
2 for all workforce development education programs must be from
3 the Workforce Development Education Fund and must be based on
4 cost categories, performance output measures, and performance
5 outcome measures.

6 (a) The cost categories must be calculated to identify
7 high-cost programs, medium-cost programs, and low-cost
8 programs. The cost analysis used to calculate and assign a
9 program of study to a cost category must include at least both
10 direct and indirect instructional costs, consumable supplies,
11 equipment, and standard program length.

12 (b)1. The performance output measure for career and
13 technical education programs of study is student completion of
14 a career and technical program of study that leads to an
15 occupational completion point associated with a certificate;
16 an apprenticeship program; or a program that leads to an
17 applied technology diploma or an associate in applied science
18 or associate in science degree. Performance output measures
19 for registered apprenticeship programs shall be based on
20 program lengths that coincide with lengths established
21 pursuant to the requirements of chapter 446.

22 2. The performance output measure for an adult general
23 education course of study is measurable improvement in student
24 skills. This measure shall include improvement in literacy
25 skills, grade level improvement as measured by an approved
26 test, or attainment of a State of Florida diploma or an adult
27 high school diploma.

28 (c) The performance outcome measures for programs
29 funded through the Workforce Development Education Fund are
30 associated with placement and retention of students after
31 reaching a completion point or completing a program of study.

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1 These measures include placement or retention in employment
2 that is related to the program of study; placement into or
3 retention in employment in an occupation on the Workforce
4 Estimating Conference list of high-wage, high-skill
5 occupations with sufficient openings, or other High Wage/High
6 Skill Program occupations as determined by Workforce Florida,
7 Inc.; and placement and retention of participants or former
8 participants in the welfare transition program in employment.
9 Continuing postsecondary education at a level that will
10 further enhance employment is a performance outcome for adult
11 general education programs. Placement and retention must be
12 reported pursuant to ss. 1008.39 and 1008.43.

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

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

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

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

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1 (6)(a) A school district or a community college that
2 provides workforce development education funded through the
3 Workforce Development Education Fund shall receive funds in
4 accordance with distributions for base and performance funding
5 established by the Legislature in the General Appropriations
6 Act, pursuant to the following conditions:

7 1. Base funding shall not exceed 85 percent of the
8 current fiscal year total Workforce Development Education Fund
9 allocation, which shall be distributed by the Legislature in
10 the General Appropriations Act based on a maximum of 85
11 percent of the institution's prior year total allocation from
12 base and performance funds.

13 2. Performance funding shall be at least 15 percent of
14 the current fiscal year total Workforce Development Education
15 Fund allocation, which shall be distributed by the Legislature
16 in the General Appropriations Act based on the previous fiscal
17 year's achievement of output and outcomes in accordance with
18 formulas adopted pursuant to subsection (9). Performance
19 funding must incorporate payments for at least three levels of
20 placements that reflect wages and workforce demand. Payments
21 for completions must not exceed 60 percent of the payments for
22 placement. School districts and community colleges shall be
23 awarded funds pursuant to this paragraph based on performance
24 output data and performance outcome data available in that
25 year.

26 3. If a local educational agency achieves a level of
27 performance sufficient to generate a full allocation as
28 authorized by the workforce development funding formula, the
29 agency may earn performance incentive funds as appropriated
30 for that purpose in a General Appropriations Act. If
31 performance incentive funds are funded and awarded, these

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1 funds must be added to the local educational agency's prior
2 year total allocation from the Workforce Development Education
3 Fund and shall be used to calculate the following year's base
4 funding.

5 (b) A program is established to assist school
6 districts and community colleges in responding to the needs of
7 new and expanding businesses and thereby strengthening the
8 state's workforce and economy. The program may be funded in
9 the General Appropriations Act. A school district or community
10 college may expend funds under the program without regard to
11 performance criteria set forth in subparagraph (a)2. The
12 district or community college shall use the program to provide
13 customized training for businesses which satisfies the
14 requirements of s. 288.047. Business firms whose employees
15 receive the customized training must provide 50 percent of the
16 cost of the training. Balances remaining in the program at the
17 end of the fiscal year shall not revert to the general fund,
18 but shall be carried over for 1 additional year and used for
19 the purpose of serving incumbent worker training needs of area
20 businesses with fewer than 100 employees. Priority shall be
21 given to businesses that must increase or upgrade their use of
22 technology to remain competitive.

23 (7) A school district or community college that earns
24 performance funding must use the money to benefit the
25 postsecondary adult and technical education programs it
26 provides. The money may be used for equipment upgrades,
27 program expansions, or any other use that would result in
28 workforce development program improvement. The district school
29 board or community college board of trustees may not withhold
30 any portion of the performance funding for indirect costs.
31 Notwithstanding s. 216.351, funds awarded pursuant to this

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1 section may be carried across fiscal years and shall not
2 revert to any other fund maintained by the district school
3 board or community college board of trustees.

4 (8) The State Board of Education and Workforce
5 Florida, Inc., shall provide the Legislature with recommended
6 formulas, criteria, timeframes, and mechanisms for
7 distributing performance funds. The commissioner shall
8 consolidate the recommendations and develop a consensus
9 proposal for funding. The Legislature shall adopt a formula
10 and distribute the performance funds to the State Board of
11 Education for community colleges and school districts through
12 the General Appropriations Act. These recommendations shall be
13 based on formulas that would discourage low-performing or
14 low-demand programs and encourage through performance-funding
15 awards:

16 (a) Programs that prepare people to enter high-wage
17 occupations identified by the Workforce Estimating Conference
18 created by s. 216.136 and other programs as approved by
19 Workforce Florida, Inc. At a minimum, performance incentives
20 shall be calculated for adults who reach completion points or
21 complete programs that lead to specified high-wage employment
22 and to their placement in that employment.

23 (b) Programs that successfully prepare adults who are
24 eligible for public assistance, economically disadvantaged,
25 disabled, not proficient in English, or dislocated workers for
26 high-wage occupations. At a minimum, performance incentives
27 shall be calculated at an enhanced value for the completion of
28 adults identified in this paragraph and job placement of such
29 adults upon completion. In addition, adjustments may be made
30 in payments for job placements for areas of high unemployment.

31 (c) Programs that are specifically designed to be

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1 consistent with the workforce needs of private enterprise and
2 regional economic development strategies, as defined in
3 guidelines set by Workforce Florida, Inc. Workforce Florida,
4 Inc., shall develop guidelines to identify such needs and
5 strategies based on localized research of private employers
6 and economic development practitioners.

7 (d) Programs identified by Workforce Florida, Inc., as
8 increasing the effectiveness and cost efficiency of education.

9 (9) A high school student dually enrolled under s.
10 1007.271 in a workforce development program funded through the
11 Workforce Development Education Fund and operated by a
12 community college or school district technical center
13 generates the amount calculated by the Workforce Development
14 Education Fund, including any payment of performance funding,
15 and the proportional share of full-time equivalent enrollment
16 generated through the Florida Education Finance Program for
17 the student's enrollment in a high school. If a high school
18 student is dually enrolled in a community college program,
19 including a program conducted at a high school, the community
20 college earns the funds generated through the Workforce
21 Development Education Fund and the school district earns the
22 proportional share of full-time equivalent funding from the
23 Florida Education Finance Program. If a student is dually
24 enrolled in a technical center operated by the same district
25 as the district in which the student attends high school, that
26 district earns the funds generated through the Workforce
27 Development Education Fund and also earns the proportional
28 share of full-time equivalent funding from the Florida
29 Education Finance Program. If a student is dually enrolled in
30 a workforce development program provided by a technical center
31 operated by a different school district, the funds must be

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1 divided between the two school districts proportionally from
2 the two funding sources. A student may not be reported for
3 funding in a dual enrollment workforce development program
4 unless the student has completed the basic skills assessment
5 pursuant to s. 1004.91.

6 (10) The State Board of Education may adopt rules to
7 administer this section.

8 Section 675. Section 1011.801, Florida Statutes, is
9 created to read:

10 1011.801 Workforce Development Capitalization
11 Incentive Grant Program.--The Legislature recognizes that the
12 need for school districts and community colleges to be able to
13 respond to emerging local or statewide economic development
14 needs is critical to the workforce development system. The
15 Workforce Development Capitalization Incentive Grant Program
16 is created to provide grants to school districts and community
17 colleges on a competitive basis to fund some or all of the
18 costs associated with the creation or expansion of workforce
19 development programs that serve specific employment workforce
20 needs.

21 (1) Funds awarded for a workforce development
22 capitalization incentive grant may be used for instructional
23 equipment, laboratory equipment, supplies, personnel, student
24 services, or other expenses associated with the creation or
25 expansion of a workforce development program. Expansion of a
26 program may include either the expansion of enrollments in a
27 program or expansion into new areas of specialization within a
28 program. No grant funds may be used for recurring
29 instructional costs or for institutions' indirect costs.

30 (2) The State Board of Education shall accept
31 applications from school districts or community colleges for

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1 workforce development capitalization incentive grants.
2 Applications from school districts or community colleges shall
3 contain projected enrollments and projected costs for the new
4 or expanded workforce development program. The State Board of
5 Education, in consultation with the Workforce Florida, Inc.,
6 shall review and rank each application for a grant according
7 to subsection (3) and shall submit to the Legislature a list
8 in priority order of applications recommended for a grant
9 award.

10 (3) The State Board of Education shall give highest
11 priority to programs that train people to enter high-skill,
12 high-wage occupations identified by the Workforce Estimating
13 Conference and other programs approved by Workforce Florida,
14 Inc.; programs that train people to enter occupations under
15 the welfare transition program; or programs that train for the
16 workforce adults who are eligible for public assistance,
17 economically disadvantaged, disabled, not proficient in
18 English, or dislocated workers. The State Board of Education
19 shall consider the statewide geographic dispersion of grant
20 funds in ranking the applications and shall give priority to
21 applications from education agencies that are making maximum
22 use of their workforce development funding by offering
23 high-performing, high-demand programs.

24 Section 676. Part IV of chapter 1011, Florida
25 Statutes, shall be entitled "Funding for Community Colleges"
26 and shall consist of ss. 1011.81-1011.86.

27 Section 677. Section 1011.81, Florida Statutes, is
28 created to read:

29 1011.81 Community College Program Fund.--There is
30 established a Community College Program Fund. This fund shall
31 comprise all appropriations made by the Legislature for the

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1 support of the current operating program and shall be
2 apportioned and distributed to the community college districts
3 of the state on the basis of procedures established by law and
4 rules of the State Board of Education. The annual
5 apportionment for each community college district shall be
6 distributed monthly in payments as nearly equal as possible.

7 Section 678. Section 1011.82, Florida Statutes, is
8 created to read:

9 1011.82 Requirements for participation in Community
10 College Program Fund.--Each community college district which
11 participates in the state appropriations for the Community
12 College Program Fund shall provide evidence of its effort to
13 maintain an adequate community college program which shall:

14 (1) Meet the minimum standards prescribed by the State
15 Board of Education in accordance with s. 1001.02(9).

16 (2) Effectively fulfill the mission of the community
17 colleges in accordance with s. 1004.65.

18 Section 679. Section 1011.83, Florida Statutes, is
19 created to read:

20 1011.83 Financial support of community colleges.--Each
21 community college that has been approved by the Department of
22 Education and meets the requirements of law and rules of the
23 State Board of Education shall participate in the community
24 college program fund. However, funds to support workforce
25 development programs conducted by community colleges shall be
26 provided by the Workforce Development Education Fund pursuant
27 to s. 1011.80.

28 Section 680. Section 1011.84, Florida Statutes, is
29 created to read:

30 1011.84 Procedure for determining state financial
31 support and annual apportionment of state funds to each

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1 community college district.--The procedure for determining
2 state financial support and the annual apportionment to each
3 community college district authorized to operate a community
4 college under the provisions of s. 1001.61 shall be as
5 follows:

6 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE
7 COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING
8 PROGRAM.--

9 (a) The Department of Education shall determine
10 annually from an analysis of operating costs, prepared in the
11 manner prescribed by rules of the State Board of Education,
12 the costs per full-time equivalent student served in courses
13 and fields of study offered in community colleges. This
14 information and current college operating budgets shall be
15 submitted to the Executive Office of the Governor with the
16 legislative budget request prior to each regular session of
17 the Legislature.

18 (b) The allocation of funds for community colleges
19 shall be based on advanced and professional disciplines,
20 college-preparatory programs, and other programs for adults
21 funded pursuant to s. 1011.80.

22 (c) The category of lifelong learning is for students
23 enrolled pursuant to s. 1004.93. A student shall also be
24 reported as a lifelong learning student for his or her
25 enrollment in any course that he or she has previously taken,
26 unless it is a credit course in which the student earned a
27 grade of D or F.

28 (d) If an adult student has been determined to be a
29 disabled student eligible for an approved educational program
30 for disabled adults provided pursuant to s. 1004.93 and rules
31 of the State Board of Education and is enrolled in a class

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1 with curriculum frameworks developed for the program, state
2 funding for that student shall be provided at a level double
3 that of a student enrolled in a special adult general
4 education program provided by a community college.

5 (e) The State Board of Education shall adopt rules to
6 implement s. 9(d)(8)f., Art. XII of the State Constitution.
7 These rules shall provide for the use of the funds available
8 under s. 9(d)(8)f., Art. XII by an individual community
9 college for operating expense in any fiscal year during which
10 the State Board of Education has determined that all major
11 capital outlay needs have been met. Highest priority for the
12 use of these funds for purposes other than financing approved
13 capital outlay projects shall be for the proper maintenance
14 and repair of existing facilities for projects approved by the
15 State Board of Education. However, in any fiscal year in which
16 funds from this source are authorized for operating expense
17 other than approved maintenance and repair projects, the
18 allocation of community college program funds shall be reduced
19 by an amount equal to the sum used for such operating expense
20 for that community college that year, and that amount shall
21 not be released or allocated among the other community
22 colleges that year.

23 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL
24 OUTLAY AND DEBT SERVICE.--The amount included for capital
25 outlay and debt service shall be as determined and provided in
26 s. 18, Art. XII of the State Constitution of 1885, as adopted
27 by s. 9(d), Art. XII of the 1968 revised State Constitution
28 and State Board of Education rules.

29 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.--

30 (a) By December 15 of each year, the Department of
31 Education shall estimate the annual enrollment of each

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1 community college for the current fiscal year and for the 6
2 subsequent fiscal years. These estimates shall be based upon
3 prior years' enrollments, upon the initial fall term
4 enrollments for the current fiscal year for each college, and
5 upon each college's estimated current enrollment and
6 demographic changes in the respective community college
7 districts.

8 (b) The apportionment to each community college from
9 the Community College Program Fund shall be determined
10 annually in the General Appropriations Act. In determining
11 each college's apportionment, the Legislature shall consider
12 the following components:

13 1. Base budget, which includes the state appropriation
14 to the Community College Program Fund in the current year plus
15 the related student tuition and out-of-state fees assigned in
16 the current General Appropriations Act.

17 2. The cost-to-continue allocation, which consists of
18 incremental changes to the base budget, including salaries,
19 price levels, and other related costs allocated through a
20 funding model approved by the Legislature which may recognize
21 differing economic factors arising from the individual
22 educational approaches of the various community colleges,
23 including, but not limited to:

24 a. Direct Instructional Funding, including class size,
25 faculty productivity factors, average faculty salary, ratio of
26 full-time to part-time faculty, costs of programs, and
27 enrollment factors.

28 b. Academic Support, including small colleges factor,
29 multicampus factor, and enrollment factor.

30 c. Student Services Support, including headcount of
31 students as well as FTE count and enrollment factors.

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1 d. Library Support, including volume and other
2 materials/audiovisual requirements.

3 e. Special Projects.

4 f. Operations and Maintenance of Plant, including
5 square footage and utilization factors.

6 g. District Cost Differential.

7 3. Students enrolled in a recreation and leisure
8 program and students enrolled in a lifelong learning program
9 who may not be counted as full-time equivalent enrollments for
10 purposes of enrollment workload adjustments.

11 4. Operating costs of new facilities adjustments,
12 which shall be provided, from funds available, for each new
13 facility that is owned by the college and is recommended in
14 accordance with s. 1013.31.

15 5. New and improved program enhancements, which shall
16 be determined by the Legislature.

17
18 Student fees in the base budget plus student fee revenues
19 generated by increases in fee rates shall be deducted from the
20 sum of the components determined in subparagraphs 1.-5. The
21 amount remaining shall be the net annual state apportionment
22 to each college.

23 (c) No community college shall commit funds for the
24 employment of personnel or resources in excess of those
25 required to continue the same level of support for either the
26 previously approved enrollment or the revised enrollment,
27 whichever is lower.

28 (d) The apportionment to each community college
29 district for capital outlay and debt service shall be the
30 amount determined in accordance with subsection (2). This
31 amount, less any amount determined as necessary for

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1 administrative expense by the State Board of Education and any
2 amount necessary for debt service on bonds issued by the State
3 Board of Education, shall be transmitted to the community
4 college board of trustees to be expended in a manner
5 prescribed by rules of the State Board of Education.

6 (e) If at any time the unencumbered balance in the
7 general fund of the community college board of trustees
8 approved operating budget goes below 5 percent, the president
9 shall provide written notification to the State Board of
10 Education.

11 (f) Expenditures for apprenticeship programs shall be
12 reported separately.

13 (4) EXPENDITURE OF ALLOCATED FUNDS.--Any funds
14 allocated herein to any community college shall be expended
15 only for the purpose of supporting that community college.

16 (5) REPORT OF REMEDIAL EDUCATION.--Each community
17 college board of trustees shall report the volume and cost of
18 remedial education activities as a separate item in its annual
19 cost accounting system.

20 Section 681. Section 1011.85, Florida Statutes, is
21 created to read:

22 1011.85 Dr. Philip Benjamin Matching Grant Program for
23 Community Colleges.--

24 (1) There is created the Dr. Philip Benjamin Matching
25 Grant Program for Community Colleges as a single matching
26 gifts program that encompasses the goals originally set out in
27 the Academic Improvement Program, the Scholarship Matching
28 Program, and the Health Care Education Quality Enhancement
29 Challenge Grant. The program shall be administered according
30 to rules of the State Board of Education and used to encourage
31 private support in enhancing community colleges by providing

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1 the community college system with the opportunity to receive
2 and match challenge grants. Funds received prior to the
3 effective date of this act for each of the three programs
4 shall be retained in the separate account for which it was
5 designated.

6 (2) Each community college board of trustees receiving
7 state appropriations under this program shall approve each
8 gift to ensure alignment with the unique mission of the
9 community college. The board of trustees must link all
10 requests for a state match to the goals and mission statement.
11 The Florida Community College Foundation Board receiving state
12 appropriations under this program shall approve each gift to
13 ensure alignment with its goals and mission statement.

14 (3) Upon approval by the community college board of
15 trustees and the State Board of Education, the ordering of
16 donations for priority listing of unmatched gifts should be
17 determined by the submitting community college.

18 (4) Each year, eligible contributions received by a
19 community college's foundation or the State Board of Education
20 by February 1 shall be eligible for state matching funds.

21 (a) Each community college board of trustees and, when
22 applicable, the Florida Community College Foundation Board,
23 receiving state appropriations under this program shall also
24 certify in an annual report to the State Board of Education
25 the receipt of eligible cash contributions that were
26 previously unmatched by the state. The State Board of
27 Education shall adopt rules providing all community colleges
28 with an opportunity to apply for excess funds before the
29 awarding of such funds.

30 (b) Community colleges must submit to the State Board
31 of Education an annual expenditure report tracking the use of

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1 all matching funds.

2 (c) The audit of each foundation receiving state funds
3 from this program must include a certification of accuracy in
4 the amount reported for matching funds.

5 (5) The matching ratio for donations that are
6 specifically designated to support scholarships, student
7 loans, or need-based grants shall be \$1 of state funds to \$1
8 of local private funds.

9 (6) Otherwise, funds shall be proportionately
10 allocated to the community colleges on the basis of matching
11 each \$6 of local or private funds with \$4 of state funds. To
12 be eligible, a minimum of \$4,500 must be raised from private
13 sources.

14 (7) The community college board of trustees, in
15 conjunction with the donor, shall make the determination of
16 whether scholarships established pursuant to this program are
17 endowed.

18 (8)(a) Funds sufficient to provide the match shall be
19 transferred from the state appropriations to the local
20 community college foundation or the statewide community
21 college foundation upon notification that a proportionate
22 amount has been received and deposited by a community college
23 in its own trust fund.

24 (b) If state funds appropriated for the program are
25 insufficient to match contributions, the amount allocated
26 shall be reduced in proportion to its share of the total
27 eligible contributions. However, in making proportional
28 reductions, every community college shall receive a minimum of
29 \$75,000 in state matching funds if its eligible contributions
30 would have generated an amount at least equal to \$75,000. All
31 unmet contributions shall be eligible for state matching funds

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1 in subsequent fiscal years.

2 (9) Each community college entity shall establish its
3 own matching grant program fund as a depository for the
4 private contributions and matching state funds provided under
5 this section. Community college foundations are responsible
6 for the maintenance, investment, and administration of their
7 matching grant program funds.

8 (10) The State Board of Education may receive
9 submissions of requests for matching funds and documentation
10 relating to those requests, may approve requests for matching
11 funds, and may allocate such funds to the community colleges.

12 (11) The board of trustees of the community college
13 and the State Board of Education are responsible for
14 determining the uses for the proceeds of their respective
15 trust funds. Such use of the proceeds shall include, but not
16 be limited to, expenditure of the funds for:

17 (a) Scientific and technical equipment.

18 (b) Scholarships, loans, or need-based grants.

19 (c) Other activities that will benefit future students
20 as well as students currently enrolled at the community
21 college, will improve the quality of education at the
22 community college, or will enhance economic development in the
23 community.

24 Section 682. Section 1011.86, Florida Statutes, is
25 created to read:

26 1011.86 Educational leadership enhancement grants.--

27 (1) State universities and community colleges may
28 submit proposals for educational leadership enhancement grants
29 to the Commissioner of Education. Proposals shall be funded
30 competitively.

31 (2) To be eligible for funding, proposals must create

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1 programs designed to strengthen the academic and professional
2 coursework or executive management preparation of women and
3 minorities.

4 (3) Each proposal must include specific measurable
5 goals and objectives.

6 (4) The State Board of Education may adopt any rules
7 necessary to implement the provisions of this grant program.

8 (5) The grant program shall be implemented to the
9 extent funded in the General Appropriations Act.

10 Section 683. Part V of chapter 1011, Florida Statutes,
11 shall be entitled "Funding for Universities" and shall consist
12 of ss. 1011.90-1011.94.

13 Section 684. Section 1011.90, Florida Statutes, is
14 created to read:

15 1011.90 State university funding.--

16 (1) Planned enrollments for each university as
17 accepted or modified by the Legislature and program cost
18 categories shall be the basis for the allocation of
19 appropriated funds to the universities.

20 (2) In addition to enrollment-based appropriations,
21 categorical programs shall be established in universities
22 which are not directly related to planned student enrollment.
23 Such programs shall be based upon the assigned missions of the
24 institutions and shall include, but not be limited to,
25 research and public service programs and authority to spend
26 fee revenues collected pursuant to subsection (5) and s.
27 1009.24. Appropriations by the Legislature and allocations to
28 universities shall be based upon full costs, as determined
29 pursuant to subsection (1), and priorities established by the
30 Legislature.

31 (3) The Legislature by line item in an appropriations

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1 act may identify programs of extraordinary quality for the
2 utilization of state funds to be matched by nonstate and
3 nonfederal sources.

4 (4) The State Board of Education shall establish and
5 validate a cost-estimating system consistent with the
6 requirements of subsection (1) and shall report as part of its
7 legislative budget request the actual expenditures for the
8 fiscal year ending the previous June 30. Expenditure analysis,
9 operating budgets, and annual financial statements of each
10 university must be prepared using the standard financial
11 reporting procedures and formats prescribed by the State Board
12 of Education. These formats shall be the same as used for the
13 2000-2001 fiscal year reports. Any revisions to these
14 financial and reporting procedures and formats must be
15 approved by the Executive Office of the Governor and the
16 appropriations committees of the Legislature jointly under the
17 provisions of s. 216.023(3). The State Board of Education
18 shall continue to collect and maintain at a minimum the
19 management information databases existing on June 30, 2002.
20 The expenditure analysis report shall include total
21 expenditures from all sources for the general operation of the
22 university and shall be in such detail as needed to support
23 the legislative budget request.

24 (5) If the actual enrollment for any university is
25 less than planned enrollment by more than 5 percent for any 2
26 consecutive fiscal years, the university enrollment plan for
27 the next year shall be reduced. If actual enrollment exceeds
28 planned enrollment by more than 5 percent, an explanation of
29 the excess shall be provided with the next year's enrollment
30 plan. The analysis of enrollment conducted for implementing
31 this subsection shall be based on the categories of enrollment

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1 used in the education and general appropriation.

2 Section 685. Section 1011.91, Florida Statutes, is
3 created to read:

4 1011.91 Additional appropriation.--

5 (1) All moneys received by universities, other than
6 from state and federal sources, from student building and
7 capital improvement fees, and from vending machine
8 collections, are hereby appropriated to the use of the
9 respective universities collecting same, to be expended as the
10 university board of trustees may direct; however, the funds
11 shall not be expended except in pursuance of detailed budgets
12 filed with the State Board of Education and shall not be
13 expended for the construction or reconstruction of buildings
14 except as provided under s. 1013.74.

15 (2) All moneys received from vending machine
16 collections by universities shall be expended only as set
17 forth in detailed budgets approved by the State Board of
18 Education.

19 (3)(a) All moneys received by universities for the
20 Auxiliary Enterprises and Contracts, Grants and Donations
21 budget entities, and the self-insurance program authorized in
22 s. 1004.24, shall be exempt from the requirements of s.
23 216.023.

24 (b) No new state appropriation shall be obligated as a
25 source of matching funds for potential federal or private
26 contracts or grants. Upon the termination of any federal or
27 private contracts or grants, the state shall not be obligated
28 to provide continued funding for personnel or project costs
29 related to such contracts or grants.

30 Section 686. Section 1011.93, Florida Statutes, is
31 created to read:

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1 1011.93 Pari-mutuel wagering funded research and
2 development programs.--Each fiscal year, the first \$250,000 of
3 the funds credited to the Pari-mutuel Wagering Trust Fund
4 shall be used to fund the establishment and implementation of
5 research and development programs at the University of
6 Florida. The University of Florida shall administer the
7 distribution of the funds. These programs must include, but
8 are not limited to:

9 (1) Research related to the breeding, health, feeding,
10 or training of dogs and horses.

11 (2) Development of continuing education programs for
12 individuals involved in the care and treatment of dogs and
13 horses at pari-mutuel facilities.

14 (3) Establishment of a postmortem evaluation program
15 for break-down injuries of dogs and horses.

16 (4) Research and development of helmet safety and the
17 improvement of jai alai equipment.

18 Section 687. Section 1011.94, Florida Statutes, is
19 created to read:

20 1011.94 Trust Fund for University Major Gifts.--

21 (1) There is established a Trust Fund for University
22 Major Gifts. The purpose of the trust fund is to enable each
23 university and New College to provide donors with an incentive
24 in the form of matching grants for donations for the
25 establishment of permanent endowments, which must be invested,
26 with the proceeds of the investment used to support libraries
27 and instruction and research programs, as defined by procedure
28 of the State Board of Education. All funds appropriated for
29 the challenge grants, new donors, major gifts, or eminent
30 scholars program must be deposited into the trust fund and
31 invested pursuant to s. 18.125 until the State Board of

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1 Education allocates the funds to universities to match private
2 donations. Notwithstanding s. 216.301 and pursuant to s.
3 216.351, any undisbursed balance remaining in the trust fund
4 and interest income accruing to the portion of the trust fund
5 which is not matched and distributed to universities must
6 remain in the trust fund and be used to increase the total
7 funds available for challenge grants. The State Board of
8 Education may authorize any university to encumber the state
9 matching portion of a challenge grant from funds available
10 under s. 1011.45.

11 (2) The State Board of Education shall specify the
12 process for submission, documentation, and approval of
13 requests for matching funds, accountability for endowments and
14 proceeds of endowments, allocations to universities,
15 restrictions on the use of the proceeds from endowments, and
16 criteria used in determining the value of donations.

17 (3)(a) The State Board of Education shall allocate the
18 amount appropriated to the trust fund to each university and
19 New College based on the amount of the donation and the
20 restrictions applied to the donation.

21 (b) Donations for a specific purpose must be matched
22 in the following manner:

23 1. Each university that raises at least \$100,000 but
24 no more than \$599,999 from a private source must receive a
25 matching grant equal to 50 percent of the private
26 contribution.

27 2. Each university that raises a contribution of at
28 least \$600,000 but no more than \$1 million from a private
29 source must receive a matching grant equal to 70 percent of
30 the private contribution.

31 3. Each university that raises a contribution in

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1 excess of \$1 million but no more than \$1.5 million from a
2 private source must receive a matching grant equal to 75
3 percent of the private contribution.

4 4. Each university that raises a contribution in
5 excess of \$1.5 million but no more than \$2 million from a
6 private source must receive a matching grant equal to 80
7 percent of the private contribution.

8 5. Each university that raises a contribution in
9 excess of \$2 million from a private source must receive a
10 matching grant equal to 100 percent of the private
11 contribution.

12 (c) The State Board of Education shall encumber state
13 matching funds for any pledged contributions, pro rata, based
14 on the requirements for state matching funds as specified for
15 the particular challenge grant and the amount of the private
16 donations actually received by the university for the
17 respective challenge grant.

18 (4) Matching funds may be provided for contributions
19 encumbered or pledged under the Eminent Scholars Act prior to
20 July 1, 1994, and for donations or pledges of any amount equal
21 to or in excess of the prescribed minimums which are pledged
22 for the purpose of this section.

23 (5)(a) Each university foundation and New College
24 Foundation shall establish a challenge grant account for each
25 challenge grant as a depository for private contributions and
26 state matching funds to be administered on behalf of the State
27 Board of Education, the university, or New College. State
28 matching funds must be transferred to a university foundation
29 or New College Foundation upon notification that the
30 university or New College has received and deposited the
31 amount specified in this section in a foundation challenge

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1 grant account.

2 (b) The foundation serving a university and New
3 College Foundation each has the responsibility for the
4 maintenance and investment of its challenge grant account and
5 for the administration of the program on behalf of the
6 university or New College, pursuant to procedures specified by
7 the State Board of Education. Each foundation shall include in
8 its annual report to the State Board of Education information
9 concerning collection and investment of matching gifts and
10 donations and investment of the account.

11 (c) A donation of at least \$600,000 and associated
12 state matching funds may be used to designate an Eminent
13 Scholar Endowed Chair pursuant to procedures specified by the
14 State Board of Education.

15 (6) The donations, state matching funds, or proceeds
16 from endowments established under this section may not be
17 expended for the construction, renovation, or maintenance of
18 facilities or for the support of intercollegiate athletics.

19 Section 688. Chapter 1012, Florida Statutes, shall be
20 entitled "Personnel" and shall consist of ss.
21 1012.01-1012.992.

22 Section 689. Part I of chapter 1012, Florida Statutes,
23 shall be entitled "General Provisions" and shall consist of s.
24 1012.01.

25 Section 690. Section 1012.01, Florida Statutes, is
26 created to read:

27 1012.01 K-12 definitions.--Specific definitions shall
28 be as follows, and wherever such defined words or terms are
29 used in the Florida K-20 Education Code, they shall be used as
30 follows:

31 (1) SCHOOL OFFICERS.--The officers of the state system

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1 of public education shall be the Commissioner of Education and
2 the members of the State Board of Education; and, for each
3 district school system, the officers shall be the district
4 school superintendent and members of the district school
5 board.

6 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
7 personnel" means any staff member whose function includes the
8 provision of direct instructional services to students.
9 Instructional personnel also includes personnel whose
10 functions provide direct support in the learning process of
11 students. Included in the classification of instructional
12 personnel are:

13 (a) Classroom teachers.--Classroom teachers are staff
14 members assigned the professional activity of instructing
15 students in courses in classroom situations, including basic
16 instruction, exceptional student education, career and
17 technical education, and adult education, including substitute
18 teachers.

19 (b) Student personnel services.--Student personnel
20 services include staff members responsible for: advising
21 students with regard to their abilities and aptitudes,
22 educational and occupational opportunities, and personal and
23 social adjustments; providing placement services; performing
24 educational evaluations; and similar functions. Included in
25 this classification are guidance counselors, social workers,
26 occupational/placement specialists, and school psychologists.

27 (c) Librarians/media specialists.--Librarians/media
28 specialists are staff members responsible for providing school
29 library media services. These employees are responsible for
30 evaluating, selecting, organizing, and managing media and
31 technology resources, equipment, and related systems;

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1 facilitating access to information resources beyond the
2 school; working with teachers to make resources available in
3 the instructional programs; assisting teachers and students in
4 media productions; and instructing students in the location
5 and use of information resources.

6 (d) Other instructional staff.--Other instructional
7 staff are staff members who are part of the instructional
8 staff but are not classified in one of the categories
9 specified in paragraphs (a)-(c). Included in this
10 classification are primary specialists, learning resource
11 specialists, instructional trainers, adjunct educators
12 certified pursuant to s. 1012.57, and similar positions.

13 (e) Education paraprofessionals.--Education
14 paraprofessionals are individuals who are under the direct
15 supervision of an instructional staff member, aiding the
16 instructional process. Included in this classification are
17 classroom paraprofessionals in regular instruction,
18 exceptional education paraprofessionals, career education
19 paraprofessionals, adult education paraprofessionals, library
20 paraprofessionals, physical education and playground
21 paraprofessionals, and other school-level paraprofessionals.

22 (3) ADMINISTRATIVE PERSONNEL.--"Administrative
23 personnel" includes personnel who perform management
24 activities such as developing broad policies for the school
25 district and executing those policies through the direction of
26 personnel at all levels within the district. Administrative
27 personnel are generally high-level, responsible personnel who
28 have been assigned the responsibilities of systemwide or
29 schoolwide functions, such as district school superintendents,
30 assistant superintendents, deputy superintendents, school
31 principals, assistant principals, technical center directors,

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1 and others who perform management activities. Broad
2 classifications of administrative personnel are as follows:
3 (a) District-based instructional
4 administrators.--Included in this classification are persons
5 with district-level administrative or policymaking duties who
6 have broad authority for management policies and general
7 school district operations related to the instructional
8 program. Such personnel often report directly to the district
9 school superintendent and supervise other administrative
10 employees. This classification includes assistant, associate,
11 or deputy superintendents and directors of major instructional
12 areas, such as curriculum, federal programs such as Title I,
13 specialized instructional program areas such as exceptional
14 student education, career and technical education, and similar
15 areas.
16 (b) District-based noninstructional
17 administrators.--Included in this classification are persons
18 with district-level administrative or policymaking duties who
19 have broad authority for management policies and general
20 school district operations related to the noninstructional
21 program. Such personnel often report directly to the district
22 school superintendent and supervise other administrative
23 employees. This classification includes assistant, associate,
24 or deputy superintendents and directors of major
25 noninstructional areas, such as personnel, construction,
26 facilities, transportation, data processing, and finance.
27 (c) School administrators.--Included in this
28 classification are:
29 1. School principals or school directors who are staff
30 members performing the assigned activities as the
31 administrative head of a school and to whom have been

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1 delegated responsibility for the coordination and
2 administrative direction of the instructional and
3 noninstructional activities of the school. This classification
4 also includes technical center directors.

5 2. Assistant principals who are staff members
6 assisting the administrative head of the school. This
7 classification also includes assistant principals for
8 curriculum and administration.

9 (4) YEAR OF SERVICE.--The minimum time which may be
10 recognized in administering the state program of education,
11 not including retirement, as a year of service by a school
12 employee shall be full-time actual service; and, beginning
13 July 1963, such service shall also include sick leave and
14 holidays for which compensation was received but shall exclude
15 all other types of leave and holidays for a total of more than
16 one-half of the number of days required for the normal
17 contractual period of service for the position held, which
18 shall be 196 days or longer, or the minimum required for the
19 district to participate in the Florida Education Finance
20 Program in the year service was rendered, or the equivalent
21 for service performed on a daily or hourly basis; provided,
22 further, that absence from duty after the date of beginning
23 service shall be covered by leave duly authorized and granted;
24 further, the school board shall have authority to establish a
25 different minimum for local district school purposes.

26 (5) SCHOOL VOLUNTEER.--A school volunteer is any
27 nonpaid person who may be appointed by a district school board
28 or its designee. School volunteers may include, but may not be
29 limited to, parents, senior citizens, students, and others who
30 assist the teacher or other members of the school staff.

31 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational

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1 support employees" means employees whose job functions are
2 neither administrative nor instructional, yet whose work
3 supports the educational process.

4 (a) Other professional staff or
5 nonadministrative/noninstructional employees are staff members
6 who perform professional job functions which are
7 nonadministrative/noninstructional in nature and who are not
8 otherwise classified in this section. Included in this
9 classification are employees such as doctors, nurses,
10 attorneys, certified public accountants, and others
11 appropriate to the classification.

12 (b) Technicians are individuals whose occupations
13 require a combination of knowledge and manual skill which can
14 be obtained through about 2 years of post-high school
15 education, such as is offered in many technical institutes and
16 community colleges, or through equivalent on-the-job training.

17 (c) Clerical/secretarial workers are individuals whose
18 job requires skills and training in clerical-type work,
19 including activities such as preparing, transcribing,
20 systematizing, or preserving written communications and
21 reports or operating equipment performing those functions.
22 Included in this classification are secretaries, bookkeepers,
23 messengers, and office machine operators.

24 (d) Skilled crafts workers are individuals who perform
25 jobs which require special manual skill and a thorough and
26 comprehensive knowledge of the processes involved in the work
27 which is acquired through on-the-job training and experience
28 or through apprenticeship or other formal training programs.
29 Lead workers for the various skilled crafts areas shall be
30 included in this classification.

31 (e) Service workers are staff members performing a

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1 service for which there are no formal qualifications,
2 including those responsible for: cleaning the buildings,
3 school plants, or supporting facilities; maintenance and
4 operation of such equipment as heating and ventilation
5 systems; preserving the security of school property; and
6 keeping the school plant safe for occupancy and use. Lead
7 workers in the various service areas shall be included in this
8 broad classification.

9 (7) MANAGERS.--"Managers" includes those staff members
10 who perform managerial and supervisory functions while usually
11 also performing general operations functions. Managers may be
12 either instructional or noninstructional in their
13 responsibility. They may direct employees' work, plan the work
14 schedule, control the flow and distribution of work or
15 materials, train employees, handle complaints, authorize
16 payments, and appraise productivity and efficiency of
17 employees. This classification includes coordinators and
18 supervisors working under the general direction of those staff
19 identified as district-based instructional or noninstructional
20 administrators.

21 Section 691. Part II of chapter 1012, Florida
22 Statutes, shall be entitled "K-20 Personnel Issues" and shall
23 consist of ss. 1012.05-1012.07.

24 Section 692. Section 1012.05, Florida Statutes, is
25 created to read:

26 1012.05 Teacher recruitment and retention.--

27 (1) The Department of Education, in cooperation with
28 teacher organizations, district personnel offices, and
29 schools, colleges, and departments of education in public and
30 nonpublic postsecondary educational institutions, shall
31 concentrate on the recruitment of qualified teachers.

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- 1 (2) The Department of Education shall:
2 (a) Develop and implement a system for posting
3 teaching vacancies and establish a database of teacher
4 applicants that is accessible within and outside the state.
5 (b) Advertise in major newspapers, national
6 professional publications, and other professional publications
7 and in schools of education.
8 (c) Utilize state and nationwide toll-free numbers.
9 (d) Conduct periodic communications with district
10 personnel directors regarding applicants.
11 (e) Provide district access to the applicant database
12 by computer or telephone.
13 (f) Develop and distribute promotional materials
14 related to teaching as a career.
15 (g) Publish and distribute information pertaining to
16 employment opportunities, application procedures, teacher
17 certification, and teacher salaries.
18 (h) Provide information related to certification
19 procedures.
20 (i) Develop and sponsor the Florida Future Educator of
21 America Program throughout the state.
22 (j) Develop, in consultation with school district
23 staff including, but not limited to, district school
24 superintendents, district school board members, and district
25 human resources personnel, a long-range plan for educator
26 recruitment and retention.
27 (k) Identify best practices for retaining high-quality
28 teachers.
29 (l) Develop, in consultation with Workforce Florida,
30 Inc., and the Agency for Workforce Innovation, created
31 pursuant to ss. 445.004 and 20.50, respectively, a plan for

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1 accessing and identifying available resources in the state's
2 workforce system for the purpose of enhancing teacher
3 recruitment and retention.

4 (3) The Department of Education, in cooperation with
5 district personnel offices, shall sponsor a job fair in a
6 central part of the state to match in-state educators and
7 out-of-state educators with teaching opportunities in this
8 state.

9 Section 693. Section 1012.06, Florida Statutes, is
10 created to read:

11 1012.06 Temporary assignment of professional staff
12 among K-20 system.--To facilitate economical and effective use
13 of professional staff, school districts, public postsecondary
14 educational institutions, and the Department of Education may
15 enter into written agreements assigning employees among
16 themselves. The purpose of the temporary assignment is to
17 bring staff together within the state system of education,
18 notwithstanding their current places of assignment or agencies
19 of employment, who possess specific or unique knowledge or
20 experience especially suited to solving specific problems,
21 developing new programs, or providing technical assistance on
22 specific tasks or programs.

23 (1) A person may be temporarily assigned for whatever
24 period of time is required for a specific task; however, no
25 assignment may be for a period of more than 2 years.

26 (2) A person on temporary assignment shall be
27 considered on temporary assignment duty to regular work
28 assignments of the sending agency; shall be entitled to all
29 benefits to which the person would otherwise be entitled,
30 including compensation for injury or disability; shall receive
31 the same salary and benefits as at the person's regular

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1 assignment; and shall remain an employee of the permanent
2 employer for all purposes, except that the person shall be
3 supervised by the agency to which assigned. Payment of such
4 salary and benefits may be made by either agency as provided
5 in the assignment agreement.

6 (3) Travel and per diem expenses incurred while a
7 person is on temporary assignment shall be paid by the agency
8 to which the person is assigned. Round-trip travel and moving
9 expenses from the person's permanent location to the temporary
10 assignment may be paid by either agency, as provided in the
11 assignment agreement, for any assignment in excess of 3
12 months. Notwithstanding s. 112.061 to the contrary, a person
13 may be paid per diem expenses for any temporary assignment of
14 3 months or less.

15 Section 694. Section 1012.07, Florida Statutes, is
16 created to read:

17 1012.07 Identification of critical teacher shortage
18 areas.--

19 (1) As used in ss. 1009.57, 1009.58, and 1009.59, the
20 term "critical teacher shortage area" applies to mathematics,
21 science, career education, and high priority location areas.
22 The State Board of Education may identify career education
23 programs having critical teacher shortages. The State Board of
24 Education shall adopt rules pursuant to ss. 120.536(1) and
25 120.54, necessary to annually identify other critical teacher
26 shortage areas and high priority location areas. The state
27 board shall also consider teacher characteristics such as
28 ethnic background, race, and sex in determining critical
29 teacher shortage areas. School grade levels may also be
30 designated critical teacher shortage areas. Individual
31 district school boards may identify other critical teacher

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1 shortage areas. Such shortages must be certified to and
2 approved by the State Board of Education. High priority
3 location areas shall be in high-density, low-economic urban
4 schools and low-density, low-economic rural schools and shall
5 include schools which meet criteria which include, but are not
6 limited to, the percentage of free lunches, the percentage of
7 students under Chapter I of the Education Consolidation and
8 Improvement Act of 1981, and the faculty attrition rate.

9 (2) This section shall be implemented only to the
10 extent as specifically funded and authorized by law.

11 Section 695. Part III of chapter 1012, Florida
12 Statutes, shall be entitled "Public Schools; Personnel" and
13 shall consist of ss. 1012.21-1012.798.

14 Section 696. Part III.a. of chapter 1012, Florida
15 Statutes, shall be entitled "Department of Education, District
16 School Board, District School Superintendent, and School
17 Principal Duties; Public School Personnel" and shall consist
18 of ss. 1012.21-1012.28.

19 Section 697. Section 1012.21, Florida Statutes, is
20 created to read:

21 1012.21 Department of Education duties; K-12
22 personnel.--

23 (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In
24 cooperation with the Florida Department of Law Enforcement,
25 the Department of Education may periodically perform criminal
26 history record checks on individuals who hold a certificate
27 pursuant to s. 1012.56 or s. 1012.57.

28 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE
29 EMPLOYMENT WAS TERMINATED.--

30 (a) The Department of Education shall establish a
31 computer database containing the names of persons whose

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1 employment is terminated under s. 1012.33(1)(a) or (4)(c),
2 which information shall be available to the district school
3 superintendents and their designees.

4 (b) Each district school superintendent shall report
5 to the Department of Education the name of any person
6 terminated under s. 1012.33(1)(a) or (4)(c) within 10 working
7 days after the date of final action by the district school
8 board on the termination, and the department shall immediately
9 enter the information in the computer records.

10 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE
11 TO CHILD SUPPORT DELINQUENCY.--The Department of Education
12 shall allow applicants for new or renewal certificates and
13 renewal certificateholders to be screened by the Title IV-D
14 child support agency pursuant to s. 409.2598 to assure
15 compliance with an obligation for support, as defined in s.
16 409.2554. The purpose of this section is to promote the
17 public policy of this state as established in s. 409.2551.
18 The department shall, when directed by the court, deny the
19 application of any applicant found to have a delinquent
20 support obligation. The department shall issue or reinstate
21 the certificate without additional charge to the
22 certificateholder when notified by the court that the
23 certificateholder has complied with the terms of the court
24 order. The department shall not be held liable for any
25 certificate denial or suspension resulting from the discharge
26 of its duties under this section.

27 (4) CONFERENCES OF PUBLIC SCHOOL PERSONNEL.--As a
28 means of stimulating the professional improvement of personnel
29 in service, the Department of Education may call conferences
30 of personnel of the public schools on matters relating solely
31 to education, which conferences, if held on a school day

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1 within the period of time covered by a contract, shall be
2 attended with pay by all who may be designated in the call of
3 the Department of Education, provided that the call of the
4 Department of Education may indicate that attendance is
5 optional, and that in any case of those absent from their
6 usual duties during the time of the conference, only those
7 actually in attendance at the conference shall be entitled to
8 pay for time covered by the conference.

9 (5) SCHOOL-RELATED EMPLOYEE OF THE YEAR PROGRAM.--The
10 Department of Education shall, by rule, provide for a
11 School-Related Employee of the Year Program. In addition to
12 any other provision, the department shall include in such
13 rules that:

14 (a) The program shall apply to school-related
15 employees.

16 (b) The program shall be modeled after the Teacher of
17 the Year Program.

18 (c) One school-related employee of the year shall be
19 nominated by each district school board in the state.

20 (d) A selection process shall be instituted to select
21 the school-related employee of the year so that the top five
22 finalists receive awards under the program.

23 Section 698. Effective upon this act becoming a law,
24 section 1012.22, Florida Statutes, is created to read:

25 1012.22 Public school personnel; powers and duties of
26 the district school board.--The district school board shall:

27 (1) Designate positions to be filled, prescribe
28 qualifications for those positions, and provide for the
29 appointment, compensation, promotion, suspension, and
30 dismissal of employees as follows, subject to the requirements
31 of this chapter:

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1 (a) Positions, qualifications, and appointments.--

2 1. The district school board shall act upon written
3 recommendations submitted by the district school
4 superintendent for positions to be filled, for minimum
5 qualifications for personnel for the various positions, and
6 for the persons nominated to fill such positions.

7 2. The district school board may reject for good cause
8 any employee nominated.

9 3. If the third nomination by the district school
10 superintendent for any position is rejected for good cause, if
11 the district school superintendent fails to submit a
12 nomination for initial employment within a reasonable time as
13 prescribed by the district school board, or if the district
14 school superintendent fails to submit a nomination for
15 reemployment within the time prescribed by law, the district
16 school board may proceed on its own motion to fill such
17 position.

18 4. The district school board's decision to reject a
19 person's nomination does not give that person a right of
20 action to sue over the rejection and may not be used as a
21 cause of action by the nominated employee.

22 (b) Time to act on nominations.--The district school
23 board shall act not later than 3 weeks after the end of the
24 regular legislative session or May 31, whichever is later, on
25 the district school superintendent's nominations of
26 supervisors, principals, and members of the instructional
27 staff.

28 (c) Compensation and salary schedules.--

29 1. The district school board shall adopt a salary
30 schedule or salary schedules designed to furnish incentives
31 for improvement in training and for continued efficient

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1 service to be used as a basis for paying all school employees
2 and fix and authorize the compensation of school employees on
3 the basis thereof.

4 2. A district school board, in determining the salary
5 schedule for instructional personnel, must base a portion of
6 each employee's compensation on performance demonstrated under
7 s. 1012.34, must consider the prior teaching experience of a
8 person who has been designated state teacher of the year by
9 any state in the United States, and must consider prior
10 professional experience in the field of education gained in
11 positions in addition to district level instructional and
12 administrative positions.

13 3. In developing the salary schedule, the district
14 school board shall seek input from parents, teachers, and
15 representatives of the business community.

16 4. Beginning with the 2002-2003 fiscal year, each
17 district school board must adopt a performance-pay policy for
18 school administrators and instructional personnel. The
19 district's performance-pay policy is subject to negotiation as
20 provided in chapter 447; however, the adopted salary schedule
21 must allow school administrators and instructional personnel
22 who demonstrate outstanding performance, as measured under s.
23 1012.34, to earn a 5-percent supplement in addition to their
24 individual, negotiated salary. The supplements shall be funded
25 from the performance-pay reserve funds adopted in the salary
26 schedule. The Commissioner of Education shall determine
27 whether the district school board's adopted salary schedule
28 complies with the requirement for performance-based pay. If
29 the district school board fails to comply with this section,
30 the commissioner shall withhold disbursements from the
31 Educational Enhancement Trust Fund to the district until

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1 compliance is verified.

2 (d) Contracts and terms of service.--The district
3 school board shall provide written contracts for all regular
4 members of the instructional staff.

5 (e) Transfer and promotion.--The district school board
6 shall act on recommendations of the district school
7 superintendent regarding transfer and promotion of any
8 employee.

9 (f) Suspension, dismissal, and return to annual
10 contract status.--The district school board shall suspend,
11 dismiss, or return to annual contract members of the
12 instructional staff and other school employees; however, no
13 administrative assistant, supervisor, principal, teacher, or
14 other member of the instructional staff may be discharged,
15 removed, or returned to annual contract except as provided in
16 this chapter.

17 (g) Awards and incentives.--The district school board
18 shall provide for recognition of district employees, students,
19 school volunteers, and advisory committee members who have
20 contributed outstanding and meritorious service in their
21 fields or service areas. After considering recommendations of
22 the district school superintendent, the district school board
23 shall adopt rules establishing and regulating the meritorious
24 service awards necessary for the efficient operation of the
25 program. An award or incentive granted under this paragraph
26 may not be considered in determining the salary schedules
27 required by paragraph (c). Monetary awards shall be limited to
28 persons who propose procedures or ideas adopted by the board
29 which will result in eliminating or reducing district school
30 board expenditures or improving district or school center
31 operations. Nonmonetary awards shall include, but are not

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1 limited to, certificates, plaques, medals, ribbons, and
2 photographs. The district school board may expend funds for
3 such recognition and awards. No award granted under this
4 paragraph shall exceed \$2,000 or 10 percent of the first
5 year's gross savings, whichever is greater.

6 (h) Planning and training time for teachers.--The
7 district school board may adopt rules to make provisions for
8 teachers to have time for lunch and some planning and training
9 time when they will not be directly responsible for the
10 children, provided that some adult supervision shall be
11 furnished for the students during such periods.

12 (i) Comprehensive program of staff development.--The
13 district school board shall establish a comprehensive program
14 of staff development.

15 (2) Adopt policies relating to personnel leave as
16 follows:

17 (a) Annual leave.--The district school board may adopt
18 rules that provide for the earning of annual leave by
19 employees, including educational support employees, who are
20 employed for 12 calendar months a year.

21 (b) Sick leave.--The district school board may adopt
22 rules relating to sick leave, in accordance with the
23 provisions of this chapter.

24 (c) Illness-in-line-of-duty leave.--The district
25 school board may adopt rules relating to
26 illness-in-the-line-of-duty leave, in accordance with the
27 provisions of this chapter.

28 (d) Sabbatical leave.--The district school board may
29 adopt rules relating to sabbatical leave, in accordance with
30 the provisions of this chapter.

31 Section 699. Section 1012.23, Florida Statutes, is

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1 created to read:

2 1012.23 School district personnel policies.--Except as
3 otherwise provided by law or the State Constitution, district
4 school boards may adopt rules governing personnel matters,
5 including the assignment of duties and responsibilities for
6 all district employees.

7 Section 700. Section 1012.24, Florida Statutes, is
8 created to read:

9 1012.24 Employment and compensation of instructional
10 personnel during specific emergencies.--In the event of an
11 epidemic, strike, mass walkout, substantial numbers of teacher
12 resignations, or other urgent condition, a district school
13 board upon recommendation of the district school
14 superintendent may find and declare that an emergency exists
15 because there is not a sufficient number of certified teachers
16 to continue the normal operation of the schools within the
17 district. In said event the district school board may upon
18 recommendation of the district school superintendent employ,
19 contract with, and compensate for instructional services
20 rendered any person who shall be deemed qualified by
21 regulations of the district school board. In such event, a
22 state certificate to teach shall not be required for such
23 employment, contract, or compensation.

24 Section 701. Section 1012.25, Florida Statutes, is
25 created to read:

26 1012.25 School officers to turn over money and
27 property to successors.--Every school officer shall turn over
28 to his or her successor or successors in office, on retiring,
29 all books, papers, documents, records, funds, money, and
30 property of whatever kind which the officer may have acquired,
31 received, and held by virtue of his or her office and shall

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1 take full receipt for them from his or her successor and shall
2 make in correct form all reports required by the state. No
3 school officer who receives any salary or compensation for his
4 or her services shall be entitled to be paid or compensated
5 for the last month served until the provisions of this section
6 have been fully observed. Any person violating the provisions
7 of this section shall forfeit his or her compensation for the
8 last month served and commits a misdemeanor of the second
9 degree, punishable as provided in s. 775.082 or s. 775.083.

10 Section 702. Section 1012.26, Florida Statutes, is
11 created to read:

12 1012.26 Legal services for employees; reimbursement
13 for judgments in civil actions.--Each district school board
14 may provide legal services for officers and employees of the
15 school board who are charged with civil or criminal actions
16 arising out of and in the course of the performance of
17 assigned duties and responsibilities. The district school
18 board shall provide for reimbursement of reasonable expenses
19 for legal services for officers and employees of school boards
20 who are charged with civil or criminal actions arising out of
21 and in the course of the performance of assigned duties and
22 responsibilities upon successful defense by the employee or
23 officer. However, in any case in which the officer or employee
24 pleads guilty or nolo contendere or is found guilty of any
25 such action, the officer or employee shall reimburse the
26 district school board for any legal services which the school
27 board may have supplied pursuant to this section. A district
28 school board may also reimburse an officer or employee of the
29 school board for any judgment which may be entered against him
30 or her in a civil action arising out of and in the course of
31 the performance of his or her assigned duties and

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1 responsibilities. Each expenditure by a district school board
2 for legal defense of an officer or employee, or for
3 reimbursement pursuant to this section, shall be made at a
4 public meeting with notice pursuant to s. 120.525(1). The
5 provision of such legal services or reimbursement under the
6 conditions described above is declared to be a district school
7 purpose for which district school funds may be expended.

8 Section 703. Section 1012.27, Florida Statutes, is
9 created to read:

10 1012.27 Public school personnel; powers and duties of
11 district school superintendent.--The district school
12 superintendent shall be responsible, as required herein, for
13 directing the work of the personnel, subject to the
14 requirements of this chapter, and in addition the district
15 school superintendent shall have the following duties:

16 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

17 (a) Recommend to the district school board duties and
18 responsibilities which need to be performed and positions
19 which need to be filled to make possible the development of an
20 adequate school program in the district.

21 (b) Recommend minimum qualifications of personnel for
22 these various positions, and nominate in writing persons to
23 fill such positions.

24
25 The district school superintendent's recommendations for
26 filling instructional positions at the school level must
27 consider nominations received from school principals of the
28 respective schools. Before transferring a teacher who holds a
29 professional teaching certificate from one school to another,
30 the district school superintendent shall consult with the
31 principal of the receiving school and allow the principal to

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1 review the teacher's records and interview the teacher. If, in
2 the judgment of the principal, students would not benefit from
3 the placement, an alternative placement may be sought.

4 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
5 recommend to the district school board for adoption a salary
6 schedule or salary schedules. The district school
7 superintendent must recommend a salary schedule for
8 instructional personnel which bases a portion of each
9 employee's compensation on performance demonstrated under s.
10 1012.34. In developing the recommended salary schedule, the
11 district school superintendent shall include input from
12 parents, teachers, and representatives of the business
13 community.

14 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the
15 district school board terms for contracting with employees and
16 prepare such contracts as are approved.

17 (4) TRANSFER AND PROMOTIONS.--Recommend employees for
18 transfer and transfer any employee during any emergency and
19 report the transfer to the district school board at its next
20 regular meeting.

21 (5) SUSPENSION AND DISMISSAL.--Suspend members of the
22 instructional staff and other school employees during
23 emergencies for a period extending to and including the day of
24 the next regular or special meeting of the district school
25 board and notify the district school board immediately of such
26 suspension. When authorized to do so, serve notice on the
27 suspended member of the instructional staff of charges made
28 against him or her and of the date of hearing. Recommend
29 employees for dismissal under the terms prescribed herein.

30 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE
31 INSTRUCTION.--Direct or arrange for the proper direction and

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1 improvement, under rules of the district school board, of the
2 work of all members of the instructional staff and other
3 employees of the district school system, supervise or arrange
4 under rules of the district school board for the supervision
5 of instruction in the district, and take such steps as are
6 necessary to bring about continuous improvement.

7 Section 704. Section 1012.28, Florida Statutes, is
8 created to read:

9 1012.28 Public school personnel; duties of school
10 principals.--

11 (1) Public school principals shall supervise public
12 school personnel as the district school board determines
13 necessary.

14 (2) The school principal is responsible for
15 recommending to the district school superintendent the
16 employment of instructional personnel to be assigned to the
17 school to which the principal is assigned.

18 (3) Each school principal is responsible for the
19 performance of all personnel employed by the district school
20 board and assigned to the school to which the principal is
21 assigned. The school principal shall faithfully and
22 effectively apply the personnel assessment system approved by
23 the district school board pursuant to s. 1012.34.

24 (4) Each school principal shall assist the teachers
25 within the school to use student assessment data, as measured
26 by student learning gains pursuant to s. 1008.22, for
27 self-evaluation.

28 (5) Each school principal shall perform such duties as
29 may be assigned by the district school superintendent,
30 pursuant to the rules of the district school board. Such rules
31 shall include, but are not limited to, rules relating to

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1 administrative responsibility, instructional leadership in
2 implementing the Sunshine State Standards and the overall
3 educational program of the school to which the school
4 principal is assigned, submission of personnel recommendations
5 to the district school superintendent, administrative
6 responsibility for records and reports, administration of
7 corporal punishment, and student suspension.

8 (6) A school principal who fails to comply with this
9 section shall be ineligible for any portion the performance
10 pay policy incentive under s. 1012.22(1)(c).

11 Section 705. Part III.b. of chapter 1012, Florida
12 Statutes, shall be entitled "Personnel Files, Qualifications,
13 Contracts, Assessments for Public Schools" and shall consist
14 of ss. 1012.31-1012.34.

15 Section 706. Section 1012.31, Florida Statutes, is
16 created to read:

17 1012.31 Personnel files.--Public school system
18 employee personnel files shall be maintained according to the
19 following provisions:

20 (1)(a) Except for materials pertaining to work
21 performance or such other matters that may be cause for
22 discipline, suspension, or dismissal under laws of this state,
23 no derogatory materials relating to an employee's conduct,
24 service, character, or personality shall be placed in the
25 personnel file of such employee.

26 (b) No anonymous letter or anonymous materials shall
27 be placed in the personnel file.

28 (2)(a) Materials relating to work performance,
29 discipline, suspension, or dismissal must be reduced to
30 writing and signed by a person competent to know the facts or
31 make the judgment.

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1 (b)1. No such materials may be placed in a personnel
2 file unless they have been reduced to writing within 45 days,
3 exclusive of the summer vacation period, of the school system
4 administration becoming aware of the facts reflected in the
5 materials.

6 2. Additional information related to such written
7 materials previously placed in the file may be appended to
8 such materials to clarify or amplify them as needed.

9 (c) A copy of such materials to be added to an
10 employee's personnel file shall be provided to the employee
11 either:

12 1. By certified mail, return receipt requested, to his
13 or her address of record; or

14 2. By personal delivery. The employee's signature on a
15 copy of the materials to be filed shall be proof that such
16 materials were given to the employee, with the understanding
17 that such signature merely signifies receipt and does not
18 necessarily indicate agreement with its contents.

19 (d) An employee has the right to answer in writing any
20 such materials in a personnel file on July 1, 1983, as well as
21 any such materials filed thereafter, and the answer shall be
22 attached to the file copy. An employee has the right to
23 request that the district school superintendent or the
24 superintendent's designee make an informal inquiry regarding
25 material in the employee's personnel file which the employee
26 believes to be false. The official who makes the inquiry shall
27 append to the material a written report of his or her
28 findings.

29 (e) Upon request, an employee, or any person
30 designated in writing by the employee, shall be permitted to
31 examine the personnel file of such employee. The employee

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1 shall be permitted conveniently to reproduce any materials in
2 the file, at a cost no greater than the fees prescribed in s.
3 119.07(1).

4 (f) The custodian of the record shall maintain a
5 record in the file of those persons reviewing the file each
6 time it is reviewed.

7 (3)(a) Public school system employee personnel files
8 are subject to the provisions of s. 119.07(1), except as
9 follows:

10 1. Any complaint and any material relating to the
11 investigation of a complaint against an employee shall be
12 confidential and exempt from the provisions of s. 119.07(1)
13 until the conclusion of the preliminary investigation or until
14 such time as the preliminary investigation ceases to be
15 active. If the preliminary investigation is concluded with
16 the finding that there is no probable cause to proceed further
17 and with no disciplinary action taken or charges filed, a
18 statement to that effect signed by the responsible
19 investigating official shall be attached to the complaint, and
20 the complaint and all such materials shall be open thereafter
21 to inspection pursuant to s. 119.07(1). If the preliminary
22 investigation is concluded with the finding that there is
23 probable cause to proceed further or with disciplinary action
24 taken or charges filed, the complaint and all such materials
25 shall be open thereafter to inspection pursuant to s.
26 119.07(1). If the preliminary investigation ceases to be
27 active, the complaint and all such materials shall be open
28 thereafter to inspection pursuant to s. 119.07(1). For the
29 purpose of this subsection, a preliminary investigation shall
30 be considered active as long as it is continuing with a
31 reasonable, good faith anticipation that an administrative

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1 finding will be made in the foreseeable future. An
2 investigation shall be presumed to be inactive if no finding
3 relating to probable cause is made within 60 days after the
4 complaint is made.

5 2. An employee evaluation prepared pursuant to s.
6 1012.56, s. 1012.34, or s. 1012.33 or rules adopted by the
7 State Board of Education or district school board under the
8 authority of those sections shall be confidential and exempt
9 from the provisions of s. 119.07(1) until the end of the
10 school year immediately following the school year in which the
11 evaluation was made. No evaluation prepared before July 1,
12 1983, shall be made public pursuant to this section.

13 3. No material derogatory to an employee shall be open
14 to inspection until 10 days after the employee has been
15 notified pursuant to paragraph (2)(c).

16 4. The payroll deduction records of an employee shall
17 be confidential and exempt from the provisions of s.
18 119.07(1).

19 5. Employee medical records, including psychiatric and
20 psychological records, shall be confidential and exempt from
21 the provisions of s. 119.07(1); however, at any hearing
22 relative to the competency or performance of an employee, the
23 administrative law judge, hearing officer, or panel shall have
24 access to such records.

25 (b) Notwithstanding other provisions of this
26 subsection, all aspects of the personnel file of each employee
27 shall be open to inspection at all times by district school
28 board members, the district school superintendent, and the
29 principal, or their respective designees, in the exercise of
30 their respective duties.

31 (c) Notwithstanding other provisions of this

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1 subsection, all aspects of the personnel file of each employee
2 shall be made available to law enforcement personnel in the
3 conduct of a lawful criminal investigation.

4 (4) The term "personnel file," as used in this
5 section, means all records, information, data, or materials
6 maintained by a public school system, in any form or retrieval
7 system whatsoever, with respect to any of its employees, which
8 is uniquely applicable to that employee whether maintained in
9 one or more locations.

10 Section 707. Section 1012.32, Florida Statutes, is
11 created to read:

12 1012.32 Qualifications of personnel.--

13 (1) To be eligible for appointment in any position in
14 any district school system, a person shall be of good moral
15 character; shall have attained the age of 18 years, if he or
16 she is to be employed in an instructional capacity; and shall,
17 when required by law, hold a certificate or license issued
18 under rules of the State Board of Education or the Department
19 of Children and Family Services, except when employed pursuant
20 to s. 1012.55 or under the emergency provisions of s. 1012.24.
21 Previous residence in this state shall not be required in any
22 school of the state as a prerequisite for any person holding a
23 valid Florida certificate or license to serve in an
24 instructional capacity.

25 (2)(a) Instructional and noninstructional personnel
26 who are hired to fill positions requiring direct contact with
27 students in any district school system or university lab
28 school shall, upon employment, file a complete set of
29 fingerprints taken by an authorized law enforcement officer or
30 an employee of the school or district who is trained to take
31 fingerprints. These fingerprints shall be submitted to the

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1 Department of Law Enforcement for state processing and to the
2 Federal Bureau of Investigation for federal processing. The
3 new employees shall be on probationary status pending
4 fingerprint processing and determination of compliance with
5 standards of good moral character. Employees found through
6 fingerprint processing to have been convicted of a crime
7 involving moral turpitude shall not be employed in any
8 position requiring direct contact with students. Probationary
9 employees terminated because of their criminal record shall
10 have the right to appeal such decisions. The cost of the
11 fingerprint processing may be borne by the district school
12 board or the employee.

13 (b) Personnel who have been fingerprinted or screened
14 pursuant to this subsection and who have not been unemployed
15 for more than 90 days shall not be required to be
16 refingerprinted or rescreened in order to comply with the
17 requirements of this subsection.

18 Section 708. Section 1012.33, Florida Statutes, is
19 created to read:

20 1012.33 Contracts with instructional staff,
21 supervisors, and school principals.--

22 (1)(a) Each person employed as a member of the
23 instructional staff in any district school system shall be
24 properly certified pursuant to s. 1012.56 or s. 1012.57 or
25 employed pursuant to s. 1012.39 and shall be entitled to and
26 shall receive a written contract as specified in chapter 230.
27 All such contracts, except continuing contracts as specified
28 in subsection (4), shall contain provisions for dismissal
29 during the term of the contract only for just cause. Just
30 cause includes, but is not limited to, the following
31 instances, as defined by rule of the State Board of Education:

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1 misconduct in office, incompetency, gross insubordination,
2 willful neglect of duty, or conviction of a crime involving
3 moral turpitude.

4 (b) A supervisor or school principal shall be properly
5 certified and shall receive a written contract as specified in
6 chapter 1001. Such contract may be for an initial period not
7 to exceed 3 years, subject to annual review and renewal. The
8 first 97 days of an initial contract is a probationary period.
9 During the probationary period, the employee may be dismissed
10 without cause or may resign from the contractual position
11 without breach of contract. After the first 3 years, the
12 contract may be renewed for a period not to exceed 3 years and
13 shall contain provisions for dismissal during the term of the
14 contract only for just cause, in addition to such other
15 provisions as are prescribed by the district school board.

16 (2) Any person so employed on the basis of a written
17 offer of a specific position by a duly authorized agent of the
18 district school board for a stated term of service at a
19 specified salary, and who accepted such offer by telegram or
20 letter or by signing the regular contract form, who violates
21 the terms of such contract or agreement by leaving his or her
22 position without first being released from his or her contract
23 or agreement by the district school board of the district in
24 which the person is employed shall be subject to the
25 jurisdiction of the Education Practices Commission. The
26 district school board shall take official action on such
27 violation and shall furnish a copy of its official minutes to
28 the Commissioner of Education.

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

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1 requirements prior to July 1, 1984, shall be entitled to and
2 shall be issued a continuing contract in the form prescribed
3 by rules of the state board pursuant to s. 231.36, Florida
4 Statutes (1981). Each member of the instructional staff who
5 completes the following requirements on or after July 1, 1984,
6 shall be entitled to and shall be issued a professional
7 service contract in the form prescribed by rules of the state
8 board as provided herein:

9 1. The member must hold a professional certificate as
10 prescribed by s. 1012.56 and rules of the State Board of
11 Education.

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

16 3. The member must have been recommended by the
17 district school superintendent for such contract and
18 reappointed by the district school board based on successful
19 performance of duties and demonstration of professional
20 competence.

21 4. For any person newly employed as a member of the
22 instructional staff after June 30, 1997, the initial annual
23 contract shall include a 97-day probationary period during
24 which time the employee's contract may be terminated without
25 cause or the employee may resign without breach of contract.

26 (b) The professional service contract shall be
27 effective at the beginning of the school fiscal year following
28 the completion of all requirements therefor.

29 (c) The period of service provided herein may be
30 extended to 4 years when prescribed by the district school
31 board and agreed to in writing by the employee at the time of

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1 reappointment.

2 (d) A district school board may issue a continuing
3 contract prior to July 1, 1984, and may issue a professional
4 service contract subsequent to July 1, 1984, to any employee
5 who has previously held a professional service contract or
6 continuing contract in the same or another district within
7 this state. Any employee who holds a continuing contract may,
8 but is not required to, exchange such continuing contract for
9 a professional service contract in the same district.

10 (e) A professional service contract shall be renewed
11 each year unless the district school superintendent, after
12 receiving the recommendations required by s. 1012.34, charges
13 the employee with unsatisfactory performance and notifies the
14 employee of performance deficiencies as required by s.
15 1012.34. An employee who holds a professional service contract
16 on July 1, 1997, is subject to the procedures set forth in
17 paragraph (f) during the term of the existing professional
18 service contract. The employee is subject to the procedures
19 set forth in s. 1012.34(3)(d) upon the next renewal of the
20 professional service contract; however, if the employee is
21 notified of performance deficiencies before the next contract
22 renewal date, the procedures of s. 1012.34(3)(d) do not apply
23 until the procedures set forth in paragraph (f) have been
24 exhausted and the professional service contract is
25 subsequently renewed.

26 (f) The district school superintendent shall notify an
27 employee who holds a professional service contract on July 1,
28 1997, in writing, no later than 6 weeks prior to the end of
29 the postschool conference period, of performance deficiencies
30 which may result in termination of employment, if not
31 corrected during the subsequent year of employment (which

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1 shall be granted for an additional year in accordance with the
2 provisions in subsection (1)). Except as otherwise hereinafter
3 provided, this action shall not be subject to the provisions
4 of chapter 120, but the following procedures shall apply:

5 1. On receiving notice of unsatisfactory performance,
6 the employee, on request, shall be accorded an opportunity to
7 meet with the district school superintendent, or his or her
8 designee, for an informal review of the determination of
9 unsatisfactory performance.

10 2. An employee notified of unsatisfactory performance
11 may request an opportunity to be considered for a transfer to
12 another appropriate position, with a different supervising
13 administrator, for the subsequent year of employment. If the
14 request for the transfer is granted, the district school
15 superintendent shall annually report to the department the
16 total number of employees transferred pursuant to this
17 subparagraph, where they were transferred, and what, if any,
18 remediation was implemented to remediate the unsatisfactory
19 performance.

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

25 4. Not later than 6 weeks prior to the close of the
26 postschool conference period of the subsequent year, the
27 district school superintendent, after receiving and reviewing
28 the recommendation required by s. 1012.34, shall notify the
29 employee, in writing, whether the performance deficiencies
30 have been corrected. If so, a new professional service
31 contract shall be issued to the employee. If the performance

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1 deficiencies have not been corrected, the district school
2 superintendent may notify the district school board and the
3 employee, in writing, that the employee shall not be issued a
4 new professional service contract; however, if the
5 recommendation of the district school superintendent is not to
6 issue a new professional service contract, and if the employee
7 wishes to contest such recommendation, the employee will have
8 15 days from receipt of the district school superintendent's
9 recommendation to demand, in writing, a hearing. In such
10 hearing, the employee may raise as an issue, among other
11 things, the sufficiency of the district school
12 superintendent's charges of unsatisfactory performance. Such
13 hearing shall be conducted at the district school board's
14 election in accordance with one of the following procedures:
15 a. A direct hearing conducted by the district school
16 board within 60 days of receipt of the written appeal. The
17 hearing shall be conducted in accordance with the provisions
18 of ss. 120.569 and 120.57. A majority vote of the membership
19 of the district school board shall be required to sustain the
20 district school superintendent's recommendation. The
21 determination of the district school board shall be final as
22 to the sufficiency or insufficiency of the grounds for
23 termination of employment; or
24 b. A hearing conducted by an administrative law judge
25 assigned by the Division of Administrative Hearings of the
26 Department of Management Services. The hearing shall be
27 conducted within 60 days of receipt of the written appeal in
28 accordance with chapter 120. The recommendation of the
29 administrative law judge shall be made to the district school
30 board. A majority vote of the membership of the district
31 school board shall be required to sustain or change the

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1 administrative law judge's recommendation. The determination
2 of the district school board shall be final as to the
3 sufficiency or insufficiency of the grounds for termination of
4 employment.

5 (g) Beginning July 1, 2001, for each employee who
6 enters into a written contract, pursuant to this section, in a
7 school district in which the employee was not employed as of
8 June 30, 2001, for purposes of pay, a district school board
9 must recognize and accept each year of full-time public school
10 teaching service earned in the State of Florida or outside the
11 state and for which the employee received a satisfactory
12 performance evaluation. Instructional personnel employed
13 pursuant to s. 121.091(9)(b)3. are exempt from the provisions
14 of this paragraph.

15 (4)(a) An employee who had continuing contract status
16 prior to July 1, 1984, shall be entitled to retain such
17 contract and all rights arising therefrom as prescribed by
18 rules of the State Board of Education adopted pursuant to s.
19 231.36, Florida Statutes (1981), unless the employee
20 voluntarily relinquishes his or her continuing contract.

21 (b) Any member of the district administrative or
22 supervisory staff and any member of the instructional staff,
23 including any school principal, who is under continuing
24 contract may be dismissed or may be returned to annual
25 contract status for another 3 years in the discretion of the
26 district school board, at the end of the school year, when a
27 recommendation to that effect is submitted in writing to the
28 district school board on or before April 1 of any school year,
29 giving good and sufficient reasons therefor, by the district
30 school superintendent, by the school principal if his or her
31 contract is not under consideration, or by a majority of the

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1 district school board. The employee whose contract is under
2 consideration shall be duly notified in writing by the party
3 or parties preferring the charges at least 5 days prior to the
4 filing of the written recommendation with the district school
5 board, and such notice shall include a copy of the charges and
6 the recommendation to the district school board. The district
7 school board shall proceed to take appropriate action. Any
8 decision adverse to the employee shall be made by a majority
9 vote of the full membership of the district school board. Any
10 such decision adverse to the employee may be appealed by the
11 employee pursuant to s. 120.68.

12 (c) Any member of the district administrative or
13 supervisory staff and any member of the instructional staff,
14 including any school principal, who is under continuing
15 contract may be suspended or dismissed at any time during the
16 school year; however, the charges against him or her must be
17 based on immorality, misconduct in office, incompetency, gross
18 insubordination, willful neglect of duty, drunkenness, or
19 conviction of a crime involving moral turpitude, as these
20 terms are defined by rule of the State Board of Education.
21 Whenever such charges are made against any such employee of
22 the district school board, the district school board may
23 suspend such person without pay; but, if the charges are not
24 sustained, he or she shall be immediately reinstated, and his
25 or her back salary shall be paid. In cases of suspension by
26 the district school board or by the district school
27 superintendent, the district school board shall determine upon
28 the evidence submitted whether the charges have been sustained
29 and, if the charges are sustained, shall determine either to
30 dismiss the employee or fix the terms under which he or she
31 may be reinstated. If such charges are sustained by a majority

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1 vote of the full membership of the district school board and
2 such employee is discharged, his or her contract of employment
3 shall be thereby canceled. Any such decision adverse to the
4 employee may be appealed by the employee pursuant to s.
5 120.68, provided such appeal is filed within 30 days after the
6 decision of the district school board.

7 (5) Should a district school board have to choose from
8 among its personnel who are on continuing contracts or
9 professional service contracts as to which should be retained,
10 such decisions shall be made pursuant to the terms of a
11 collectively bargained agreement, when one exists. If no such
12 agreement exists, the district school board shall prescribe
13 rules to handle reductions in workforce.

14 (6)(a) Any member of the instructional staff,
15 excluding an employee specified in subsection (4), may be
16 suspended or dismissed at any time during the term of the
17 contract for just cause as provided in paragraph (1)(a). The
18 district school board must notify the employee in writing
19 whenever charges are made against the employee and may suspend
20 such person without pay; but, if the charges are not
21 sustained, the employee shall be immediately reinstated, and
22 his or her back salary shall be paid. If the employee wishes
23 to contest the charges, the employee must, within 15 days
24 after receipt of the written notice, submit a written request
25 for a hearing. Such hearing shall be conducted at the district
26 school board's election in accordance with one of the
27 following procedures:

28 1. A direct hearing conducted by the district school
29 board within 60 days after receipt of the written appeal. The
30 hearing shall be conducted in accordance with the provisions
31 of ss. 120.569 and 120.57. A majority vote of the membership

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1 of the district school board shall be required to sustain the
2 district school superintendent's recommendation. The
3 determination of the district school board shall be final as
4 to the sufficiency or insufficiency of the grounds for
5 termination of employment; or
6 2. A hearing conducted by an administrative law judge
7 assigned by the Division of Administrative Hearings of the
8 Department of Management Services. The hearing shall be
9 conducted within 60 days after receipt of the written appeal
10 in accordance with chapter 120. The recommendation of the
11 administrative law judge shall be made to the district school
12 board. A majority vote of the membership of the district
13 school board shall be required to sustain or change the
14 administrative law judge's recommendation. The determination
15 of the district school board shall be final as to the
16 sufficiency or insufficiency of the grounds for termination of
17 employment.
18
19 Any such decision adverse to the employee may be appealed by
20 the employee pursuant to s. 120.68, provided such appeal is
21 filed within 30 days after the decision of the district school
22 board.
23 (b) Any member of the district administrative or
24 supervisory staff, including any principal but excluding an
25 employee specified in subsection (4), may be suspended or
26 dismissed at any time during the term of the contract;
27 however, the charges against him or her must be based on
28 immorality, misconduct in office, incompetency, gross
29 insubordination, willful neglect of duty, drunkenness, or
30 conviction of any crime involving moral turpitude, as these
31 terms are defined by rule of the State Board of Education.

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1 Whenever such charges are made against any such employee of
2 the district school board, the district school board may
3 suspend the employee without pay; but, if the charges are not
4 sustained, he or she shall be immediately reinstated, and his
5 or her back salary shall be paid. In cases of suspension by
6 the district school board or by the district school
7 superintendent, the district school board shall determine upon
8 the evidence submitted whether the charges have been sustained
9 and, if the charges are sustained, shall determine either to
10 dismiss the employee or fix the terms under which he or she
11 may be reinstated. If such charges are sustained by a
12 majority vote of the full membership of the district school
13 board and such employee is discharged, his or her contract of
14 employment shall be thereby canceled. Any such decision
15 adverse to the employee may be appealed by him or her pursuant
16 to s. 120.68, provided such appeal is filed within 30 days
17 after the decision of the district school board.

18 (7) The district school board of any given district
19 shall grant continuing service credit for time spent
20 performing duties as a member of the Legislature to any
21 district employee who possesses a professional service
22 contract, multiyear contract, or continuing contract.

23 (8) Notwithstanding any other provision of law, any
24 member who has retired may interrupt retirement and be
25 reemployed in any public school. Any member so reemployed by
26 the same district from which he or she retired may be employed
27 on a probationary contractual basis as provided in subsection
28 (1); however, no regular retirement employee shall be eligible
29 to renew membership under a retirement system created by
30 chapter 121 or chapter 238.

31 Section 709. Section 1012.34, Florida Statutes, is

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1 created to read:

2 1012.34 Assessment procedures and criteria.--

3 (1) For the purpose of improving the quality of
4 instructional, administrative, and supervisory services in the
5 public schools of the state, the district school
6 superintendent shall establish procedures for assessing the
7 performance of duties and responsibilities of all
8 instructional, administrative, and supervisory personnel
9 employed by the school district. The Department of Education
10 must approve each district's instructional personnel
11 assessment system.

12 (2) The following conditions must be considered in the
13 design of the district's instructional personnel assessment
14 system:

15 (a) The system must be designed to support district
16 and school level improvement plans.

17 (b) The system must provide appropriate instruments,
18 procedures, and criteria for continuous quality improvement of
19 the professional skills of instructional personnel.

20 (c) The system must include a mechanism to give
21 parents an opportunity to provide input into employee
22 performance assessments when appropriate.

23 (d) In addition to addressing generic teaching
24 competencies, districts must determine those teaching fields
25 for which special procedures and criteria will be developed.

26 (e) Each district school board may establish a peer
27 assistance process. The plan may provide a mechanism for
28 assistance of persons who are placed on performance probation
29 as well as offer assistance to other employees who request it.

30 (f) The district school board shall provide training
31 programs that are based upon guidelines provided by the

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1 Department of Education to ensure that all individuals with
2 evaluation responsibilities understand the proper use of the
3 assessment criteria and procedures.

4 (3) The assessment procedure for instructional
5 personnel and school administrators must be primarily based on
6 the performance of students assigned to their classrooms or
7 schools, as appropriate. The procedures must comply with, but
8 are not limited to, the following requirements:

9 (a) An assessment must be conducted for each employee
10 at least once a year. The assessment must be based upon sound
11 educational principles and contemporary research in effective
12 educational practices. The assessment must primarily use data
13 and indicators of improvement in student performance assessed
14 annually as specified in s. 1008.22 and may consider results
15 of peer reviews in evaluating the employee's performance.
16 Student performance must be measured by state assessments
17 required under s. 1008.22 and by local assessments for
18 subjects and grade levels not measured by the state assessment
19 program. The assessment criteria must include, but are not
20 limited to, indicators that relate to the following:

- 21 1. Performance of students.
- 22 2. Ability to maintain appropriate discipline.
- 23 3. Knowledge of subject matter. The district school
24 board shall make special provisions for evaluating teachers
25 who are assigned to teach out-of-field.
- 26 4. Ability to plan and deliver instruction, including
27 the use of technology in the classroom.
- 28 5. Ability to evaluate instructional needs.
- 29 6. Ability to establish and maintain a positive
30 collaborative relationship with students' families to increase
31 student achievement.

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1 7. Other professional competencies, responsibilities,
2 and requirements as established by rules of the State Board of
3 Education and policies of the district school board.

4 (b) All personnel must be fully informed of the
5 criteria and procedures associated with the assessment process
6 before the assessment takes place.

7 (c) The individual responsible for supervising the
8 employee must assess the employee's performance. The evaluator
9 must submit a written report of the assessment to the district
10 school superintendent for the purpose of reviewing the
11 employee's contract. The evaluator must submit the written
12 report to the employee no later than 10 days after the
13 assessment takes place. The evaluator must discuss the written
14 report of assessment with the employee. The employee shall
15 have the right to initiate a written response to the
16 assessment, and the response shall become a permanent
17 attachment to his or her personnel file.

18 (d) If an employee is not performing his or her duties
19 in a satisfactory manner, the evaluator shall notify the
20 employee in writing of such determination. The notice must
21 describe such unsatisfactory performance and include notice of
22 the following procedural requirements:

23 1. Upon delivery of a notice of unsatisfactory
24 performance, the evaluator must confer with the employee, make
25 recommendations with respect to specific areas of
26 unsatisfactory performance, and provide assistance in helping
27 to correct deficiencies within a prescribed period of time.

28 2.a. If the employee holds a professional service
29 contract as provided in s. 1012.33, the employee shall be
30 placed on performance probation and governed by the provisions
31 of this section for 90 calendar days following the receipt of

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1 the notice of unsatisfactory performance to demonstrate
2 corrective action. School holidays and school vacation periods
3 are not counted when calculating the 90-calendar-day period.
4 During the 90 calendar days, the employee who holds a
5 professional service contract must be evaluated periodically
6 and apprised of progress achieved and must be provided
7 assistance and inservice training opportunities to help
8 correct the noted performance deficiencies. At any time during
9 the 90 calendar days, the employee who holds a professional
10 service contract may request a transfer to another appropriate
11 position with a different supervising administrator; however,
12 a transfer does not extend the period for correcting
13 performance deficiencies.

14 b. Within 14 days after the close of the 90 calendar
15 days, the evaluator must assess whether the performance
16 deficiencies have been corrected and forward a recommendation
17 to the district school superintendent. Within 14 days after
18 receiving the evaluator's recommendation, the district school
19 superintendent must notify the employee who holds a
20 professional service contract in writing whether the
21 performance deficiencies have been satisfactorily corrected
22 and whether the district school superintendent will recommend
23 that the district school board continue or terminate his or
24 her employment contract. If the employee wishes to contest the
25 district school superintendent's recommendation, the employee
26 must, within 15 days after receipt of the district school
27 superintendent's recommendation, submit a written request for
28 a hearing. The hearing shall be conducted at the district
29 school board's election in accordance with one of the
30 following procedures:

31 (I) A direct hearing conducted by the district school

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1 board within 60 days after receipt of the written appeal. The
2 hearing shall be conducted in accordance with the provisions
3 of ss. 120.569 and 120.57. A majority vote of the membership
4 of the district school board shall be required to sustain the
5 district school superintendent's recommendation. The
6 determination of the district school board shall be final as
7 to the sufficiency or insufficiency of the grounds for
8 termination of employment; or

9 (II) A hearing conducted by an administrative law
10 judge assigned by the Division of Administrative Hearings of
11 the Department of Management Services. The hearing shall be
12 conducted within 60 days after receipt of the written appeal
13 in accordance with chapter 120. The recommendation of the
14 administrative law judge shall be made to the district school
15 board. A majority vote of the membership of the district
16 school board shall be required to sustain or change the
17 administrative law judge's recommendation. The determination
18 of the district school board shall be final as to the
19 sufficiency or insufficiency of the grounds for termination of
20 employment.

21 (4) The district school superintendent shall notify
22 the department of any instructional personnel who receive two
23 consecutive unsatisfactory evaluations and who have been given
24 written notice by the district that their employment is being
25 terminated or is not being renewed or that the district school
26 board intends to terminate, or not renew, their employment.
27 The department shall conduct an investigation to determine
28 whether action shall be taken against the certificateholder
29 pursuant to s. 1012.795(1)(b).

30 (5) The district school superintendent shall develop a
31 mechanism for evaluating the effective use of assessment

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1 criteria and evaluation procedures by administrators who are
2 assigned responsibility for evaluating the performance of
3 instructional personnel. The use of the assessment and
4 evaluation procedures shall be considered as part of the
5 annual assessment of the administrator's performance. The
6 system must include a mechanism to give parents and teachers
7 an opportunity to provide input into the administrator's
8 performance assessment, when appropriate.

9 (6) Nothing in this section shall be construed to
10 grant a probationary employee a right to continued employment
11 beyond the term of his or her contract.

12 (7) The district school board shall establish a
13 procedure annually reviewing instructional personnel
14 assessment systems to determine compliance with this section.
15 All substantial revisions to an approved system must be
16 reviewed and approved by the district school board before
17 being used to assess instructional personnel. Upon request by
18 a school district, the department shall provide assistance in
19 developing, improving, or reviewing an assessment system.

20 (8) The State Board of Education shall adopt rules
21 pursuant to ss. 120.536(1) and 120.54, that establish uniform
22 guidelines for the submission, review, and approval of
23 district procedures for the annual assessment of instructional
24 personnel and that include criteria for evaluating
25 professional performance.

26 Section 710. Part III.c. of chapter 1012, Florida
27 Statutes, shall be entitled "Personnel, Instructional and
28 Noninstructional; Authorization; Requirements" and shall
29 consist of ss. 1012.35-1012.46.

30 Section 711. Section 1012.35, Florida Statutes, is
31 created to read:

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1 1012.35 Substitute teachers.--Each district school
2 board shall adopt rules prescribing the compensation of, and
3 the procedure for employment of, substitute teachers. Such
4 procedure for employment shall include, but is not limited to,
5 the filing of a complete set of fingerprints as required in s.
6 1012.32.

7 Section 712. Section 1012.36, Florida Statutes, is
8 created to read:

9 1012.36 Part-time teachers.--

10 (1) District school boards may hire certified and
11 qualified personnel as provided in ss. 1012.39 and 1012.57 to
12 teach a specified number of periods, which may be less than a
13 full school day or less than a full school year.

14 (2) Assigned additional school duties and salaries
15 shall be given in direct ratio to the number of periods
16 taught. Other benefits shall be provided by district school
17 board rule or, if applicable, pursuant to chapter 447.

18 Section 713. Section 1012.37, Florida Statutes, is
19 created to read:

20 1012.37 Education paraprofessionals.--A district
21 school board may appoint education paraprofessionals to assist
22 members of the instructional staff in carrying out their
23 duties and responsibilities. An education paraprofessional
24 shall not be required to hold a teaching certificate. An
25 education paraprofessional, while rendering services under the
26 supervision of a certified teacher, shall be accorded the same
27 protection of laws as that accorded the certified teacher.
28 Paid education paraprofessionals employed by a district school
29 board shall be entitled to the same rights as those accorded
30 noninstructional employees of the district school board.

31 Section 714. Section 1012.38, Florida Statutes, is

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1 created to read:

2 1012.38 Education paraprofessional career
3 development.--

4 (1)(a) Each school district may adopt a program for
5 the career development of education paraprofessionals. The
6 purpose of the program is to provide to education
7 paraprofessionals a system of career development which is
8 based upon education and training advancement, and to furnish
9 economic incentives to encourage excellence among education
10 paraprofessionals.

11 (b) The adoption of each program is subject to chapter
12 447, and the implementation of a program is contingent upon
13 the agreement and ratification of the program by both the
14 employer and employees under s. 447.309.

15 (2) A district education paraprofessional career
16 development program must include voluntary participation by
17 paraprofessionals in five career development levels. The
18 district school board shall adopt a procedure for verifying
19 the competency levels of all persons who participate in the
20 career development program and a procedure to determine the
21 outcomes and results of the program and impact on student
22 performance.

23 (3)(a) Level I.--To qualify for Level I, the person
24 must meet:

25 1. The health requirement established for certified
26 personnel.

27 2. The age requirements for certified personnel.

28 3. The local school district requirements for
29 employment.

30 (b) Level II.--To qualify for Level II, the person
31 must:

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- 1 1. Have earned a high school diploma or the
2 equivalent.
- 3 2. Possess a clear understanding of state and district
4 rules and policies relevant to paraprofessionals.
- 5 3. Possess knowledge of all state and district
6 instructional practices and policies relevant to
7 paraprofessionals.
- 8 4. Have maintained satisfactory job performance of
9 appropriate skills and competencies for 1 year.
- 10 (c) Level III.--To qualify for Level III, the person
11 must:
- 12 1. Have completed 30 college semester hours or the
13 equivalent inservice hours.
- 14 2. Possess a clear understanding of state and district
15 rules and policies relevant to paraprofessionals.
- 16 3. Possess knowledge of all state and district
17 instructional practices and policies relevant to
18 paraprofessionals.
- 19 4. Have maintained satisfactory job performance of
20 appropriate skills and competencies for 2 years.
- 21 (d) Level IV.--To qualify for Level IV, the person
22 must:
- 23 1. Have completed 60 college semester hours or the
24 equivalent inservice hours.
- 25 2. Possess a clear understanding of state and district
26 rules and policies relevant to paraprofessionals.
- 27 3. Possess knowledge of all state and district
28 instructional practices and policies relevant to
29 paraprofessionals.
- 30 4. Have maintained satisfactory job performance of
31 appropriate skills and competencies for 2 years.

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1 (e) Level V.--To qualify for Level V, the person must:

2 1. Have completed coursework to earn a bachelor of
3 arts or bachelor of science degree from an accredited
4 institution pursuant to s. 1012.56(2)(c).

5 2. Possess a clear understanding of state and district
6 rules and policies relevant to paraprofessionals.

7 3. Possess knowledge of all state and district
8 instructional practices and policies relevant to
9 paraprofessionals.

10 4. Have maintained satisfactory job performance of
11 appropriate skills and competencies for 2 years.

12 (4) Paraprofessionals may not:

13 (a) Establish instructional objectives;

14 (b) Make decisions regarding the relevancy of certain
15 activities or procedures to the attainment of instructional
16 objectives;

17 (c) Make decisions regarding the appropriateness of
18 certain teaching materials for accomplishing instructional
19 objectives; or

20 (d) Make judgments regarding the attainment of
21 instructional objectives unless these judgments are based upon
22 clear and objective criteria, such as specific achievement
23 standards on a true-false test.

24 Section 715. Section 1012.39, Florida Statutes, is
25 created to read:

26 1012.39 Employment of substitute teachers, teachers of
27 adult education, nondegreed teachers of career education, and
28 career specialists; students performing clinical field
29 experience.--

30 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
31 1012.57, or any other provision of law or rule to the

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1 contrary, each district school board shall establish the
2 minimal qualifications for:

3 (a) Substitute teachers to be employed pursuant to s.
4 1012.35. The qualifications shall require the filing of a
5 complete set of fingerprints in the same manner as required by
6 s. 1012.32.

7 (b) Part-time and full-time teachers in adult
8 education programs. The qualifications shall require the
9 filing of a complete set of fingerprints in the same manner as
10 required by s. 1012.32. Faculty employed solely to conduct
11 postsecondary instruction may be exempted from this
12 requirement.

13 (c) Part-time and full-time nondegreed teachers of
14 career and technical programs. Qualifications shall be
15 established for agriculture, business, health occupations,
16 family and consumer sciences, industrial, marketing, career
17 specialist, and public service education teachers, based
18 primarily on successful occupational experience rather than
19 academic training. The qualifications for such teachers shall
20 require:

21 1. The filing of a complete set of fingerprints in the
22 same manner as required by s. 1012.32. Faculty employed solely
23 to conduct postsecondary instruction may be exempted from this
24 requirement.

25 2. Documentation of education and successful
26 occupational experience including documentation of:

27 a. A high school diploma or the equivalent.

28 b. Completion of 6 years of full-time successful
29 occupational experience or the equivalent of part-time
30 experience in the teaching specialization area. Alternate
31 means of determining successful occupational experience may be

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1 established by the district school board.

2 c. Completion of career education training conducted
3 through the local school district inservice master plan.

4 d. For full-time teachers, completion of professional
5 education training in teaching methods, course construction,
6 lesson planning and evaluation, and teaching special needs
7 students. This training may be completed through coursework
8 from an accredited or approved institution or an approved
9 district teacher education program.

10 e. Demonstration of successful teaching performance.

11 (2) Substitute, adult education, and nondegreed career
12 education teachers who are employed pursuant to this section
13 shall have the same rights and protection of laws as certified
14 teachers.

15 (3) A student who is enrolled in a state-approved
16 teacher preparation program in a postsecondary educational
17 institution that is approved by rules of the State Board of
18 Education and who is jointly assigned by the postsecondary
19 educational institution and a district school board to perform
20 a clinical field experience under the direction of a regularly
21 employed and certified educator shall, while serving such
22 supervised clinical field experience, be accorded the same
23 protection of law as that accorded to the certified educator
24 except for the right to bargain collectively as an employee of
25 the district school board.

26 Section 716. Section 1012.40, Florida Statutes, is
27 created to read:

28 1012.40 Educational support employees.--

29 (1) As used in this section:

30 (a) "Educational support employee" means any person
31 employed by a district school system who is employed as a

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1 teacher assistant, an education paraprofessional, a member of
2 the transportation department, a member of the operations
3 department, a member of the maintenance department, a member
4 of food service, a secretary, or a clerical employee, or any
5 other person who by virtue of his or her position of
6 employment is not required to be certified by the Department
7 of Education or district school board pursuant to s. 1012.39.
8 This section does not apply to persons employed in
9 confidential or management positions. This section applies to
10 all employees who are not temporary or casual and whose duties
11 require 20 or more hours in each normal working week.

12 (b) "Employee" means any person employed as an
13 educational support employee.

14 (2)(a) Each educational support employee shall be
15 employed on probationary status for a period to be determined
16 through the appropriate collective bargaining agreement or by
17 district school board rule in cases where a collective
18 bargaining agreement does not exist.

19 (b) Upon successful completion of the probationary
20 period by the employee, the employee's status shall continue
21 from year to year unless the district school superintendent
22 terminates the employee for reasons stated in the collective
23 bargaining agreement, or in district school board rule in
24 cases where a collective bargaining agreement does not exist,
25 or reduces the number of employees on a districtwide basis for
26 financial reasons.

27 (c) In the event a district school superintendent
28 seeks termination of an employee, the district school board
29 may suspend the employee with or without pay. The employee
30 shall receive written notice and shall have the opportunity to
31 formally appeal the termination. The appeals process shall be

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1 determined by the appropriate collective bargaining process or
2 by district school board rule in the event there is no
3 collective bargaining agreement.

4 Section 717. Section 1012.41, Florida Statutes, is
5 created to read:

6 1012.41 Employment of directors of career and
7 technical education.--In order to receive state funding, each
8 district school board that employs at least 15 full-time
9 equivalent career and technical teachers must employ a
10 director of career and technical education who meets the
11 certification requirements established by the State Board of
12 Education. The directors shall be directly accountable to the
13 district school superintendent, or his or her designee, for
14 the planning and implementation of career and technical
15 programs. Two or more district school boards may employ a
16 single director.

17 Section 718. Section 1012.42, Florida Statutes, is
18 created to read:

19 1012.42 Teacher teaching out-of-field.--

20 (1) ASSISTANCE.--Each district school board shall
21 adopt and implement a plan to assist any teacher teaching
22 out-of-field, and priority consideration in professional
23 development activities shall be given to teachers who are
24 teaching out-of-field. The district school board shall require
25 that such teachers participate in a certification or staff
26 development program designed to provide the teacher with the
27 competencies required for the assigned duties. The
28 board-approved assistance plan must include duties of
29 administrative personnel and other instructional personnel to
30 provide students with instructional services. Each district
31 school board shall contact its regional workforce board,

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1 created pursuant to s. 445.007, to identify resources that may
2 assist teachers who are teaching out-of-field and who are
3 pursuing certification.

4 (2) NOTIFICATION REQUIREMENTS.--When a teacher in a
5 district school system is assigned teaching duties in a class
6 dealing with subject matter that is outside the field in which
7 the teacher is certified, outside the field that was the
8 applicant's minor field of study, or outside the field in
9 which the applicant has demonstrated sufficient subject area
10 expertise, as determined by district school board policy in
11 the subject area to be taught, the parents of all students in
12 the class shall be notified in writing of such assignment.

13 Section 719. Section 1012.43, Florida Statutes, is
14 created to read:

15 1012.43 Career and technical teachers.--

16 (1) Career and technical teachers and other teachers
17 who qualify for certificates on the basis of nonacademic
18 preparation shall be entitled to all the contractual rights
19 and privileges now granted to other instructional personnel
20 holding equivalent certificates.

21 (2) A holder of a certificate based on nonacademic
22 preparation which entitled him or her to employment to teach
23 classes in career and technical or adult education shall not
24 be assigned to teach in a regular academic field of the
25 kindergarten through grade 12 school program.

26 Section 720. Section 1012.44, Florida Statutes, is
27 created to read:

28 1012.44 Qualifications for certain persons providing
29 speech-language services.--The State Board of Education shall
30 adopt rules for speech-language services to school districts
31 that qualify for the sparsity supplement as described in s.

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1 1011.62(6). These services may be provided by baccalaureate
2 degree level persons for a period of 3 years. The rules shall
3 authorize the delivery of speech-language services by
4 baccalaureate degree level persons under the direction of a
5 certified speech-language pathologist with a master's degree
6 or higher. By October 1, 2003, these rules shall be reviewed
7 by the State Board of Education.

8 Section 721. Section 1012.45, Florida Statutes, is
9 created to read:

10 1012.45 School bus drivers; requirements and duties.--

11 (1) Each school bus driver must be of good moral
12 character, of good vision and hearing, able-bodied, free from
13 communicable disease, mentally alert, and sufficiently strong
14 physically to handle the bus with ease, and he or she must
15 possess other qualifications prescribed by the Commissioner of
16 Education, including those qualifications described in 49
17 C.F.R. s. 391, relating to physical qualifications and
18 examinations and 49 C.F.R. part 40 and part 382, relating to
19 controlled substance and alcohol use and testing, and he or
20 she must hold a valid commercial driver's license with a
21 passenger endorsement.

22 (2) Each school bus driver has the authority and
23 responsibility to control students during the time students
24 are on the school bus pursuant to s. 1006.10.

25 (3) The State Board of Education shall adopt rules
26 outlining requirements that school bus drivers must meet
27 before they are employed by district school boards.

28 (4) Each district school board may provide a school
29 bus driver training program and may make this program
30 available to private school bus drivers by contract.

31 Section 722. Section 1012.46, Florida Statutes, is

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1 created to read:

2 1012.46 Athletic trainers.--

3 (1) School districts may establish and implement an
4 athletic injuries prevention and treatment program. Central to
5 this program should be the employment and availability of
6 persons trained in the prevention and treatment of physical
7 injuries which may occur during athletic activities. The
8 program should reflect opportunities for progressive
9 advancement and compensation in employment as provided in
10 subsection (2) and meet certain other minimum standards
11 developed by the Department of Education. The goal of the
12 Legislature is to have school districts employ and have
13 available a full-time teacher athletic trainer in each high
14 school in the state.

15 (2) To the extent practicable, a school district
16 program should include the following employment classification
17 and advancement scheme:

18 (a) First responder.--To qualify as a first responder,
19 a person must possess a professional, temporary, part-time,
20 adjunct, or substitute certificate pursuant to s. 1012.56, be
21 certified in cardiopulmonary resuscitation, first aid, and
22 have 15 semester hours in courses such as care and prevention
23 of athletic injuries, anatomy, physiology, nutrition,
24 counseling, and other similar courses approved by the
25 Commissioner of Education. This person may only administer
26 first aid and similar care.

27 (b) Teacher athletic trainer.--To qualify as a teacher
28 athletic trainer, a person must possess a professional,
29 temporary, part-time, adjunct, or substitute certificate
30 pursuant to s. 1012.35, s. 1012.56 or s. 1012.57, and be
31 licensed as required by part XIII of chapter 468.

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1 Section 723. Part III.d. of chapter 1012, Florida
2 Statutes, shall be entitled "Educator Certification for Public
3 Schools; Renewal; Duties" and shall consist of ss.
4 1012.51-1012.595.

5 Section 724. Section 1012.51, Florida Statutes, is
6 created to read:

7 1012.51 Legislative intent; declaration.--It is the
8 intent and purpose of the Legislature that the practice of
9 teaching in the public school system and its related services,
10 including administering and supervisory services, shall be
11 designated as professional services. Teaching is hereby
12 declared to be a profession in Florida, with similar rights,
13 responsibilities, and privileges accorded other legally
14 recognized professions.

15 Section 725. Section 1012.52, Florida Statutes, is
16 created to read:

17 1012.52 Teacher quality; legislative findings.--

18 (1) The Legislature intends to implement a
19 comprehensive approach to increase students' academic
20 achievement and improve teaching quality. The Legislature
21 recognizes that professional educators play an important role
22 in shaping the future of this state and the nation by
23 developing the knowledge and skills of our future workforce
24 and laying the foundation for good citizenship and full
25 participation in community and civic life. The Legislature
26 also recognizes its role in meeting the state's educational
27 priorities so as to provide opportunity for all students to
28 achieve at the levels set by the Sunshine State Standards.

29 (2) The Legislature further finds that effective
30 educators are able to do the following:

31 (a) Write and speak in a logical and understandable

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1 style, using appropriate grammar and sentence structure, and
2 demonstrate a command of standard English, enunciation,
3 clarity of oral directions, and pace and precision in
4 speaking.

5 (b) Read, comprehend, and interpret professional and
6 other written material.

7 (c) Compute, think logically, and solve problems.

8 (d) Recognize signs of students' difficulty with the
9 reading and computational process and apply appropriate
10 measures to improve students' reading and computational
11 performance.

12 (e) Recognize patterns of physical, social, emotional,
13 and intellectual development in students, including
14 exceptional students in the regular classroom.

15 (f) Recognize and demonstrate awareness of the
16 educational needs of students who have limited proficiency in
17 English and employ appropriate teaching strategies.

18 (g) Use and integrate appropriate technology in
19 teaching and learning processes and in managing, evaluating,
20 and improving instruction.

21 (h) Use assessment and other diagnostic strategies to
22 assist the continuous development and acquisition of knowledge
23 and understanding of the learner.

24 (i) Use teaching and learning strategies that include
25 consideration of each student's learning styles, needs, and
26 background.

27 (j) Demonstrate the ability to maintain a positive,
28 collaborative relationship with students' families to increase
29 student achievement.

30 (k) Recognize signs of tendency toward violence and
31 severe emotional distress in students and apply techniques of

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1 crisis intervention.

2 (l) Recognize signs of alcohol and drug abuse in
3 students and know how to appropriately work with such students
4 and seek assistance designed to prevent future abuse.

5 (m) Recognize the physical and behavioral indicators
6 of child abuse and neglect and know rights and
7 responsibilities regarding reporting.

8 (n) Demonstrate the ability to maintain a positive
9 environment in the classroom while achieving order and
10 discipline.

11 (o) Demonstrate the ability to grade student
12 performance effectively.

13 (p) Demonstrate knowledge and understanding of the
14 value of, and strategies for, promoting parental involvement
15 in education.

16 Section 726. Section 1012.53, Florida Statutes, is
17 created to read:

18 1012.53 Duties of instructional personnel.--

19 (1) The primary duty of instructional personnel is to
20 work diligently and faithfully to help students meet or exceed
21 annual learning goals, to meet state and local achievement
22 requirements, and to master the skills required to graduate
23 from high school prepared for postsecondary education and
24 work. This duty applies to instructional personnel whether
25 they teach or function in a support role.

26 (2) Members of the instructional staff of the public
27 schools shall perform duties prescribed by rules of the
28 district school board. The rules shall include, but are not
29 limited to, rules relating to a teacher's duty to help
30 students master challenging standards and meet all state and
31 local requirements for achievement; teaching efficiently and

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1 faithfully, using prescribed materials and methods, including
2 technology-based instruction; recordkeeping; and fulfilling
3 the terms of any contract, unless released from the contract
4 by the district school board.

5 Section 727. Section 1012.54, Florida Statutes, is
6 created to read:

7 1012.54 Purpose of instructional personnel
8 certification.--It is the intent of the Legislature that
9 school personnel certified in this state possess the
10 credentials, knowledge, and skills necessary to allow the
11 opportunity for a high-quality education in the public
12 schools. The purpose of school personnel certification is to
13 protect the educational interests of students, parents, and
14 the public at large by assuring that teachers in this state
15 are professionally qualified. In fulfillment of its duty to
16 the citizens of this state, the Legislature has established
17 certification requirements to assure that educational
18 personnel in public schools possess appropriate skills in
19 reading, writing, and mathematics, and adequate pedagogical
20 knowledge, including the use of technology to enhance student
21 learning, and relevant subject matter competence so as to
22 demonstrate an acceptable level of professional performance.
23 Further, the Legislature has established a certificate renewal
24 process which promotes the continuing professional improvement
25 of school personnel, thereby enhancing public education in all
26 areas of the state.

27 Section 728. Section 1012.55, Florida Statutes, is
28 created to read:

29 1012.55 Positions for which certificates required.--
30 (1) The State Board of Education shall classify school
31 services, designate the certification subject areas, establish

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1 competencies, including the use of technology to enhance
2 student learning, and certification requirements for all
3 school-based personnel, and adopt rules in accordance with
4 which the professional, temporary, and part-time certificates
5 shall be issued by the Department of Education to applicants
6 who meet the standards prescribed by such rules for their
7 class of service. Each person employed or occupying a position
8 as school supervisor, school principal, teacher, library media
9 specialist, school counselor, athletic coach, or other
10 position in which the employee serves in an instructional
11 capacity, in any public school of any district of this state
12 shall hold the certificate required by law and by rules of the
13 State Board of Education in fulfilling the requirements of the
14 law for the type of service rendered. However, the state board
15 shall adopt rules authorizing district school boards to employ
16 selected noncertificated personnel to provide instructional
17 services in the individuals' fields of specialty or to assist
18 instructional staff members as education paraprofessionals.

19 (2) Each person who is employed and renders service as
20 an athletic coach in any public school in any district of this
21 state shall hold a valid temporary or professional certificate
22 or an athletic coaching certificate. The athletic coaching
23 certificate may be used for either part-time or full-time
24 positions. The provisions of this subsection do not apply to
25 any athletic coach who voluntarily renders service and who is
26 not employed by any public school district of this state.

27 (3) Each person employed as a school nurse shall hold
28 a license to practice nursing in the state, and each person
29 employed as a school physician shall hold a license to
30 practice medicine in the state.

31 (4) A commissioned or noncommissioned military officer

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1 who is an instructor of junior reserve officer training shall
2 be exempt from requirements for teacher certification, except
3 for the filing of fingerprints pursuant to s. 1012.32, if he
4 or she meets the following qualifications:

5 (a) Is retired from active military duty, pursuant to
6 chapter 102 of Title 10, U.S.C.

7 (b) Satisfies criteria established by the appropriate
8 military service for certification by the service as a junior
9 reserve officer training instructor.

10 (c) Has an exemplary military record.

11

12 If such instructor is assigned instructional duties other than
13 junior reserve officer training, he or she shall hold the
14 certificate required by law and rules of the state board for
15 the type of service rendered.

16 Section 729. Effective July 1, 2002, section 1012.56,
17 Florida Statutes, is created to read:

18 1012.56 Educator certification requirements.--

19 (1) APPLICATION.--Each person seeking certification
20 pursuant to this chapter shall submit a completed application
21 containing the applicant's social security number to the
22 Department of Education and remit the fee required pursuant to
23 s. 1012.59 and rules of the State Board of Education. Pursuant
24 to the federal Personal Responsibility and Work Opportunity
25 Reconciliation Act of 1996, each party is required to provide
26 his or her social security number in accordance with this
27 section. Disclosure of social security numbers obtained
28 through this requirement shall be limited to the purpose of
29 administration of the Title IV-D program of the Social
30 Security Act for child support enforcement. Pursuant to s.
31 120.60, the department shall issue within 90 calendar days

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1 after the stamped receipted date of the completed application:

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

4 (b) An official statement of status of eligibility.

5 The statement of status of eligibility must advise the
6 applicant of any qualifications that must be completed to
7 qualify for certification. Each statement of status of
8 eligibility is valid for 2 years after its date of issuance,
9 except as provided in paragraph (2)(d). A statement of status
10 of eligibility may be reissued for one additional 2-year
11 period if application is made while the initial statement of
12 status of eligibility is valid or within 1 year after the
13 initial statement expires, and if the certification subject
14 area is authorized to be issued by the state board at the time
15 the application requesting a reissued statement of status of
16 eligibility is received.

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

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

20 (b) File a written statement, under oath, that the
21 applicant subscribes to and will uphold the principles
22 incorporated in the Constitution of the United States and the
23 Constitution of the State of Florida.

24 (c) Document receipt of a bachelor's or higher degree
25 from an accredited institution of higher learning, or a
26 nonaccredited institution of higher learning that the
27 Department of Education has identified as having a quality
28 program resulting in a bachelor's degree, or higher. Each
29 applicant seeking initial certification must have attained at
30 least a 2.5 overall grade point average on a 4.0 scale in the
31 applicant's major field of study. The applicant may document

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1 the required education by submitting official transcripts from
2 institutions of higher education or by authorizing the direct
3 submission of such official transcripts through established
4 electronic network systems. The bachelor's or higher degree
5 may not be required in areas approved in rule by the State
6 Board of Education as nondegreed areas.

7 (d) Submit to a fingerprint check from the Department
8 of Law Enforcement and the Federal Bureau of Investigation
9 pursuant to s. 1012.32. If the fingerprint reports indicate a
10 criminal history or if the applicant acknowledges a criminal
11 history, the applicant's records shall be referred to the
12 Bureau of Educator Standards for review and determination of
13 eligibility for certification. If the applicant fails to
14 provide the necessary documentation requested by the Bureau of
15 Educator Standards within 90 days after the date of the
16 receipt of the certified mail request, the statement of
17 eligibility and pending application shall become invalid.

18 (e) Be of good moral character.

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

21 (g) Demonstrate mastery of general knowledge, pursuant
22 to subsection (3).

23 (h) Demonstrate mastery of subject area knowledge,
24 pursuant to subsection (4).

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

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

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

31 (b) Achievement of passing scores on the College Level

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1 Academic Skills Test earned prior to July 1, 2002;

2 (c) A valid standard teaching certificate issued by
3 another state that requires an examination of mastery of
4 general knowledge;

5 (d) A valid standard teaching certificate issued by
6 another state and valid certificate issued by the National
7 Board for Professional Teaching Standards; or

8 (e) A valid standard teaching certificate issued by
9 another state and documentation of 2 years of continuous
10 successful full-time teaching or administrative experience
11 during the 5-year period immediately preceding the date of
12 application for certification.

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

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

17 (b) Completion of the subject area specialization
18 requirements specified in state board rule and verification of
19 the attainment of the essential subject matter competencies by
20 the district school superintendent of the employing school
21 district or chief administrative officer of the employing
22 state-supported or private school for a subject area for which
23 a subject area examination has not been developed and required
24 by state board rule;

25 (c) Completion of the graduate level subject area
26 specialization requirements specified in state board rule for
27 a subject coverage requiring a master's or higher degree and
28 achievement of a passing score on the subject area examination
29 specified in state board rule;

30 (d) A valid standard teaching certificate issued by
31 another state that requires an examination of mastery of

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1 subject area knowledge;

2 (e) A valid standard teaching certificate issued by
3 another state and valid certificate issued by the National
4 Board for Professional Teaching Standards; or

5 (f) A valid standard teaching certificate issued by
6 another state and documentation of 2 years of continuous
7 successful full-time teaching or administrative experience
8 during the 5-year period immediately preceding the date of
9 application for certification.

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

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

17 (b) Completion of a teacher preparation program at a
18 postsecondary educational institution outside Florida and
19 achievement of a passing score on the professional education
20 competency examination required by state board rule;

21 (c) A valid standard teaching certificate issued by
22 another state that requires an examination of mastery of
23 professional education competence;

24 (d) A valid standard teaching certificate issued by
25 another state and valid certificate issued by the National
26 Board for Professional Teaching Standards;

27 (e) A valid standard teaching certificate issued by
28 another state and documentation of 2 years of continuous
29 successful full-time teaching or administrative experience
30 during the 5-year period immediately preceding the date of
31 application for certification;

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1 (f) Completion of professional preparation courses as
2 specified in state board rule, successful completion of a
3 professional education competence demonstration program
4 pursuant to paragraph (7)(b), and achievement of a passing
5 score on the professional education competency examination
6 required by state board rule; or

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

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

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

15 (b) The department shall issue a temporary certificate
16 to any applicant who completes the requirements outlined in
17 paragraphs (2)(a)-(f) and completes the subject area content
18 requirements specified in state board rule or demonstrates
19 mastery of subject area knowledge pursuant to subsection (4)
20 and holds an accredited degree or a degree approved by the
21 Department of Education at the level required for the subject
22 area specialization in state board rule.

23 (c) The department shall issue one nonrenewable 2-year
24 temporary certificate and one nonrenewable 5-year professional
25 certificate to a qualified applicant who holds a bachelor's
26 degree in the area of speech-language impairment to allow for
27 completion of a master's degree program in speech-language
28 impairment.

29
30 Each temporary certificate is valid for 3 school fiscal years
31 and is nonrenewable. However, the requirement in paragraph

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1 (2)(g) must be met within 1 calendar year of the date of
2 employment under the temporary certificate. Individuals who
3 are employed under contract at the end of the 1 calendar year
4 time period may continue to be employed through the end of the
5 school year in which they have been contracted. A school
6 district shall not employ, or continue the employment of, an
7 individual in a position for which a temporary certificate is
8 required beyond this time period if the individual has not met
9 the requirement of paragraph (2)(g). The State Board of
10 Education shall adopt rules to allow the department to extend
11 the validity period of a temporary certificate for 2 years
12 when the requirements for the professional certificate, not
13 including the requirement in paragraph (2)(g), were not
14 completed due to the serious illness or injury of the
15 applicant or other extraordinary extenuating circumstances.
16 The department shall reissue the temporary certificate for 2
17 additional years upon approval by the Commissioner of
18 Education. A written request for reissuance of the certificate
19 shall be submitted by the district school superintendent, the
20 governing authority of a university lab school, the governing
21 authority of a state-supported school, or the governing
22 authority of a private school.

23 (7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION
24 AND EDUCATION COMPETENCY PROGRAM.--

25 (a) The Department of Education shall develop and each
26 school district must provide a cohesive competency-based
27 professional preparation alternative certification program by
28 which members of a school district's instructional staff may
29 satisfy the mastery of professional preparation and education
30 competence requirements specified in this subsection and rules
31 of the State Board of Education. Participants must hold a

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- 1 state-issued temporary certificate. A school district shall
2 provide a competency-based alternative certification
3 preparation program developed by the Department of Education
4 or developed by the district and approved by the Department of
5 Education. The program shall include the following components:
6 1. A minimum period of initial preparation prior to
7 assuming duties as the teacher of record.
8 2. An option for collaboration between school
9 districts and other supporting agencies for implementation.
10 3. Experienced peer mentors.
11 4. An assessment that provides for:
12 a. An initial evaluation of each educator's
13 competencies to determine an appropriate individualized
14 professional development plan.
15 b. A postevaluation to assure successful completion of
16 the program.
17 5. Professional education preparation content
18 knowledge that includes, but is not limited to, the following:
19 a. Requirements specified in state board rule for
20 professional preparation.
21 b. The educator-accomplished practices approved by the
22 state board.
23 c. A variety of data indicators for student progress.
24 d. Methodologies, including technology-based
25 methodologies, for teaching subject content that supports the
26 Sunshine State Standards for students.
27 e. Techniques for effective classroom management.
28 f. Techniques and strategies for operationalizing the
29 role of the teacher in assuring a safe learning environment
30 for students.
31 g. Methodologies for assuring the ability of all

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1 students to read, write, and compute.

2 6. Required achievement of passing scores on the
3 professional education competency examination required by
4 state board rule.

5 (b) Each school district must and a state supported
6 public school or a private school may develop and maintain a
7 system by which members of the instructional staff may
8 demonstrate mastery of professional education competence as
9 required by law. Each program must be based on classroom
10 application and instructional performance and must include a
11 performance evaluation plan for documenting the demonstration
12 of required professional education competence.

13 (8) EXAMINATIONS.--

14 (a) The Commissioner of Education, with the approval
15 of the State Board of Education, may contract for developing,
16 printing, administering, scoring, and appropriate analysis of
17 the written examinations required.

18 (b) The State Board of Education shall, by rule,
19 specify the examination scores that are required for the
20 issuance of a professional certificate and temporary
21 certificate. Such rules must define generic subject area
22 competencies and must establish uniform evaluation guidelines.

23 (c) The State Board of Education shall designate the
24 certification areas for subject area examinations. All
25 required examinations may be taken prior to graduation.

26 (d) If an applicant takes an examination developed by
27 this state and does not achieve the score necessary for
28 certification, the applicant may review his or her completed
29 examination and bring to the attention of the department any
30 errors that would result in a passing score.

31 (e) For any examination developed by this state, the

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1 Department of Education and the State Board of Education shall
2 maintain confidentiality of the examination, developmental
3 materials, and workpapers, which are exempt from s. 119.07(1).

4 (f) The examinations used for demonstration of mastery
5 of general knowledge, professional education competence, and
6 subject area knowledge shall be aligned with student standards
7 approved by the state board. The delivery system for these
8 examinations shall provide for overall efficiency,
9 user-friendly application, reasonable accessibility to
10 prospective teachers, and prompt attainment of examination
11 results. The examination of competency for demonstration of
12 subject area knowledge shall be sufficiently comprehensive to
13 assess subject matter expertise for individuals who have
14 acquired subject knowledge either through college credit or by
15 other means.

16 (g) All examination instruments, including
17 developmental materials and workpapers directly related
18 thereto, which are prepared, prescribed, or administered
19 pursuant to this section shall be confidential and exempt from
20 the provisions of s. 119.07(1) and from s. 1001.52. Provisions
21 governing access to, maintenance of, and destruction of such
22 instruments and related materials shall be prescribed by rules
23 of the State Board of Education.

24 (9) NONCITIZENS.--

25 (a) The State Board of Education may adopt rules for
26 issuing certificates to noncitizens who are needed to teach
27 and who are legally admitted to the United States through the
28 United States Immigration and Naturalization Service. The
29 filing of a written oath to uphold the principles of the
30 Constitution of the United States and the Constitution of the
31 State of Florida, required under paragraph (2)(b), does not

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1 apply to individuals assigned to teach on an exchange basis.

2 (b) A certificate may not be issued to a citizen of a
3 nation controlled by forces that are antagonistic to
4 democratic forms of government, except to an individual who
5 has been legally admitted to the United States through the
6 United States Immigration and Naturalization Service.

7 (10) DENIAL OF CERTIFICATE.--

8 (a) The Department of Education may deny an applicant
9 a certificate if the department possesses evidence
10 satisfactory to it that the applicant has committed an act or
11 acts, or that a situation exists, for which the Education
12 Practices Commission would be authorized to revoke a teaching
13 certificate.

14 (b) The decision of the department is subject to
15 review by the Education Practices Commission upon the filing
16 of a written request from the applicant within 20 days after
17 receipt of the notice of denial.

18 (11) STATE BOARD RULES.--The State Board of Education
19 shall adopt rules pursuant to ss. 120.536 and 120.54, as
20 necessary to implement this section.

21 (12) PRIOR APPLICATION.--Persons who apply for
22 certification are governed by the law and rules in effect at
23 the time of application for issuance of the initial
24 certificate, provided that continuity of certificates is
25 maintained.

26 (13) PERSONNEL RECORDS.--The Department of Education
27 shall maintain a complete statement of the academic
28 preparation, professional training, and teaching experience of
29 each person to whom a certificate is issued. The applicant or
30 the district school superintendent shall furnish the
31 information using a format or forms provided by the

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1 department.

2 (14) AUTHORITY OF COMMISSIONER.--The Commissioner of
3 Education may make decisions regarding an applicant's
4 certification under extenuating circumstances not otherwise
5 provided for in statute or by rule. However, an applicant for
6 certification approved by the commissioner must possess the
7 credentials, knowledge, and skills necessary to provide
8 quality education in the public schools.

9 (15) COMPARISON OF ROUTES TO A PROFESSIONAL
10 CERTIFICATE.--Beginning with the 2003-2004 school year, the
11 Department of Education shall conduct a longitudinal study to
12 compare performance of certificateholders who are employed in
13 Florida school districts. The study shall compare a sampling
14 of educators who have qualified for a professional certificate
15 since July 1, 2002, based on the following:

16 (a) Graduation from a state-approved teacher
17 preparation program.

18 (b) Completion of a state-approved professional
19 preparation and education competency program.

20 (c) A valid standard teaching certificate issued by a
21 state other than Florida.

22
23 The department comparisons shall be made to determine if there
24 is any significant difference in the performance of these
25 groups of teachers, as measured by their students' achievement
26 levels and learning gains as measured by s. 1008.22.

27 Section 730. Section 1012.565, Florida Statutes, is
28 created to read:

29 1012.565 Educator certification for blind and visually
30 impaired students.--As a part of the certification process,
31 teachers certified in the education of blind and visually

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1 impaired students shall be required to demonstrate competence
2 in reading, writing, and teaching braille pursuant to
3 standards adopted by the Department of Education, comparable
4 to the braille reading and writing standards adopted by the
5 National Library Service for the Blind and Physically
6 Handicapped, Library of Congress, Washington, D.C. The
7 department shall ensure that teachers of students with visual
8 impairments have access to inservice instruction for the
9 purpose of updating their braille skill competence.

10 Section 731. Section 1012.57, Florida Statutes, is
11 created to read:

12 1012.57 Certification of adjunct educators.--

13 (1) Notwithstanding the provisions of ss. 1012.32,
14 1012.55, and 1012.56, or any other provision of law or rule to
15 the contrary, district school boards may issue an adjunct
16 teaching certificate to any applicant who fulfills the
17 requirements of s. 1012.56(2)(a)-(f) and who has expertise in
18 the subject area to be taught. An applicant shall be
19 considered to have expertise in the subject area to be taught
20 if the applicant has at least a minor in the subject area or
21 demonstrates sufficient subject area mastery as determined by
22 district school board policy. The adjunct teaching certificate
23 shall be used for part-time teaching positions. The intent of
24 this provision is to allow school districts to tap the wealth
25 of talent and expertise represented in Florida's citizens who
26 may wish to teach part-time in a Florida public school by
27 permitting school districts to issue adjunct certificates.
28 Adjunct certificateholders should be used as a strategy to
29 reduce the teacher shortage; thus, adjunct certificateholders
30 should supplement a school's instructional staff, not supplant
31 it. Each school principal shall assign an experienced peer

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1 mentor to assist the adjunct teaching certificateholder during
2 the certificateholder's first year of teaching, and an adjunct
3 certificateholder may participate in a district's new teacher
4 training program. District school boards shall provide the
5 adjunct teaching certificateholder an orientation in classroom
6 management prior to assigning the certificateholder to a
7 school. Each adjunct teaching certificate is valid for 5
8 school years and is renewable if:

9 (a) The applicant completes a minimum of 60 inservice
10 points or 3 semester hours of college credit. The earned
11 credits must include instruction in classroom management,
12 district school board procedures, school culture, and other
13 activities that enhance the professional teaching skills of
14 the certificateholder.

15 (b) The applicant has received satisfactory
16 performance evaluations during each year of teaching under
17 adjunct teaching certification.

18 (2) Individuals who are certified and employed
19 pursuant to this section shall have the same rights and
20 protection of laws as teachers certified pursuant to s.
21 1012.56.

22 Section 732. Section 1012.575, Florida Statutes, is
23 created to read:

24 1012.575 Alternative preparation programs for
25 certified teachers to add additional coverage.--A district
26 school board may design alternative teacher preparation
27 programs to enable persons already certificated to add an
28 additional coverage to their certificates. Each alternative
29 teacher preparation program shall be reviewed and approved by
30 the Department of Education to assure that persons who
31 complete the program are competent in the necessary areas of

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1 subject matter specialization. Two or more school districts
2 may jointly participate in an alternative preparation program
3 for teachers.

4 Section 733. Section 1012.58, Florida Statutes, is
5 created to read:

6 1012.58 Transition to Teaching Program.--

7 (1) LEGISLATIVE INTENT.--The Transition to Teaching
8 Program is created to encourage and assist midcareer
9 professionals who want to become teachers.

10 (2) GRANTS; ELIGIBLE APPLICANTS.--

11 (a) The Commissioner of Education shall design the
12 process for receiving and evaluating grant proposals in
13 accordance with state and federal appropriations guidelines.

14 Grants may be awarded only to the extent that funding is
15 provided.

16 (b) The Commissioner of Education shall request
17 proposals from eligible applicants to participate in the
18 program. Each application must:

19 1. Describe the target group of career-changing
20 professionals upon which the applicant will focus in carrying
21 out its program, including a description of the
22 characteristics of the target group that shows how the
23 knowledge and experience of its members are likely to improve
24 their ability to become effective teachers.

25 2. Describe how the applicant will identify and
26 recruit program participants.

27 3. Describe how the applicant will ensure that program
28 participants are placed and teach in eligible school districts
29 in this state.

30 4. Describe the teacher support services that program
31 participants will receive throughout at least their first year

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1 of teaching.

2 5. Describe how the applicant will collaborate with
3 other institutions, agencies, or organizations to recruit,
4 train, place, and support program participants, including
5 evidence of the commitment of those institutions, agencies, or
6 organizations to the applicant's program.

7 (c) The Commissioner of Education must require an
8 evaluation process to measure the progress and effectiveness
9 of the program. This evaluation must include:

10 1. The program's goals and objectives.

11 2. The performance indicators that the applicant will
12 use to measure the program's progress.

13 3. The outcome measures that will be used to determine
14 the program's effectiveness.

15 4. An assurance that the applicant will provide the
16 commissioner with information the commissioner finds necessary
17 to determine the overall effectiveness of the programs.

18 (3) PROGRAM IMPLEMENTATION; AUTHORIZED EXPENDITURES.--

19 (a) An applicant shall estimate the funds required for
20 the proposed program. All funds provided for a program must be
21 used as authorized in federal guidelines.

22 (b) Eligible applicants are encouraged to implement
23 the program using the following components:

24 1. Recruiting program participants, including
25 informing them of opportunities under the program and putting
26 them in contact with other institutions, agencies, or
27 organizations that will train, place, and support them in the
28 teaching profession.

29 2. Assisting providers of teacher training to tailor
30 their training to meet the particular needs of professionals
31 who are changing their careers to teaching.

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1 3. Placement activities, including identifying
2 eligible local education agencies with a need for the skills
3 and characteristics of the newly trained program participants
4 and assisting those participants to obtain employment in those
5 school districts.

6 4. Post-placement support activities for program
7 participants.

8 (4) ELIGIBLE PARTICIPANTS; REQUIREMENTS FOR GRANT
9 REPAYMENT.--

10 (a) Each participant who receives a grant from the
11 program to pursue a teacher preparation program must agree to
12 teach in an eligible school district in this state for at
13 least 3 years after certification. To be eligible, a school
14 district must meet the requirements established in regulations
15 that implement the Omnibus Appropriations Bill of 2000.

16 (b) The commissioner shall establish conditions under
17 which a participant must repay all or a portion of the
18 training stipend if the participant fails to complete his or
19 her service obligation.

20 Section 734. Section 1012.585, Florida Statutes, is
21 created to read:

22 1012.585 Process for renewal of professional
23 certificates.--

24 (1)(a) District school boards in this state shall
25 renew state-issued professional certificates as follows:

26 1. Each district school board shall renew state-issued
27 professional certificates for individuals who hold a
28 professional certificate by this state and are employed by
29 that district pursuant to criteria established in subsections
30 (2), (3), and (4) and rules of the State Board of Education.

31 2. The employing school district may charge the

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1 individual an application fee not to exceed the amount charged
2 by the Department of Education for such services, including
3 associated late renewal fees. Each district school board
4 shall transmit monthly to the department a fee in an amount
5 established by the State Board of Education for each renewed
6 certificate. The fee shall not exceed the actual cost for
7 maintenance and operation of the statewide certification
8 database and for the actual costs incurred in printing and
9 mailing such renewed certificates. As defined in current rules
10 of the state board, the department shall contribute a portion
11 of such fee for purposes of funding the Educator Recovery
12 Network established in s. 1012.798. The department shall
13 deposit all funds into the Educational Certification Trust
14 Fund for use as specified in s. 1012.59.

15 (b) The department shall renew state-issued
16 professional certificates for individuals who are not employed
17 by a district school board of this state pursuant to criteria
18 established in subsections (2), (3), and (4) and requirements
19 specified in rules of the state board.

20 (2)(a) All professional certificates, except a
21 nonrenewable professional certificate, shall be renewable for
22 successive periods not to exceed 5 years after the date of
23 submission of documentation of completion of the requirements
24 for renewal provided in subsection (3). Only one renewal may
25 be granted during each 5-year validity period of a
26 professional certificate.

27 (b) A teacher with national certification from the
28 National Board for Professional Teaching Standards is deemed
29 to meet state renewal requirements for the life of the
30 teacher's national certificate in the subject shown on the
31 national certificate.

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1 (c) If the renewal application form is not received by
2 the department or by the employing school district before the
3 expiration of the professional certificate, the application
4 form, application fee, and a late fee must be submitted before
5 July 1 of the year following expiration of the certificate in
6 order to renew the professional certificate.

7 (d) The State Board of Education shall adopt rules to
8 allow a 1-year extension of the validity period of a
9 professional certificate in the event of serious illness,
10 injury, or other extraordinary extenuating circumstances of
11 the applicant. The department shall grant such 1-year
12 extension upon written request by the applicant or by the
13 district school superintendent or the governing authority of a
14 university lab school, state-supported school, or private
15 school that employs the applicant.

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

18 (a) The applicant must earn a minimum of 6 college
19 credits or 120 inservice points or a combination thereof. For
20 each area of specialization to be retained on a certificate,
21 the applicant must earn at least 3 of the required credit
22 hours or equivalent inservice points in the specialization
23 area. Education in "clinical educator" training pursuant to s.
24 1004.04(5)(b) and credits or points that provide training in
25 the area of exceptional student education, normal child
26 development, and the disorders of development may be applied
27 toward any specialization area. Credits or points that provide
28 training in the areas of drug abuse, child abuse and neglect,
29 strategies in teaching students having limited proficiency in
30 English, or dropout prevention, or training in areas
31 identified in the educational goals and performance standards

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1 adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied
2 toward any specialization area. Credits or points earned
3 through approved summer institutes may be applied toward the
4 fulfillment of these requirements. Inservice points may also
5 be earned by participation in professional growth components
6 approved by the State Board of Education and specified
7 pursuant to s. 1012.98 in the district's approved master plan
8 for inservice educational training, including, but not limited
9 to, serving as a trainer in an approved teacher training
10 activity, serving on an instructional materials committee or a
11 state board or commission that deals with educational issues,
12 or serving on an advisory council created pursuant to s.
13 229.58.

14 (b) In lieu of college course credit or inservice
15 points, the applicant may renew a specialization area by
16 passage of a state board approved subject area test.

17 (c) If an applicant wishes to retain more than two
18 specialization areas on the certificate, the applicant shall
19 be permitted two successive validity periods for renewal of
20 all specialization areas, but must earn no fewer than 6
21 college course credit hours or the equivalent in any one
22 validity period.

23 (d) The State Board of Education shall adopt rules for
24 the expanded use of training for renewal of the professional
25 certificate for educators who are required to complete
26 training in teaching students of limited English proficiency
27 as follows:

28 1. A teacher who holds a professional certificate may
29 use college credits or inservice points completed in
30 English-for-Speakers-of-Other-Languages training in excess of
31 6 semester hours during one certificate-validity period toward

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1 renewal of the professional certificate during the subsequent
2 validity periods.

3 2. A teacher who holds a temporary certificate may use
4 college credits or inservice points completed in
5 English-for-Speakers-of-Other-Languages training toward
6 renewal of the teacher's first professional certificate. Such
7 training must not have been included within the degree
8 program, and the teacher's temporary and professional
9 certificates must be issued for consecutive school years.

10 (4) When any person who holds a valid temporary
11 certificate or professional certificate is called into or
12 volunteers for actual wartime service or required peacetime
13 military service training, the certificate shall be renewed
14 for a period of time equal to the time spent in military
15 service if the person makes proper application and presents
16 substantiating evidence to the department or the employing
17 school district regarding such military service.

18 (5) The State Board of Education shall adopt rules to
19 allow the reinstatement of expired professional certificates.
20 The department may reinstate an expired professional
21 certificate if the certificateholder:

22 (a) Submits an application for reinstatement of the
23 expired certificate.

24 (b) Documents completion of 6 college credits during
25 the 5 years immediately preceding reinstatement of the expired
26 certificate, completion of 120 inservice points, or a
27 combination thereof, in an area specified in paragraph (3)(a).

28 (c) During the 5 years immediately preceding
29 reinstatement of the certificate, achieves a passing score on
30 the subject area test for each subject to be shown on the
31 reinstated certificate.

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The requirements of this subsection may not be satisfied by subject area tests or college credits completed for issuance of the certificate that has expired.

Section 735. Section 1012.59, Florida Statutes, is created to read:

1012.59 Certification fees.--

(1) The State Board of Education, by rule, shall establish separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping, and may establish procedures for scheduling and administering an examination upon an applicant's request. Each fee shall be based on department estimates of the revenue required to implement the provisions of law with respect to certification of school personnel. The application fee shall be nonrefundable. Each examination fee shall be sufficient to cover the actual cost of developing and administering the examination, but shall not exceed \$100 for an examination.

(2) The proceeds from the collection of certification fees, fines, penalties, and costs levied pursuant to this chapter shall be remitted by the Department of Education to the Treasurer for deposit into a separate fund to be known as the "Educational Certification and Service Trust Fund" and disbursed for the payment of expenses incurred by the Educational Practices Commission and in the printing of forms and bulletins and the issuing of certificates, upon vouchers approved by the department.

Section 736. Section 1012.595, Florida Statutes, is created to read:

1012.595 Saving clause.--Each applicant who was issued

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1 a certificate by the Department of Education prior to June 25,
2 1986, shall be entitled to hold such certificate. Henceforth,
3 such certificate shall be renewed in accordance with the
4 provisions of chapter 86-156, Laws of Florida. No judicial or
5 administrative proceeding against a holder of a certificate
6 shall be abated as a result of this chapter.

7 Section 737. Part III.e. of chapter 1012, Florida
8 Statutes, shall be entitled "Leave, Retirement, Workers'
9 Compensation in Public Schools" and shall consist of ss.
10 1012.61-1012.695.

11 Section 738. Section 1012.61, Florida Statutes, is
12 created to read:

13 1012.61 Sick leave.--

14 (1) ELIGIBILITY.--Any member of the instructional
15 staff or any other employee of a district school system
16 employed on a full-time basis in the public schools of the
17 state who is unable to perform his or her duty in the school
18 on account of personal sickness, accident disability, or
19 extended personal illness, or because of illness or death of
20 father, mother, brother, sister, husband, wife, child, other
21 close relative, or member of his or her own household, and
22 consequently has to be absent from his or her work shall be
23 granted leave of absence for sickness by the district school
24 superintendent or by someone designated in writing by the
25 district school superintendent to do so.

26 (2) PROVISIONS GOVERNING SICK LEAVE.--The following
27 provisions shall govern sick leave:

28 (a) Extent of leave.--

29 1. Each member of the instructional staff employed on
30 a full-time basis is entitled to 4 days of sick leave as of
31 the first day of employment of each contract year and shall

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1 thereafter earn 1 day of sick leave for each month of
2 employment, which shall be credited to the member at the end
3 of that month and which may not be used before it is earned
4 and credited to the member. Each other employee shall be
5 credited with 4 days of sick leave at the end of the first
6 month of employment of each contract year and shall thereafter
7 be credited for 1 day of sick leave for each month of
8 employment, which shall be credited to the employee at the end
9 of the month and which may not be used before it is earned and
10 credited to the employee. However, each member of the
11 instructional staff and each other employee is entitled to
12 earn no more than 1 day of sick leave times the number of
13 months of employment during the year of employment. If the
14 employee terminates his or her employment and has not accrued
15 the 4 days of sick leave available to him or her, the district
16 school board may withhold the average daily amount for the
17 days of sick leave used but unearned by the employee. Such
18 leave may be taken only when necessary because of sickness as
19 prescribed in this section. The sick leave shall be
20 cumulative from year to year. There shall be no limit on the
21 number of days of sick leave which a member of the
22 instructional staff or an educational support employee may
23 accrue, except that at least one-half of this cumulative leave
24 must be established within the district granting such leave.

25 2. A district school board may establish policies and
26 prescribe standards to permit an employee to be absent 6 days
27 each school year for personal reasons. However, such absences
28 for personal reasons must be charged only to accrued sick
29 leave, and leave for personal reasons is noncumulative.

30 3. District school boards may adopt rules permitting
31 the annual payment for accumulated sick leave that is earned

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1 for that year and that is unused at the end of the school
2 year, based on the daily rate of pay of the employee
3 multiplied by up to 80 percent. Days for which such payment
4 is received shall be deducted from the accumulated leave
5 balance. Such annual payment may apply only to instructional
6 staff and educational support employees.

7 4. A district school board may establish policies to
8 provide terminal pay for accumulated sick leave to
9 instructional staff and educational support employees of the
10 district school board. If termination of employment is by
11 death of the employee, any terminal pay to which the employee
12 may have been entitled may be made to his or her beneficiary.
13 However, such terminal pay may not exceed an amount determined
14 as follows:

15 a. During the first 3 years of service, the daily rate
16 of pay multiplied by 35 percent times the number of days of
17 accumulated sick leave.

18 b. During the next 3 years of service, the daily rate
19 of pay multiplied by 40 percent times the number of days of
20 accumulated sick leave.

21 c. During the next 3 years of service, the daily rate
22 of pay multiplied by 45 percent times the number of days of
23 accumulated sick leave.

24 d. During the next 3 years of service, the daily rate
25 of pay multiplied by 50 percent times the number of days of
26 accumulated sick leave.

27 e. During and after the 13th year of service, the
28 daily rate of pay multiplied by 100 percent times the number
29 of days of accumulated sick leave.

30 5. A district school board may establish policies to
31 provide terminal pay for accumulated sick leave to any

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1 full-time employee of the district school board other than
2 instructional staff or educational support employees as
3 defined in this section. If termination of the employee is by
4 death of the employee, any terminal pay to which the employee
5 may have been entitled may be made to the employee's
6 beneficiary.

7 a. Terminal pay may not exceed one-fourth of all
8 unused sick leave accumulated on or after July 1, 2001, and
9 may not exceed a maximum of 60 days of actual payment. This
10 limit does not impair any contractual agreement established
11 before July 1, 2001; however, a previously established
12 contract renewed on or after July 1, 2001, constitutes a new
13 contract.

14 b. For unused sick leave accumulated before July 1,
15 2001, terminal payment shall be made pursuant to a district
16 school board's policies, contracts, or rules that are in
17 effect on June 30, 2001.

18 c. If an employee has an accumulated sick leave
19 balance of 60 days of actual payment or more prior to July 1,
20 2001, sick leave earned after that date may not be accumulated
21 for terminal pay purposes until the accumulated leave balance
22 for leave earned before July 1, 2001, is less than 60 days.

23 (b) Claim must be filed.--Any district school board
24 employee who finds it necessary to be absent from his or her
25 duties because of illness, as defined in this section, shall
26 notify his or her immediate supervisor, if possible, before
27 the beginning of the workday on which the employee must be
28 absent or during that day, except for emergency reasons
29 recognized by the district school board as valid. Any
30 district school board employee shall, before claiming and
31 receiving compensation for the time absent from his or her

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1 duties while absent because of sick leave as prescribed in
2 this section, make and file within 5 working days following
3 his or her return from such absence with the district school
4 superintendent of the district in which he or she is so
5 employed a written certificate which shall set forth the day
6 or days absent, that such absence was necessary, and that the
7 employee is entitled or not entitled to receive pay for such
8 absence in accordance with the provisions of this section;
9 however, the district school board of any district may adopt
10 rules under which the district school superintendent may
11 require a certificate of illness from a licensed physician or
12 from the county health officer.

13 (c) Compensation.--Any employee having unused sick
14 leave credit shall receive full-time compensation for the time
15 justifiably absent on sick leave, but no compensation may be
16 allowed beyond that which may be provided in subsection (4).

17 (d) Expenditure authorized.--District school boards
18 may expend public funds for payment to employees on account of
19 sickness. The expending and excluding of such funds shall be
20 in compliance with rules adopted by the Department of
21 Management Services pursuant to chapter 650.

22 (e) Use by family member.--Each district school system
23 must provide a policy under which a district employee may
24 authorize his or her spouse, child, parent, or sibling who is
25 also a district employee to use sick leave that has accrued to
26 the authorizing employee. In developing the policy, the
27 district school board must provide that the recipient may not
28 use the donated sick leave until all of his or her sick leave
29 has been depleted, excluding sick leave from a sick leave
30 pool, if the recipient participates in a sick leave pool.
31 Donated sick leave under this paragraph shall have no terminal

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1 value as provided in s. 1012.61(2).

2 (3) SICK LEAVE POOL.--Notwithstanding any other
3 provision of this section, a district school board, based upon
4 the maintenance of reliable and accurate records by the
5 district school system showing the amount of sick leave which
6 has been accumulated and is unused by employees in accordance
7 with this section, may, by rule or collective bargaining
8 agreement, establish one or more plans allowing participating
9 full-time employees of a district school system to pool sick
10 leave accrued and allowing any sick leave thus pooled to be
11 disbursed to any participating employee who is in need of sick
12 leave in excess of that amount he or she has personally
13 accrued. Such rules or agreements shall include, but not be
14 limited to, the following provisions:

15 (a) Participation in any sick leave pool shall at all
16 times be voluntary on the part of employees.

17 (b) Any full-time employee shall be eligible for
18 participation in any sick leave pool after 1 year of
19 employment with the district school system, provided the
20 employee has accrued a minimum amount of unused sick leave
21 which shall be established by rule and provided, further, a
22 sick leave pool is established that allows participation by
23 that particular employee.

24 (c) Any sick leave pooled pursuant to this section
25 shall be removed from the personally accumulated sick leave
26 balance of the employee donating such leave.

27 (d) Participating employees shall make equal
28 contributions to the sick leave pool. There shall be
29 established a maximum amount of sick leave which may be
30 contributed by an employee to the pool. After the initial
31 contribution which an employee makes upon electing to

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1 participate, no further contributions shall be required except
2 as may be necessary to replenish the pool. Any such further
3 contribution shall be equally required of all employees
4 participating in the pool.

5 (e) Any sick leave time drawn from the pool by a
6 participating employee must be used for said employee's
7 personal illness, accident, or injury.

8 (f) A participating employee is not eligible to use
9 sick leave from the pool until all of his or her sick leave
10 has been depleted, unless otherwise agreed to in a collective
11 bargaining agreement. There shall be established a maximum
12 number of days for which an employee may draw sick leave from
13 the sick leave pool.

14 (g) A participating employee who uses sick leave from
15 the pool is not required to recontribute such sick leave to
16 the pool, except as otherwise provided in this section.

17 (h) A participating employee who chooses to no longer
18 participate in the sick leave pool is not eligible to withdraw
19 any sick leave already contributed to the pool.

20 (i) Alleged abuse of the use of the sick leave pool
21 shall be investigated and, on a finding of wrongdoing, the
22 employee shall repay all of the sick leave credits drawn from
23 the sick leave pool and be subject to such other disciplinary
24 action as determined by the district school board to be
25 appropriate. Rules adopted for the administration of this
26 program shall provide for the investigation of the use of sick
27 leave utilized by the participating employee in the sick leave
28 pool.

29 Section 739. Section 1012.62, Florida Statutes, is
30 created to read:

31 1012.62 Transfer of sick leave and annual leave.--In

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1 implementing the provisions of ss. 1001.42(4)(n) and
2 402.22(1)(d), educational personnel in Department of Children
3 and Family Services residential care facilities who are
4 employed by a district school board may request, and the
5 district school board shall accept, a lump-sum transfer of
6 accumulated sick leave for such personnel to the maximum
7 allowed by policies of the district school board,
8 notwithstanding the provisions of s. 110.122. Educational
9 personnel in Department of Children and Family Services
10 residential care facilities who are employed by a district
11 school board under the provisions of s. 402.22(1)(d) may
12 request, and the district school board shall accept, a
13 lump-sum transfer of accumulated annual leave for each person
14 employed by the district school board in a position in the
15 district eligible to accrue vacation leave under policies of
16 the district school board.

17 Section 740. Section 1012.63, Florida Statutes, is
18 created to read:

19 1012.63 Illness-in-line-of-duty leave.--Any district
20 school board employee shall be entitled to
21 illness-in-line-of-duty leave when he or she has to be absent
22 from his or her duties because of a personal injury received
23 in the discharge of duty or because of illness from any
24 contagious or infectious disease contracted in school work.
25 The following requirements shall be observed:

26 (1) DURATION OF LEAVE AND COMPENSATION.--Leave of the
27 district school board employee shall be authorized for a total
28 of not to exceed 10 school days during any school year for
29 illness contracted, or injury incurred, from the causes
30 prescribed above. However, in the case of sickness or injury
31 occurring under such circumstances as in the opinion of the

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1 district school board warrant it, additional emergency sick
2 leave may be granted out of local funds for such term and
3 under such conditions as the district school board deems
4 proper. The district school board may carry insurance to
5 safeguard the district school board against excessive payments
6 during any year.

7 (2) CLAIMS.--Any district school board employee who
8 has any claim for compensation while absent because of illness
9 contracted or injury incurred as prescribed herein shall file
10 a claim in the manner prescribed in s. 1012.61(2)(b) within 5
11 working days following the employee's return from such
12 absence. The school board of the district in which such person
13 is employed shall approve the claims and authorize the payment
14 thereof if the district school board is satisfied that the
15 claim correctly states the facts and that the claim is
16 entitled to payment in accordance with the provisions of this
17 section.

18 Section 741. Section 1012.64, Florida Statutes, is
19 created to read:

20 1012.64 Sabbatical leave.--

21 (1) Any member of the instructional staff of any
22 school district may be granted sabbatical leave for a period
23 not to exceed 1 year. A person who receives such leave may be
24 paid one-half of his or her ordinary salary during the period
25 of such leave, or in accordance with negotiated agreement or
26 district school board policy, and shall receive full benefits
27 during such period. A person compensated under this section
28 may not be compensated for other employment during the period
29 of sabbatical leave so that he or she would receive combined
30 compensation in excess of his or her ordinary salary.

31 (2) Funds, not to exceed 25 percent, of the district's

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1 allocation for inservice training under s. 1011.62(3) or other
2 district funds may be expended in order to fulfill the
3 provisions of this section, provided that the district
4 allocates \$5 of district funds for each \$1 of state inservice
5 training funds expended under this subsection.

6 (3) Each district school board shall adopt rules to
7 implement this section.

8 Section 742. Section 1012.65, Florida Statutes, is
9 created to read:

10 1012.65 Terminal pay for accrued vacation leave.--A
11 district school board may establish policies to provide for a
12 lump-sum payment for accrued vacation leave to an employee of
13 the district school board upon termination of employment or
14 upon retirement, or to the employee's beneficiary if service
15 is terminated by death. Effective July 1, 2001, terminal pay
16 for accrued vacation leave may not exceed a maximum of 60 days
17 of actual payment. This limit does not impair any contractual
18 agreement established before July 1, 2001. For unused vacation
19 leave accumulated before July 1, 2001, terminal payment shall
20 be made pursuant to the district school board's policies,
21 contracts, or rules that are in effect on June 30, 2001.

22 Section 743. Section 1012.66, Florida Statutes, is
23 created to read:

24 1012.66 Provisions for leaves of absence.--All leaves
25 of absence for all district school board employees, except
26 those leaves prescribed by law, shall be granted with or
27 without compensation pursuant to rules adopted by the district
28 school board. Such leaves authorized by the district school
29 board shall include, but are not limited to, professional
30 leave and extended professional leave, personal leave,
31 military leave granted in compliance with chapter 115, and

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1 maternity leave.

2 Section 744. Section 1012.67, Florida Statutes, is
3 created to read:

4 1012.67 Absence without leave.--Any district school
5 board employee who is willfully absent from duty without leave
6 shall forfeit compensation for the time of such absence, and
7 his or her employment shall be subject to termination by the
8 district school board.

9 Section 745. Section 1012.68, Florida Statutes, is
10 created to read:

11 1012.68 Records of absences.--The administrator of
12 each designated organizational unit shall see that both the
13 days present and the days absent for each employee are
14 reported to the district school superintendent at least once
15 each month in the manner prescribed for that purpose. This
16 report shall include the exact dates of, and the reasons for,
17 each absence. Each district school superintendent shall
18 establish procedures to ensure maintenance of the complete
19 records of all such absences.

20 Section 746. Section 1012.685, Florida Statutes, is
21 created to read:

22 1012.685 Retirement; annuities authorized.--
23 (1) District school boards may purchase annuities for
24 all school personnel with 25 or more years of creditable
25 service who have reached age 50 and have applied for
26 retirement under the Florida Retirement System or who have
27 reached age 55 and have applied for retirement under plan E of
28 the Teachers' Retirement System. No such annuity shall provide
29 for more than the total difference in retirement income
30 between the retirement benefit based on average monthly
31 compensation and creditable service as of the member's early

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1 retirement date and the early retirement benefit.

2 (2) District school boards may purchase annuities for
3 members of the Florida Retirement System who have out-of-state
4 teaching service in another state or country which is
5 documented as valid by the appropriate district school board.
6 Such annuities may be based on no more than 5 years of
7 out-of-state teaching service and may equal, but not exceed,
8 the benefits that would be payable under the Florida
9 Retirement System if credit for out-of-state teaching was
10 authorized under that system.

11 (3) District school boards may invest funds, purchase
12 annuities, or provide local supplemental retirement programs
13 for purposes of providing annuities for school personnel.

14 (4) All retirement annuities shall comply with s. 14,
15 Art. X of the State Constitution.

16 Section 747. Section 1012.69, Florida Statutes, is
17 created to read:

18 1012.69 Provisions relating to Workers' Compensation
19 Law.--Nothing contained in this chapter shall supersede any of
20 the provisions of the Workers' Compensation Law; provided,
21 however, that where amounts payable under the provisions of
22 the education code, for injuries, accidents, or other
23 disabilities which would entitle an employee to compensation
24 under the provisions of the Workers' Compensation Law exceed
25 the amounts payable under the compensation law, payments shall
26 be made, as provided in the education code, for the difference
27 between the amount paid under the Workers' Compensation Law
28 and the amount due under the provisions of the education code.

29 Section 748. Section 1012.695, Florida Statutes, is
30 created to read:

31 1012.695 Local civil service system laws not

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1 superseded.--Sections 1012.66, 1012.61, and 1012.63 shall not
2 be construed to supersede or modify any local law establishing
3 a civil service system covering employees of any school
4 district.

5 Section 749. Part III.f. of chapter 1012, Florida
6 Statutes, shall be entitled "Educator Benefits; Liability
7 Protection; Awards in Public Schools" and shall consist of ss.
8 1012.71-1012.77.

9 Section 750. Section 1012.71, Florida Statutes, is
10 created to read:

11 1012.71 The Florida Teachers Lead Program Stipend.--

12 (1) Funding for the Florida Teachers Lead Program
13 Stipend shall be as determined by the Legislature in the
14 General Appropriations Act. Funds appropriated for the Florida
15 Teachers Lead Program Stipend are provided to purchase
16 classroom materials and supplies used in the instruction of
17 students in kindergarten through grade 12 of the public school
18 system. From the funds appropriated, the Commissioner of
19 Education shall calculate an amount for each school district
20 by prorating the total of each school district's share of the
21 total K-12 unweighted FTE student enrollment.

22 (2) From the funds allocated to each district, the
23 district school board shall calculate an identical amount for
24 each classroom teacher which is his or her proportionate share
25 of the amount allocated to the district for the total number
26 of teachers in the district. The district school board shall
27 provide the funds no later than September 30 of each year
28 directly to each teacher as a stipend to purchase, on behalf
29 of the school district, classroom materials and supplies to be
30 used in the instruction of students assigned to the teacher.
31 Each teacher shall have sole discretion regarding which

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1 classroom materials and supplies best meet the needs of the
2 students, when they are needed, and where they are acquired.
3 The funds expended by individual teachers shall not be subject
4 to state or local competitive bidding requirements.
5 Disbursement of Florida Teachers Lead Program Stipend funds
6 directly to each teacher shall complete the school district's
7 expenditure of these funds.

8 (3) Each teacher shall sign a statement acknowledging
9 receipt of the funds, agreeing to keep receipts to show the
10 expenditure of the funds used to purchase classroom materials
11 and supplies for use in the instruction of the students
12 assigned to them, and agreeing to return any unused funds by
13 the end of the regular school year. The statement to be signed
14 and dated by each teacher for receipt of the Florida Teachers
15 Lead Program Stipend shall include the wording: "I, ...(Name
16 of teacher)..., am employed by the County District School
17 Board as a full-time classroom teacher. I acknowledge that
18 Florida Teachers Lead Program Stipend funds are appropriated
19 by the Legislature for the sole purpose of purchasing
20 classroom materials and supplies to be used in the instruction
21 of students assigned to me. In accepting custody of these
22 funds, I agree to keep receipts for all expenditures. I
23 understand that if I do not keep receipts showing these funds
24 were spent to purchase classroom materials and supplies for
25 use with my students, it will be my personal responsibility to
26 pay any federal taxes due on these funds. I also agree to
27 return any unused funds to the district school board at the
28 end of the regular school year for deposit into the School
29 Advisory Council account of the school at which I was employed
30 at the time of the receipt of the funds."

31 (4) Florida Teachers Lead Program Stipend funds shall

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1 be provided to each teacher in addition to any other funds
2 appropriated for public school operations.

3 (5) Any unused funds which are returned to the
4 district school board shall be deposited into the School
5 Advisory Council account of the school at which the teacher
6 returning the funds was employed at the time of the receipt of
7 the funds.

8 (6) For purposes of this section, the term "classroom
9 teacher" includes certified teachers employed on or before
10 September 1 of each year whose full-time job responsibility is
11 the classroom instruction of students in kindergarten through
12 grade 12, and full-time media specialists and guidance
13 counselors who serve students in kindergarten through grade
14 12. Only school district personnel employed in these positions
15 are eligible for the classroom materials and supply stipend
16 from funds appropriated to implement the provisions of this
17 section.

18 Section 751. Section 1012.72, Florida Statutes, is
19 created to read:

20 1012.72 Excellent Teaching Program.--

21 (1) The Legislature recognizes that teachers play a
22 critical role in preparing students to achieve the high levels
23 of academic performance expected by the Sunshine State
24 Standards. The Legislature further recognizes the importance
25 of identifying and rewarding teaching excellence and of
26 encouraging good teachers to become excellent teachers. The
27 Legislature finds that the National Board of Professional
28 Teaching Standards (NBPTS) has established high and rigorous
29 standards for accomplished teaching and has developed a
30 national voluntary system for assessing and certifying
31 teachers who demonstrate teaching excellence by meeting those

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1 standards. It is therefore the Legislature's intent to provide
2 incentives for teachers to seek NBPTS certification and to
3 reward teachers who demonstrate teaching excellence by
4 attaining NBPTS certification and sharing their expertise with
5 other teachers.

6 (2) The Excellent Teaching Program is created to
7 provide monetary incentives and bonuses for teaching
8 excellence. The Department of Education shall distribute to
9 each school district or to the NBPTS an amount as prescribed
10 annually by the Legislature for the Excellent Teaching
11 Program. For purposes of this section, the Florida School for
12 the Deaf and the Blind shall be considered a school district.
13 Unless otherwise provided in the General Appropriations Act,
14 each distribution shall be the sum of the amounts earned for
15 the following incentives and bonuses:

16 (a) A fee subsidy to be paid by the Department of
17 Education to the NBPTS on behalf of each individual who is an
18 employee of a district school board or a public school within
19 the school district, who is certified by the district to have
20 demonstrated satisfactory teaching performance pursuant to s.
21 1012.34 and who satisfies the prerequisites for participating
22 in the NBPTS certification program, and who agrees, in
23 writing, to pay 10 percent of the NBPTS participation fee and
24 to participate in the NBPTS certification program during the
25 school year for which the fee subsidy is provided. The fee
26 subsidy for each eligible participant shall be an amount equal
27 to 90 percent of the fee charged for participating in the
28 NBPTS certification program. The fee subsidy is a one-time
29 award and may not be duplicated for any individual.

30 (b) A portfolio-preparation incentive of \$150 paid by
31 the Department of Education to each teacher employed by a

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1 district school board or a public school within a school
2 district who is participating in the NBPTS certification
3 program. The portfolio-preparation incentive is a one-time
4 award paid during the school year for which the NBPTS fee
5 subsidy is provided.

6 (c) An annual bonus equal to 10 percent of the prior
7 fiscal year's statewide average salary for classroom teachers
8 to be distributed to the school district to be paid to each
9 individual who holds NBPTS certification and is employed by
10 the district school board or by a public school within the
11 school district. The district school board shall distribute
12 the annual bonus to each individual who meets the requirements
13 of this paragraph and who is certified annually by the
14 district to have demonstrated satisfactory teaching
15 performance pursuant to s. 1012.34. The annual bonus may be
16 paid as a single payment or divided into not more than three
17 payments.

18 (d) An annual bonus equal to 10 percent of the prior
19 fiscal year's statewide average salary for classroom teachers
20 to be distributed to the school district to be paid to each
21 individual who meets the requirements of paragraph (c) and
22 agrees, in writing, to provide the equivalent of 12 workdays
23 of mentoring and related services to public school teachers
24 within the state who do not hold NBPTS certification. The
25 district school board shall distribute the annual bonus in a
26 single payment following the completion of all required
27 mentoring and related services for the year. It is not the
28 intent of the Legislature to remove excellent teachers from
29 their assigned classrooms; therefore, credit may not be
30 granted by a school district or public school for mentoring or
31 related services provided during student contact time during

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1 the 196 days of required service for the school year.

2

3 A teacher for whom the state pays the certification fee and
4 who does not complete the certification program or does not
5 teach in a public school of this state for at least 1 year
6 after completing the certification program must repay the
7 amount of the certification fee to the state. However, a
8 teacher who completes the certification program but fails to
9 be awarded NBPTS certification is not required to repay the
10 amount of the certification fee if the teacher meets the
11 1-year teaching requirement. Repayment is not required of a
12 teacher who does not complete the certification program or
13 fails to fulfill the teaching requirement because of the
14 teacher's death or disability or because of other extenuating
15 circumstances as determined by the State Board of Education.

16 (3)(a) In addition to any other remedy available under
17 the law, any person who is a recipient of a certification fee
18 subsidy paid to the NBPTS and who is an employee of the state
19 or any of its political subdivisions is considered to have
20 consented, as a condition of employment, to the voluntary or
21 involuntary withholding of wages to repay to the state the
22 amount of such a certification fee subsidy awarded under this
23 section. Any such employee who defaults on the repayment of
24 such a certification fee subsidy must, within 60 days after
25 service of a notice of default by the Department of Education
26 to the employee, establish a repayment schedule which must be
27 agreed to by the department and the employee, for repaying the
28 defaulted sum through payroll deductions. The department may
29 not require the employee to pay more than 10 percent of the
30 employee's pay per pay period under such a repayment schedule
31 or plan. If the employee fails to establish a repayment

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1 schedule within the specified period of time or fails to meet
2 the terms and conditions of the agreed upon or approved
3 repayment schedule as authorized by this subsection, the
4 employee has breached an essential condition of employment and
5 is considered to have consented to the involuntary withholding
6 of wages or salary for the repayment of the certification fee
7 subsidy.

8 (b) A person who is employed by the state, or any of
9 its political subdivisions, may not be dismissed for having
10 defaulted on the repayment of the certification fee subsidy to
11 the state.

12 (4) The State Board of Education may adopt rules
13 pursuant to ss. 120.536 and 120.54 as necessary to implement
14 the provisions for payment of the fee subsidies, incentives,
15 and bonuses and for the repayment of defaulted certification
16 fee subsidies under this section.

17 (5) The Excellent Teaching Program Trust Fund shall be
18 administered by the Department of Education pursuant to s.
19 1010.72.

20 Section 752. Section 1012.73, Florida Statutes, is
21 created to read:

22 1012.73 Florida Mentor Teacher School Pilot Program.--

23 (1) The Legislature recognizes that high-quality
24 teachers are essential to assuring excellence and increasing
25 the achievement levels of all students. The purpose of this
26 section is to provide a model to reform and improve the
27 current structure of the teaching profession. There is created
28 a Florida Mentor Teacher School Pilot Program to attract,
29 retain, and motivate high-quality teachers. The commissioner
30 shall select a combination of elementary, middle, and high
31 schools representing small, medium, and large districts. Each

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1 approved school shall receive an equivalent grant based upon
2 the number of schools selected by the commissioner and the
3 amount of the legislative appropriation. Each mentor teacher
4 school program shall be approved based on criteria specified
5 by the commissioner.

6 (2) The goals of the Florida Mentor Teacher School
7 Pilot Program are to:

8 (a) Provide teachers with multiple career paths,
9 beginning as education paraprofessionals and rising to
10 associate teachers, teachers, lead teachers, and mentor
11 teachers. The five levels must have highly differentiated
12 duties. The mentor teacher shall have a reduced teaching
13 schedule that permits weekly instruction to all students under
14 the mentor teacher's supervision while also allowing for
15 demonstration lessons, coaching, facilitating curriculum
16 development, and providing staff development for other
17 teachers at the school.

18 (b) Establish broad salary ranges to provide
19 flexibility and to reward performance and to negotiate
20 salaries to attract teachers to hard-to-staff schools and
21 subjects. Advancement shall be determined by academic
22 achievement, examination, demonstration, and student learning
23 gains data. Each mentor teacher shall be eligible for a total
24 annual salary incentive of up to twice the average district
25 classroom teacher's salary. Fifty percent of the mentor
26 teacher salary incentive shall be based on increased student
27 achievement of students assigned to the supervision of the
28 mentor teacher.

29 (c) Provide ongoing professional development for
30 teachers to learn and grow professionally that includes a
31 daily block of time for associate teachers, teachers, and lead

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1 teachers to reflect and plan and to interact with the mentor
2 teacher.

3 (d) Provide all eligible teachers with the opportunity
4 for national certification.

5 (e) Provide for a specified organizational pattern,
6 such as clusters or teams of teachers for grade levels or
7 subject areas comprised of associate teachers, teachers, and
8 lead teachers who are supported by education paraprofessional
9 learning guides and directed by a mentor teacher.

10 (3) The five teacher career development positions and
11 minimum requirements are:

12 (a) Education paraprofessional learning guide.--An
13 education paraprofessional learning guide must hold an
14 associate degree from a postsecondary educational institution
15 and must demonstrate appropriate writing, speaking, and
16 computation skills.

17 (b) Associate teacher.--An associate teacher must hold
18 a bachelor's degree from a postsecondary educational
19 institution and a valid Florida teaching certificate as
20 provided by s. 1012.56.

21 (c) Teacher.--A teacher must hold a bachelor's degree
22 or higher from a postsecondary educational institution and a
23 valid Florida teaching certificate, have a minimum of 3 years'
24 full-time teaching experience, document satisfactory teaching
25 performance, and document evidence of positive student
26 learning gains, when data become available.

27 (d) Lead teacher.--A lead teacher must hold a
28 bachelor's degree or higher from a postsecondary educational
29 institution and a valid Florida professional teaching
30 certificate, have a minimum of 3 years' full-time teaching
31 experience, document exemplary teaching performance, and

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1 document evidence of significant positive student learning
2 gains, when data become available. A lead teacher shall
3 provide intensive support for associate teachers and teachers.

4 (e) Mentor teacher.--A mentor teacher must:

5 1. Hold a bachelor's degree or higher from a
6 postsecondary educational institution and a valid Florida
7 professional teaching certificate.

8 2. Have a minimum of 5 years' full-time teaching
9 experience.

10 3. Document exemplary teaching performance.

11 4. Document evidence of significant positive student
12 learning gains, when data become available.

13 5. Hold a valid National Board for Professional
14 Teaching Standards certificate; have been selected as a
15 school, district, or state teacher of the year; or hold an
16 equivalent status as determined by the commissioner.

17 6. Demonstrate expertise as a staff developer.

18 (4) The State Board of Education may adopt rules,
19 pursuant to ss. 120.536(1) and 120.54, for the implementation
20 of this section and approval of the mentor teacher school
21 program.

22 (5) This section shall be implemented to the extent
23 specifically funded in the General Appropriations Act.

24 Section 753. Section 1012.74, Florida Statutes, is
25 created to read:

26 1012.74 Florida educators professional liability
27 insurance protection.--

28 (1) The Legislature intends that all the teachers in
29 this state be protected from liability for monetary damages
30 and the cost of defense of actions resulting from claims made
31 against them arising out of occurrences in the course of

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1 activities in their professional capacity.

2 (2)(a) Educator professional liability coverage for
3 all instructional personnel, as defined by s. 1012.01(2), who
4 are full-time personnel, as defined by the district school
5 board policy, shall be provided by specific appropriations
6 under the General Appropriations Act.

7 (b) Educator professional liability coverage shall be
8 extended at cost to all instructional personnel, as defined by
9 s. 1012.01(3), who are part-time personnel, as defined by the
10 district school board policy, and choose to participate in the
11 state-provided program.

12 (c) Educator professional liability coverage shall be
13 extended at cost to all administrative personnel, as defined
14 by s. 1012.01(2), who choose to participate in the
15 state-provided program.

16 (3) The Department of Education shall administer the
17 educator liability program. The insurance carrier providing
18 any portion of educator professional liability coverage under
19 the program which is procured with state funds must be
20 selected by a competitive process. The amount of the
21 appropriation for purchase of liability insurance remaining
22 after liability insurance is provided shall revert to general
23 revenue unallocated.

24 Section 754. Section 1012.75, Florida Statutes, is
25 created to read:

26 1012.75 Liability of teacher or principal; excessive
27 force.--

28 (1) Except in the case of excessive force or cruel and
29 unusual punishment, a teacher or other member of the
30 instructional staff, a principal or the principal's designated
31 representative, or a bus driver shall not be civilly or

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1 criminally liable for any action carried out in conformity
2 with State Board of Education and district school board rules
3 regarding the control, discipline, suspension, and expulsion
4 of students, including, but not limited to, any exercise of
5 authority under s. 1003.32 or s. 1006.09.

6 (2) The State Board of Education shall adopt rules
7 that outline administrative standards for the use of
8 reasonable force by school personnel to maintain a safe and
9 orderly learning environment. Such standards shall be
10 distributed to each school in the state and shall provide
11 guidance to school personnel in receiving the limitations on
12 liability specified in this section.

13 Section 755. Section 1012.77, Florida Statutes, is
14 created to read:

15 1012.77 Christa McAuliffe Ambassador for Education
16 Program.--

17 (1) The Legislature recognizes that Florida continues
18 to face teacher shortages and that fewer young people consider
19 teaching as a career. It is the intent of the Legislature to
20 promote the positive and rewarding aspects of being a teacher,
21 to encourage more individuals to become teachers, and to
22 provide annual sabbatical support for outstanding Florida
23 teachers to serve as goodwill ambassadors for education. The
24 Legislature further wishes to honor the memory of Christa
25 McAuliffe, who epitomized the challenge and inspiration that
26 teaching can be.

27 (2) The Christa McAuliffe Ambassador for Education
28 Program is established to provide salary, travel, and other
29 related expenses annually for an outstanding Florida teacher
30 to promote the positive aspects of teaching as a career. The
31 goals of the program are to:

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- 1 (a) Enhance the stature of teachers and the teaching
2 profession.
- 3 (b) Promote the importance of quality education and
4 teaching for our future.
- 5 (c) Inspire and attract talented people to become
6 teachers.
- 7 (d) Provide information regarding Florida's
8 scholarship and loan programs related to teaching.
- 9 (e) Promote the teaching profession within community
10 and business groups.
- 11 (f) Provide information to retired military personnel
12 and other individuals who might consider teaching as a second
13 career.
- 14 (g) Work with and represent the Department of
15 Education, as needed.
- 16 (h) Work with and encourage the efforts of school and
17 district teachers of the year.
- 18 (i) Support the activities of the Florida Future
19 Educator of America Program.
- 20 (j) Represent Florida teachers at business, trade,
21 education, and other conferences and meetings.
- 22 (k) Promote the teaching profession in other ways
23 related to the teaching responsibilities, background
24 experiences, and aspirations of the Ambassador for Education.
- 25 (3) The Teacher of the Year shall serve as the
26 Ambassador for Education. If the Teacher of the Year is
27 unable to serve as the Ambassador for Education, the first
28 runner-up shall serve in his or her place. The Department of
29 Education shall establish application and selection procedures
30 for determining an annual teacher of the year. Applications
31 and selection criteria shall be developed and distributed

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1 annually by the Department of Education to all school
2 districts. The Commissioner of Education shall establish a
3 selection committee which assures representation from teacher
4 organizations, administrators, and parents to select the
5 Teacher of the Year and Ambassador for Education from among
6 the district teachers of the year.

7 (4)(a) The Commissioner of Education shall pay an
8 annual salary, fringe benefits, travel costs, and other costs
9 associated with administering the program.

10 (b) The Ambassador for Education shall serve for 1
11 year, from July 1 to June 30, and shall be assured of
12 returning to his or her teaching position upon completion of
13 the program. The ambassador will not have a break in
14 creditable or continuous service or employment for the period
15 of time in which he or she participates in the program.

16 Section 756. Part III.g. of chapter 1012, Florida
17 Statutes, shall be entitled "Personnel Discipline and
18 Assistance in Public Schools" and shall consist of ss.
19 1012.79-1012.798.

20 Section 757. Section 1012.79, Florida Statutes, is
21 created to read:

22 1012.79 Education Practices Commission;
23 organization.--

24 (1) The Education Practices Commission consists of 17
25 members, including 7 teachers, 5 administrators, and 5 lay
26 citizens (of whom 2 shall be former district school board
27 members), appointed by the State Board of Education from
28 nominations by the Commissioner of Education and subject to
29 Senate confirmation. Prior to making nominations, the
30 commissioner shall consult with the teaching and other
31 involved associations in the state. In making nominations, the

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1 commissioner shall attempt to achieve equal geographical
2 representation, as closely as possible.

3 (a) A teacher member, in order to be qualified for
4 appointment:

5 1. Must be certified to teach in the state.

6 2. Must be a resident of the state.

7 3. Must have practiced the profession in this state
8 for at least 5 years immediately preceding the appointment.

9 (b) A school administrator member, in order to be
10 qualified for appointment:

11 1. Must have an endorsement on the educator
12 certificate in the area of school administration or
13 supervision.

14 2. Must be a resident of the state.

15 3. Must have practiced the profession as an
16 administrator for at least 5 years immediately preceding the
17 appointment.

18 (c) The lay members must be residents of the state.

19 (2) Members of the commission shall serve for 4-year
20 staggered terms. No commission member may serve more than 8
21 years.

22 (3) The State Board of Education may remove any member
23 from the commission for misconduct or malfeasance in office,
24 incapacity, or neglect of duty.

25 (4) From among its members, the commission shall elect
26 a chair who shall preside over meetings of the commission and
27 perform other duties directed by the commission or required by
28 its duly adopted rules or operating procedures. School
29 districts shall be reimbursed for substitute teachers required
30 to replace commission members, when they are carrying out
31 their official duties, at a rate established by the school

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1 district for substitute teachers. The department may
2 reimburse local school districts for substitutes.

3 (5) The commission, by a vote of three-fourths of the
4 membership, shall employ an executive director, who shall be
5 exempt from career service. The executive director may be
6 dismissed by a majority vote of the membership.

7 (6)(a) The commission shall be assigned to the
8 Department of Education for administrative purposes. The
9 commission, in the performance of its powers and duties, shall
10 not be subject to control, supervision, or direction by the
11 Department of Education.

12 (b) The property, personnel, and appropriations
13 related to the specified authority, powers, duties, and
14 responsibilities of the commission shall be provided to the
15 commission by the Department of Education.

16 (7) The duties and responsibilities of the commission
17 are to:

18 (a) Interpret and apply the standards of professional
19 practice established by the State Board of Education.

20 (b) Revoke or suspend a certificate or take other
21 appropriate action as provided in ss. 1012.56 and 1012.796.

22 (c) Report to and meet with the State Board of
23 Education at least once each year.

24 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54
25 to implement provisions of law conferring duties upon it.

26 (8)(a) The commission shall, from time to time,
27 designate members of the commission to serve on panels for the
28 purpose of reviewing and issuing final orders upon cases
29 presented to the commission. A case concerning a complaint
30 against a teacher shall be reviewed and a final order thereon
31 shall be entered by a panel composed of seven commission

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1 members, four of whom shall be teachers. A case concerning a
2 complaint against an administrator shall be reviewed and a
3 final order thereon shall be entered by a panel composed of
4 seven commission members, four of whom shall be
5 administrators.

6 (b) A majority of a quorum of a panel of the
7 commission shall have final agency authority in all cases
8 involving the revocation, suspension, or other disciplining of
9 certificates of teachers and school administrators. A majority
10 of the membership of the panel shall constitute a quorum. The
11 district school board shall retain the authority to discipline
12 teachers and administrators pursuant to law.

13 (9) The commission shall make such expenditures as may
14 be necessary in exercising its authority and powers and
15 carrying out its duties and responsibilities, including
16 expenditures for personal services, general counsel or access
17 to counsel, and rent at the seat of government and elsewhere;
18 for books of reference, periodicals, furniture, equipment, and
19 supplies; and for printing and binding. The expenditures of
20 the commission shall be subject to the powers and duties of
21 the Department of Banking and Finance as provided in s. 17.03.

22 (10) The commission shall be financed from the
23 following: certification fees; fines, penalties, and costs
24 collected pursuant to s. 1012.796(9); and general revenue.

25 Section 758. Section 1012.795, Florida Statutes, is
26 created to read:

27 1012.795 Education Practices Commission; authority to
28 discipline.--

29 (1) The Education Practices Commission may suspend the
30 educator certificate of any person as defined in s. 1012.01(2)
31 or (3) for a period of time not to exceed 3 years, thereby

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1 denying that person the right to teach for that period of
2 time, after which the holder may return to teaching as
3 provided in subsection (4); may revoke the educator
4 certificate of any person, thereby denying that person the
5 right to teach for a period of time not to exceed 10 years,
6 with reinstatement subject to the provisions of subsection
7 (4); may revoke permanently the educator certificate of any
8 person; may suspend the educator certificate, upon order of
9 the court, of any person found to have a delinquent child
10 support obligation; or may impose any other penalty provided
11 by law, provided it can be shown that the person:

12 (a) Obtained the educator certificate by fraudulent
13 means.

14 (b) Has proved to be incompetent to teach or to
15 perform duties as an employee of the public school system or
16 to teach in or to operate a private school.

17 (c) Has been guilty of gross immorality or an act
18 involving moral turpitude.

19 (d) Has had an educator certificate revoked in another
20 state.

21 (e) Has been convicted of a misdemeanor, felony, or
22 any other criminal charge, other than a minor traffic
23 violation.

24 (f) Upon investigation, has been found guilty of
25 personal conduct which seriously reduces that person's
26 effectiveness as an employee of the district school board.

27 (g) Has breached a contract, as provided in s.
28 1012.33(2).

29 (h) Has been the subject of a court order directing
30 the Education Practices Commission to suspend the certificate
31 as a result of a delinquent child support obligation.

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1 (i) Has violated the Principles of Professional
2 Conduct for the Education Profession prescribed by State Board
3 of Education rules.

4 (j) Has otherwise violated the provisions of law, the
5 penalty for which is the revocation of the educator
6 certificate.

7 (k) Has violated any order of the Education Practices
8 Commission.

9 (2) The plea of guilty in any court, the decision of
10 guilty by any court, the forfeiture by the teaching
11 certificateholder of a bond in any court of law, or the
12 written acknowledgment, duly witnessed, of offenses listed in
13 subsection (1) to the district school superintendent or a duly
14 appointed representative or to the district school board shall
15 be prima facie proof of grounds for revocation of the
16 certificate as listed in subsection (1) in the absence of
17 proof by the certificateholder that the plea of guilty,
18 forfeiture of bond, or admission of guilt was caused by
19 threats, coercion, or fraudulent means.

20 (3) The revocation by the Education Practices
21 Commission of an educator certificate of any person
22 automatically revokes any and all Florida educator
23 certificates held by that person.

24 (4)(a) An educator certificate which has been
25 suspended under this section is automatically reinstated at
26 the end of the suspension period, provided the certificate did
27 not expire during the period of suspension. If the
28 certificate expired during the period of suspension, the
29 holder of the former certificate may secure a new certificate
30 by making application therefor and by meeting the
31 certification requirements of the state board current at the

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1 time of the application for the new certificate. An educator
2 certificate suspended pursuant to a court order for a
3 delinquent child support obligation may only be reinstated
4 upon notice from the court that the party has complied with
5 the terms of the court order.

6 (b) A person whose educator certificate has been
7 revoked under this section may apply for a new certificate at
8 the expiration of that period of ineligibility fixed by the
9 Education Practices Commission by making application therefor
10 and by meeting the certification requirements of the state
11 board current at the time of the application for the new
12 certificate.

13 (5) Each district school superintendent and the
14 governing authority of each university lab school,
15 state-supported school, or private school shall report to the
16 department the name of any person certified pursuant to this
17 chapter or employed and qualified pursuant to s. 1012.39:

18 (a) Who has been convicted of, or who has pled nolo
19 contendere to, a misdemeanor, felony, or any other criminal
20 charge, other than a minor traffic infraction;

21 (b) Who that official has reason to believe has
22 committed or is found to have committed any act which would be
23 a ground for revocation or suspension under subsection (1); or

24 (c) Who has been dismissed or severed from employment
25 because of conduct involving any immoral, unnatural, or
26 lascivious act.

27 (6)(a) When an individual violates the provisions of a
28 settlement agreement enforced by a final order of the
29 Education Practices Commission, an order to show cause may be
30 issued by the clerk of the commission. The order shall require
31 the individual to appear before the commission to show cause

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1 why further penalties should not be levied against the
2 individual's certificate pursuant to the authority provided to
3 the Education Practices Commission in subsection (1). The
4 Education Practices Commission may fashion further penalties
5 under the authority of subsection (1) as deemed appropriate
6 when the show cause order is responded to by the individual.

7 (b) The Education Practices Commission shall issue a
8 final order revoking an individual's Florida educator's
9 certificate for a minimum of 1 year under the following
10 circumstances:

11 1. If the individual:

12 a. Has been found to have violated the provisions of
13 this section, such that the Education Practices Commission has
14 the authority to discipline the individual's Florida
15 educator's certificate on two separate occasions;

16 b. Has twice entered into a settlement agreement
17 enforced by a final order of the Education Practices
18 Commission; or

19 c. Has been found to have violated the provisions of
20 this section, such that the Education Practices Commission has
21 the authority to discipline the individual's Florida
22 educator's certificate on one occasion and entered into a
23 settlement agreement enforced by a final order of the
24 Education Practices Commission on one occasion; and

25 2. A third finding of probable cause and a finding
26 that the allegations are proven or admitted to is subsequently
27 found by the Commissioner of Education.

28
29 If, in the third instance, the individual enters into a
30 settlement agreement with the Department of Education, that
31 agreement shall also include a penalty revoking that

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1 individual's Florida educator's certificate for a minimum of 1
2 year.

3 Section 759. Section 1012.796, Florida Statutes, is
4 created to read:

5 1012.796 Complaints against teachers and
6 administrators; procedure; penalties.--

7 (1)(a) The Department of Education shall cause to be
8 investigated expeditiously any complaint filed before it or
9 otherwise called to its attention which, if legally
10 sufficient, contains grounds for the revocation or suspension
11 of a certificate or any other appropriate penalty as set forth
12 in subsection (7). The complaint is legally sufficient if it
13 contains the ultimate facts which show a violation has
14 occurred as provided in s. 1012.795. The department may
15 investigate or continue to investigate and take appropriate
16 action in a complaint even though the original complainant
17 withdraws the complaint or otherwise indicates a desire not to
18 cause it to be investigated or prosecuted to completion. The
19 department may investigate or continue to investigate and take
20 action on a complaint filed against a person whose educator
21 certificate has expired if the act or acts which are the basis
22 for the complaint were allegedly committed while that person
23 possessed an educator certificate.

24 (b) When an investigation is undertaken, the
25 department shall notify the certificateholder and the district
26 school superintendent in the district in which the
27 certificateholder is employed and shall inform the
28 certificateholder of the substance of any complaint which has
29 been filed against that certificateholder, unless the
30 department determines that such notification would be
31 detrimental to the investigation, in which case the department

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1 may withhold notification.

2 (c) Each school district shall file in writing with
3 the department all legally sufficient complaints within 30
4 days after the date on which subject matter of the complaint
5 comes to the attention of the school district. The school
6 district shall include all information relating to the
7 complaint which is known to the school district at the time of
8 filing. Each district school board shall develop policies and
9 procedures to comply with this reporting requirement. The
10 district school board policies and procedures shall include
11 appropriate penalties for all personnel of the district school
12 board for nonreporting and procedures for promptly informing
13 the district school superintendent of each legally sufficient
14 complaint. The district school superintendent is charged with
15 knowledge of these policies and procedures. If the district
16 school superintendent has knowledge of a legally sufficient
17 complaint and does not report the complaint, or fails to
18 enforce the policies and procedures of the district school
19 board, and fails to comply with the requirements of this
20 subsection, in addition to other actions against
21 certificateholders authorized by law, the district school
22 superintendent shall be subject to penalties as specified in
23 s. 1001.51(13). This paragraph does not limit or restrict the
24 power and duty of the department to investigate complaints as
25 provided in paragraphs (a) and (b), regardless of the school
26 district's untimely filing, or failure to file, complaints and
27 followup reports.

28 (2) The Commissioner of Education shall develop job
29 specifications for investigative personnel employed by the
30 department. Such specifications shall be substantially
31 equivalent to or greater than those job specifications of

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1 investigative personnel employed by the Department of Business
2 and Professional Regulation. The department may contract with
3 the Department of Business and Professional Regulation for
4 investigations. No person who is responsible for conducting an
5 investigation of a teacher or administrator may prosecute the
6 same case. The department general counsel or members of that
7 staff may conduct prosecutions under this section.

8 (3) The department staff shall advise the commissioner
9 concerning the findings of the investigation. The department
10 general counsel or members of that staff shall review the
11 investigation and advise the commissioner concerning probable
12 cause or lack thereof. The determination of probable cause
13 shall be made by the commissioner. The commissioner shall
14 provide an opportunity for a conference, if requested, prior
15 to determining probable cause. The commissioner may enter
16 into deferred prosecution agreements in lieu of finding
17 probable cause when in his or her judgment such agreements
18 would be in the best interests of the department, the
19 certificateholder, and the public. Such deferred prosecution
20 agreements shall become effective when filed with the clerk of
21 the Education Practices Commission. However, a deferred
22 prosecution agreement shall not be entered into where there is
23 probable cause to believe that a felony or an act of moral
24 turpitude has occurred. Upon finding no probable cause, the
25 commissioner shall dismiss the complaint.

26 (4) The complaint and all information obtained
27 pursuant to the investigation by the department shall be
28 confidential and exempt from the provisions of s. 119.07(1)
29 until the conclusion of the preliminary investigation of the
30 complaint, until such time as the preliminary investigation
31 ceases to be active, or until such time as otherwise provided

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1 by s. 1012.798(6). However, the complaint and all material
2 assembled during the investigation may be inspected and copied
3 by the certificateholder under investigation, or the
4 certificateholder's designee, after the investigation is
5 concluded, but prior to the determination of probable cause by
6 the commissioner. If the preliminary investigation is
7 concluded with the finding that there is no probable cause to
8 proceed, the complaint and information shall be open
9 thereafter to inspection pursuant to s. 119.07(1). If the
10 preliminary investigation is concluded with the finding that
11 there is probable cause to proceed and a complaint is filed
12 pursuant to subsection (6), the complaint and information
13 shall be open thereafter to inspection pursuant to s.
14 119.07(1). If the preliminary investigation ceases to be
15 active, the complaint and all such material shall be open
16 thereafter to inspection pursuant to s. 119.07(1), except as
17 otherwise provided pursuant to s. 1012.798(6). For the purpose
18 of this subsection, a preliminary investigation shall be
19 considered active as long as it is continuing with a
20 reasonable, good faith anticipation that an administrative
21 finding will be made in the foreseeable future.

22 (5) When deemed necessary to protect the health,
23 safety, and welfare of a minor student, the district school
24 superintendent in consultation with the school principal may,
25 and upon the request of the Commissioner of Education shall,
26 temporarily suspend a certificateholder from the
27 certificateholder's regularly assigned duties, with pay, and
28 reassign the suspended certificateholder to a position that
29 does not require direct contact with students in the district
30 school system. Such suspension shall continue until the
31 completion of the proceedings and the determination of

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1 sanctions, if any, pursuant to this section and s. 1012.795.

2 (6) Upon the finding of probable cause, the
3 commissioner shall file a formal complaint and prosecute the
4 complaint pursuant to the provisions of chapter 120. An
5 administrative law judge shall be assigned by the Division of
6 Administrative Hearings of the Department of Management
7 Services to hear the complaint if there are disputed issues of
8 material fact. The administrative law judge shall make
9 recommendations in accordance with the provisions of
10 subsection (7) to the appropriate Education Practices
11 Commission panel which shall conduct a formal review of such
12 recommendations and other pertinent information and issue a
13 final order. The commission shall consult with its legal
14 counsel prior to issuance of a final order.

15 (7) A panel of the commission shall enter a final
16 order either dismissing the complaint or imposing one or more
17 of the following penalties:

18 (a) Denial of an application for a teaching
19 certificate or for an administrative or supervisory
20 endorsement on a teaching certificate. The denial may provide
21 that the applicant may not reapply for certification, and that
22 the department may refuse to consider that applicant's
23 application, for a specified period of time or permanently.

24 (b) Revocation or suspension of a certificate.

25 (c) Imposition of an administrative fine not to exceed
26 \$2,000 for each count or separate offense.

27 (d) Placement of the teacher, administrator, or
28 supervisor on probation for a period of time and subject to
29 such conditions as the commission may specify, including
30 requiring the certified teacher, administrator, or supervisor
31 to complete additional appropriate college courses or work

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1 with another certified educator, with the administrative costs
2 of monitoring the probation assessed to the educator placed on
3 probation.

4 (e) Restriction of the authorized scope of practice of
5 the teacher, administrator, or supervisor.

6 (f) Reprimand of the teacher, administrator, or
7 supervisor in writing, with a copy to be placed in the
8 certification file of such person.

9 (g) Imposition of an administrative sanction, upon a
10 person whose teaching certificate has expired, for an act or
11 acts committed while that person possessed a teaching
12 certificate or an expired certificate subject to late renewal,
13 which sanction bars that person from applying for a new
14 certificate for a period of 10 years or less, or permanently.

15 (8) Violations of the provisions of probation shall
16 result in an order to show cause issued by the clerk of the
17 Education Practices Commission. Upon failure of the
18 probationer, at the time and place stated in the order, to
19 show cause satisfactorily to the Education Practices
20 Commission why a penalty for violating probation should not be
21 imposed, the Education Practices Commission shall impose
22 whatever penalty is appropriate as established in s.
23 1012.795(6). Any probation period will be tolled when an order
24 to show cause has been issued until the issue is resolved by
25 the Education Practices Commission.

26 (9) All moneys collected by, or awarded to, the
27 commission as fees, fines, penalties, or costs shall be
28 deposited into the Educational Certification and Service Trust
29 Fund pursuant to s. 1012.59.

30 Section 760. Section 1012.797, Florida Statutes, is
31 created to read:

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1 1012.797 Notification of district school
2 superintendent of certain charges against or convictions of
3 employees.--

4 (1) Notwithstanding the provisions of s. 985.04(4) or
5 any other provision of law to the contrary, a law enforcement
6 agency shall, within 48 hours, notify the appropriate district
7 school superintendent of the name and address of any employee
8 of the school district who is charged with a felony or with a
9 misdemeanor involving the abuse of a minor child or the sale
10 or possession of a controlled substance. The notification
11 shall include the specific charge for which the employee of
12 the school district was arrested. Such notification shall
13 include other education providers such as the Florida School
14 for the Deaf and the Blind, university lab schools, and
15 private elementary and secondary schools.

16 (2) Except to the extent necessary to protect the
17 health, safety, and welfare of other students, the information
18 obtained by the district school superintendent pursuant to
19 this section may be released only to appropriate school
20 personnel or as otherwise provided by law.

21 Section 761. Section 1012.798, Florida Statutes, is
22 created to read:

23 1012.798 Recovery network program for educators.--

24 (1) RECOVERY NETWORK ESTABLISHED.--There is created
25 within the Department of Education, a recovery network program
26 to assist educators who are impaired as a result of alcohol
27 abuse, drug abuse, or a mental condition in obtaining
28 treatment to permit their continued contribution to the
29 education profession. Any person who holds certification
30 issued by the department pursuant to s. 1012.56 is eligible
31 for the assistance.

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1 (2) STAFF.--

2 (a) The department shall employ an administrator and
3 staff as are necessary to be assigned exclusively to the
4 recovery network program.

5 (b) The Commissioner of Education shall establish the
6 criteria for and appoint the staff of the program.

7 (c) The department may contract with other
8 professionals to implement this section.

9 (3) PURPOSE.--The recovery network program shall
10 assist educators in obtaining treatment and services from
11 approved treatment providers, but each impaired educator must
12 pay for his or her treatment under terms and conditions agreed
13 upon by the impaired educator and the treatment provider. A
14 person who is admitted to the program must contract with the
15 treatment provider and the program. The treatment contract
16 must prescribe the type of treatment and the responsibilities
17 of the impaired educator and of the provider and must provide
18 that the impaired educator's progress will be monitored by the
19 program.

20 (4) APPROVAL OF TREATMENT PROVIDERS.--The recovery
21 network program shall locate, evaluate, and approve qualified
22 treatment providers.

23 (5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION
24 AND DEPARTMENT.--The recovery network program shall operate
25 independently of, but may cooperate with, the Office of
26 Professional Practices Services of the Department of Education
27 and the Education Practices Commission. A person's
28 participation in the program entitles the commissioner to
29 enter into a deferred prosecution agreement pursuant to s.
30 1012.796, or such participation may be considered a factor in
31 mitigation of or a condition of disciplinary action against

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1 the person's certificate by the Education Practices Commission
2 pursuant to s. 1012.795.

3 (6) PARTICIPATION.--The recovery network program shall
4 operate independently of employee assistance programs operated
5 by local school districts, and the powers and duties of school
6 districts to make employment decisions, including disciplinary
7 decisions, is not affected except as provided in this section:

8 (a) A person who is not subject to investigation or
9 proceedings under ss. 1012.795 and 1012.796 may voluntarily
10 seek assistance through a local school district employee
11 assistance program for which he or she is eligible and through
12 the recovery network, regardless of action taken against him
13 or her by a school district. Voluntarily seeking assistance
14 alone does not subject a person to proceedings under ss.
15 1012.795 and 1012.796.

16 (b) A person who is subject to investigation or
17 proceedings under ss. 1012.795 and 1012.796 may be required to
18 participate in the program. The program may approve a local
19 employee assistance program as a treatment provider or as a
20 means of securing a treatment provider. The program and the
21 local school district shall cooperate so that the person may
22 obtain treatment without limiting the school district's
23 statutory powers and duties as an employer or the disciplinary
24 procedures under ss. 1012.795 and 1012.796.

25 (c) A person who has not previously been under
26 investigation by the department may be enrolled in a treatment
27 program by the recovery network after an investigation has
28 commenced, if the person:

- 29 1. Acknowledges his or her impairment.
30 2. Agrees to evaluation, as approved by the recovery
31 network.

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1 3. Agrees to enroll in an appropriate treatment
2 program approved by the recovery network.

3 4. Executes releases for all medical and treatment
4 records regarding his or her impairment and participation in a
5 treatment program to the recovery network, pursuant to 42
6 U.S.C. s. 290dd-3 and the federal regulations adopted
7 thereunder.

8 5. Enters into a deferred prosecution agreement with
9 the commissioner, which provides that no prosecution shall be
10 instituted concerning the matters enumerated in the agreement
11 if the person is properly enrolled in the treatment program
12 and successfully completes the program as certified by the
13 recovery network. The commissioner is under no obligation to
14 enter into a deferred prosecution agreement with the educator
15 but may do so if he or she determines that it is in the best
16 interest of the educational program of the state.

17 6. Has not previously entered a substance abuse
18 program.

19 7. Is not being investigated for any action involving
20 commission of a felony or violent act against another person.

21 8. Has not had multiple arrests for minor drug use,
22 possession, or abuse of alcohol.

23 (7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS
24 DETERMINED.--If a complaint is made to the department against
25 a teacher or an administrator pursuant to s. 1012.796 and a
26 finding of no probable cause indicates that no concern other
27 than impairment exists, the department shall inform the person
28 of the availability of assistance provided by the recovery
29 network program.

30 (8) ADMISSION.--A person who is referred or who
31 requests admission to the recovery network program shall be

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1 temporarily admitted pending a finding that he or she has:

2 (a) Acknowledged his or her impairment problem.

3 (b) Agreed to evaluation as approved by the recovery
4 network program.

5 (c) Voluntarily enrolled in an appropriate treatment
6 program approved by the recovery network program.

7 (d) Voluntarily sought agreement from the school
8 district for temporary leave or limitations on the scope of
9 employment if the temporary leave or limitations are included
10 in the treatment provider's recommendations; or voluntarily
11 agreed to pursue the alternative treatment recommended by the
12 treatment provider if the school district does not approve
13 such temporary leave or limitations on the scope of
14 employment.

15 (e) Executed releases to the recovery network program
16 for all medical and treatment records regarding his or her
17 impairment and participation in a treatment program pursuant
18 to 42 U.S.C. s. 290dd-3 and the federal regulations adopted
19 thereunder.

20 (9) DISCLOSURE OF MEDICAL RECORDS.--An approved
21 treatment provider must disclose to the recovery network
22 program all information in its possession which relates to a
23 person's impairment and participation in the treatment
24 program. Information obtained under this subsection is
25 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
26 of the State Constitution. This exemption is necessary to
27 promote the rehabilitation of impaired educators and to
28 protect the privacy of treatment program participants. The
29 failure to provide such information to the program is grounds
30 for withdrawal of approval of a treatment provider. Medical
31 records provided to the program may not be disclosed to any

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1 other person, except as authorized by law.

2 (10) DECLARATION OF INELIGIBILITY.--

3 (a) A person may be declared ineligible for further
4 assistance from the recovery network program if he or she does
5 not progress satisfactorily in a treatment program or leaves a
6 prescribed program or course of treatment without the approval
7 of the treatment provider.

8 (b) The determination of ineligibility must be made by
9 the commissioner in cases referred to him or her by the
10 program administrator. Before referring a case to the
11 commissioner, the administrator must discuss the circumstances
12 with the treatment provider. The commissioner may direct the
13 Office of Professional Practices Services to investigate the
14 case and provide a report.

15 (c) If a treatment contract with the program is a
16 condition of a deferred prosecution agreement, and the
17 commissioner determines that the person is ineligible for
18 further assistance, the commissioner may agree to modify the
19 terms and conditions of the deferred prosecution agreement or
20 may issue an administrative complaint, pursuant to s.
21 1012.796, alleging the charges regarding which prosecution was
22 deferred. The person may dispute the determination as an
23 affirmative defense to the administrative complaint by
24 including with his or her request for hearing on the
25 administrative complaint a written statement setting forth the
26 facts and circumstances that show that the determination of
27 ineligibility was erroneous. If administrative proceedings
28 regarding the administrative complaint, pursuant to ss.
29 120.569 and 120.57, result in a finding that the determination
30 of ineligibility was erroneous, the person is eligible to
31 participate in the program. If the determination of

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1 ineligibility was the only reason for setting aside the
2 deferred prosecution agreement and issuing the administrative
3 complaint and the administrative proceedings result in a
4 finding that the determination was erroneous, the complaint
5 shall be dismissed and the deferred prosecution agreement
6 reinstated without prejudice to the commissioner's right to
7 reissue the administrative complaint for other breaches of the
8 agreement.

9 (d) If a treatment contract with the program is a
10 condition of a final order of the Education Practices
11 Commission, the commissioner's determination of ineligibility
12 constitutes a finding of probable cause that the person failed
13 to comply with the final order. The commissioner shall issue
14 an administrative complaint, and the case shall proceed under
15 ss. 1012.795 and 1012.796, in the same manner as cases based
16 on a failure to comply with an order of the Education
17 Practices Commission.

18 (e) If the person voluntarily entered into a treatment
19 contract with the program, the commissioner shall issue a
20 written notice stating the reasons for the determination of
21 ineligibility. Within 20 days after the date of such notice,
22 the person may contest the determination of ineligibility
23 pursuant to ss. 120.569 and 120.57.

24 (11) MEDICAL RECORDS RELEASE.--Medical records
25 released pursuant to paragraph (8)(e) may be disclosed to the
26 commissioner, the Office of Professional Practices Services,
27 and the Education Practices Commission only as required for
28 purposes of this section, or as otherwise authorized by law.
29 Further disclosure or release of the medical records may not
30 be made except as authorized by law and in accordance with 42
31 U.S.C. s. 290dd-2 and the federal regulations adopted

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1 thereunder. The medical records are confidential and exempt
2 from s. 119.07(1) and s. 24(a), Art. I of the State
3 Constitution.

4 (12) FEES.--The State Board of Education shall include
5 in the fees established pursuant to s. 1012.59 an amount
6 sufficient to implement the provisions of this section. The
7 State Board of Education shall by rule establish procedures
8 and additional standards for:

9 (a) Approving treatment providers, including
10 appropriate qualifications and experience, amount of
11 reasonable fees and charges, and quality and effectiveness of
12 treatment programs provided.

13 (b) Admitting eligible persons to the program.

14 (c) Evaluating impaired persons by the recovery
15 network program.

16 Section 762. Part IV of chapter 1012, Florida
17 Statutes, shall be entitled "Public Postsecondary Educational
18 Institutions; Personnel" and shall consist of ss.
19 1012.80-1012.97.

20 Section 763. Part IV.a. of chapter 1012, Florida
21 Statutes, shall be entitled "General Provisions" and shall
22 consist of ss. 1012.80-1012.801.

23 Section 764. Section 1012.80, Florida Statutes, is
24 created to read:

25 1012.80 Participation by employees in disruptive
26 activities at public postsecondary educational institutions;
27 penalties.--

28 (1) Any person who accepts the privilege extended by
29 the laws of this state of employment at any public
30 postsecondary educational institution shall, by so working at
31 such institution, be deemed to have given his or her consent

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1 to the policies of that institution, the State Board of
2 Education, and the laws of this state. Such policies shall
3 include prohibition against disruptive activities at public
4 postsecondary educational institutions.

5 (2) After it has been determined that an employee of a
6 public postsecondary educational institution has participated
7 in disruptive activities, the institution may terminate the
8 contract of the employee, and thereafter such person shall not
9 be employed by any state public school or public postsecondary
10 educational institution.

11 Section 765. Effective upon this act becoming a law,
12 section 1012.801, Florida Statutes, is created to read:

13 1012.801 Employees of the Division of Colleges and
14 Universities.--Employees of the Division of Colleges and
15 Universities of the Department of Education who are
16 participating in the State University Optional Retirement
17 Program prior to June 30, 2002, shall be eligible to continue
18 such participation as long as they remain employees of the
19 Department of Education or a state university without a break
20 in continuous service.

21 Section 766. Part IV.b. of chapter 1012, Florida
22 Statutes, shall be entitled "Community Colleges; Personnel"
23 and shall consist of ss. 1012.81-1012.88.

24 Section 767. Section 1012.81, Florida Statutes, is
25 created to read:

26 1012.81 Personnel records.--Rules of the State Board
27 of Education shall prescribe the content and custody of
28 limited-access records which a community college may maintain
29 on its employees. Such records shall be limited to
30 information reflecting evaluations of employee performance and
31 shall be open to inspection only by the employee and by

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1 officials of the college who are responsible for supervision
2 of the employee. Such limited-access employee records are
3 confidential and exempt from the provisions of s. 119.07(1).
4 Except as required for use by the president in the discharge
5 of his or her official responsibilities, the custodian of
6 limited-access employee records may release information from
7 such records only upon authorization in writing from the
8 employee or the president or upon order of a court of
9 competent jurisdiction.

10 Section 768. Section 1012.82, Florida Statutes, is
11 created to read:

12 1012.82 Teaching faculty; minimum teaching hours per
13 week.--Each full-time member of the teaching faculty at any
14 community college who is paid wholly from funds appropriated
15 from the community college program fund shall teach a minimum
16 of 15 classroom contact hours per week at such institution.
17 However, the required classroom contact hours per week may be
18 reduced upon approval of the president of the institution in
19 direct proportion to specific duties and responsibilities
20 assigned the faculty member by his or her departmental chair
21 or other appropriate college administrator. Such specific
22 duties may include specific research duties, specific duties
23 associated with developing television, video tape, or other
24 specifically assigned innovative teaching techniques or
25 devices, or assigned responsibility for off-campus student
26 internship or work-study programs. A "classroom contact hour"
27 consists of a regularly scheduled classroom activity of not
28 less than 50 minutes in a course of instruction which has been
29 approved by the community college board of trustees. Any
30 full-time faculty member who is paid partly from community
31 college program funds and partly from other funds or

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1 appropriations shall teach a minimum number of classroom
2 contact hours per week in such proportion to 15 classroom
3 contact hours as his or her salary paid from community college
4 program funds bears to his or her total salary.

5 Section 769. Section 1012.83, Florida Statutes, is
6 created to read:

7 1012.83 Contracts with administrative and
8 instructional staff.--Each person employed in an
9 administrative or instructional capacity in a community
10 college shall be entitled to a contract as provided by rules
11 of the State Board of Education.

12 Section 770. Section 1012.84, Florida Statutes, is
13 created to read:

14 1012.84 Exemption from county civil service
15 commissions.--

16 (1) Any community college located in a county which
17 has either a budget commission or a civil service commission
18 is exempt from the regulation, supervision, and control of any
19 such commission.

20 (2) Any general or special law conflicting with this
21 section is repealed to the extent that said law conflicts with
22 this section.

23 Section 771. Section 1012.85, Florida Statutes, is
24 created to read:

25 1012.85 Payment of costs of civil actions against
26 officers, employees, or agents of community college board of
27 trustees.--

28 (1) Whenever any civil action has been brought against
29 any officer of the community college board of trustees,
30 including a board member, or any person employed by or agent
31 of the community college board of trustees, of any community

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1 college for any act or omission arising out of and in the
2 course of the performance of his or her duties and
3 responsibilities, the community college board of trustees may
4 defray all costs of defending such action, including
5 reasonable attorney's fees and expenses together with costs of
6 appeal, if any, and may save harmless and protect such person
7 from any financial loss resulting therefrom; and the community
8 college board of trustees may be self-insured, to enter into
9 risk management programs, or to purchase insurance for
10 whatever coverage it may choose, or to have any combination
11 thereof, to cover all such losses and expenses. However, any
12 attorney's fees paid from public funds for any officer,
13 employee, or agent who is found to be personally liable by
14 virtue of acting outside the scope of his or her employment or
15 acting in bad faith, with malicious purpose, or in a manner
16 exhibiting wanton and willful disregard of human rights,
17 safety, or property may be recovered by the state, county,
18 municipality, or political subdivision in a civil action
19 against such officer, employee, or agent.

20 (2) Failure by a community college board of trustees
21 to perform any act authorized by this section shall not
22 constitute a cause of action against a community college or
23 its trustees, officers, employees, or agents.

24 Section 772. Section 1012.855, Florida Statutes, is
25 created to read:

26 1012.855 Employment of community college personnel;
27 discrimination in granting salary prohibited.--

28 (1)(a) Employment of all personnel in each community
29 college shall be upon recommendation of the president, subject
30 to rejection for cause by the community college board of
31 trustees; to the rules of the State Board of Education

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1 relative to certification, tenure, leaves of absence of all
2 types, including sabbaticals, remuneration, and such other
3 conditions of employment as the State Board of Education deems
4 necessary and proper; and to policies of the community college
5 board of trustees not inconsistent with law.

6 (b) Any internal auditor employed by a community
7 college shall be hired by the community college board of
8 trustees and shall report directly to the board.

9 (2) Each community college board of trustees shall
10 undertake a program to eradicate any discrimination on the
11 basis of gender, race, or physical handicap in the granting of
12 salaries to employees.

13 Section 773. Section 1012.86, Florida Statutes, is
14 created to read:

15 1012.86 Community college employment equity
16 accountability program.--

17 (1) Each community college shall include in its annual
18 equity update a plan for increasing the representation of
19 women and minorities in senior-level administrative positions
20 and in full-time faculty positions, and for increasing the
21 representation of women and minorities who have attained
22 continuing-contract status. Positions shall be defined in the
23 personnel data element directory of the Department of
24 Education. The plan must include specific measurable goals and
25 objectives, specific strategies and timelines for
26 accomplishing these goals and objectives, and comparable
27 national standards as provided by the Department of Education.
28 The goals and objectives shall be based on meeting or
29 exceeding comparable national standards and shall be reviewed
30 and recommended by the State Board of Education as
31 appropriate. Such plans shall be maintained until appropriate

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1 representation has been achieved and maintained for at least 3
2 consecutive reporting years.

3 (2)(a) On or before May 1 of each year, each community
4 college president shall submit an annual employment
5 accountability plan to the Commissioner of Education and the
6 State Board of Education. The accountability plan must show
7 faculty and administrator employment data according to
8 requirements specified on the federal Equal Employment
9 Opportunity (EE0-6) report.

10 (b) The plan must show the following information for
11 those positions including, but not limited to:

12 1. Job classification title.

13 2. Gender.

14 3. Ethnicity.

15 4. Appointment status.

16 5. Salary information. At each community college,
17 salary information shall also include the salary ranges in
18 which new hires were employed compared to the salary ranges
19 for employees with comparable experience and qualifications.

20 6. Other comparative information including, but not
21 limited to, composite information regarding the total number
22 of positions within the particular job title classification
23 for the community college by race, gender, and salary range
24 compared to the number of new hires.

25 7. A statement certifying diversity and balance in the
26 gender and ethnic composition of the selection committee for
27 each vacancy, including a brief description of guidelines used
28 for ensuring balanced and diverse membership on selection and
29 review committees.

30 (c) The annual employment accountability plan shall
31 also include an analysis and an assessment of the community

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1 college's attainment of annual goals and of long-range goals
2 for increasing the number of women and minorities in faculty
3 and senior-level administrative positions, and a corrective
4 action plan for addressing underrepresentation.

5 (d) Each community college's employment accountability
6 plan must also include:

7 1. The requirements for receiving a continuing
8 contract.

9 2. A brief description of the process used to grant
10 continuing-contract status.

11 3. A brief description of the process used to annually
12 apprise each eligible faculty member of progress toward
13 attainment of continuing-contract status.

14 (3) Community college presidents and the heads of each
15 major administrative division shall be evaluated annually on
16 the progress made toward meeting the goals and objectives of
17 the community college's employment accountability plan.

18 (a) The community college presidents, or the
19 presidents' designees, shall annually evaluate each department
20 chairperson, dean, provost, and vice president in achieving
21 the annual and long-term goals and objectives. A summary of
22 the results of such evaluations shall be reported annually by
23 the community college president to the community college board
24 of trustees. Annual budget allocations by the community
25 college board of trustees for positions and funding must take
26 into consideration these evaluations.

27 (b) Community college boards of trustees shall
28 annually evaluate the performance of the community college
29 presidents in achieving the annual and long-term goals and
30 objectives. A summary of the results of such evaluations shall
31 be reported to the Commissioner of Education and the State

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1 Board of Education as part of the community college's annual
2 employment accountability plan, and to the Legislature as part
3 of the annual equity progress report submitted by the State
4 Board of Education.

5 (4) The State Board of Education shall submit an
6 annual equity progress report to the President of the Senate
7 and the Speaker of the House of Representatives on or before
8 January 1 of each year.

9 (5) Each community college shall develop a budgetary
10 incentive plan to support and ensure attainment of the goals
11 developed pursuant to this section. The plan shall specify,
12 at a minimum, how resources shall be allocated to support the
13 achievement of goals and the implementation of strategies in a
14 timely manner. After prior review and approval by the
15 community college president and the community college board of
16 trustees, the plan shall be submitted as part of the annual
17 employment accountability plan submitted by each community
18 college to the State Board of Education.

19 (6) Subject to available funding, the Legislature
20 shall provide an annual appropriation to the State Board of
21 Education to be allocated to community college presidents,
22 faculty, and administrative personnel to further enhance
23 equity initiatives and related priorities that support the
24 mission of colleges and departments in recognition of the
25 attainment of the equity goals and objectives.

26 Section 774. Section 1012.865, Florida Statutes, is
27 created to read:

28 1012.865 Sick leave.--Each community college board of
29 trustees shall adopt rules whereby any full-time employee who
30 is unable to perform his or her duties at the community
31 college on account of personal sickness, accident disability,

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1 or extended personal illness, or because of illness or death
2 of the employee's father, mother, brother, sister, husband,
3 wife, child, or other close relative or member of the
4 employee's own household, and who consequently has to be
5 absent from work shall be granted leave of absence for
6 sickness by the president or by the president's designated
7 representative. The following provisions shall govern sick
8 leave:

9 (1) DEFINITIONS.--As used in this section, unless the
10 context otherwise requires, the term:

11 (a) "Educational support employee" means any person
12 employed by a community college as an education or
13 administrative paraprofessional; a member of the operations,
14 maintenance, or comparable department; or a secretary,
15 clerical, or comparable level support employee.

16 (b) "Instructional staff" shall be used synonymously
17 with the word "teacher" or "faculty" and includes faculty
18 members, librarians, counselors, and other comparable members
19 engaged in an instructional capacity in the community college.

20 (2) EXTENT OF LEAVE WITH COMPENSATION.--

21 (a) Each full-time employee shall earn 1 day of sick
22 leave with compensation for each calendar month or major
23 fraction of a calendar month of service, not to exceed 12 days
24 for each fiscal year. Such leave shall be taken only when
25 necessary because of sickness as herein prescribed. Such sick
26 leave shall be cumulative from year to year. Accumulated sick
27 leave may be transferred from another Florida community
28 college, the Florida Department of Education, a state
29 university, a Florida district school board, or a state
30 agency, provided that at least one-half of the sick leave
31 accumulated at any time must have been established in the

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1 college in which such employee is currently employed.

2 (b) A community college board of trustees may
3 establish rules and prescribe procedures whereby a full-time
4 employee may, at the beginning date of employment in any year,
5 be credited with 12 days of sick leave with compensation in
6 excess of the number of days the employee has earned. Upon
7 termination of employment, the employee's final compensation
8 shall be adjusted in an amount necessary to ensure that sick
9 leave with compensation does not exceed the days of earned
10 sick leave as provided herein.

11 (c) A community college board of trustees may
12 establish rules and prescribe standards to permit a full-time
13 employee to be absent no more than 4 days for personal
14 reasons. However, such absences for personal reasons shall be
15 charged only to accrued sick leave, and leave for personal
16 reasons shall be noncumulative.

17 (d) A community college board of trustees may
18 establish rules to provide terminal pay for accumulated sick
19 leave to full-time instructional staff and educational support
20 employees or to the employee's beneficiary if service is
21 terminated by death. However, such terminal pay may not
22 exceed an amount determined as follows:

23 1. During the first 3 years of service, the daily rate
24 of pay multiplied by 35 percent times the number of days of
25 accumulated sick leave.

26 2. During the next 3 years of service, the daily rate
27 of pay multiplied by 40 percent times the number of days of
28 accumulated sick leave.

29 3. During the next 3 years of service, the daily rate
30 of pay multiplied by 45 percent times the number of days of
31 accumulated sick leave.

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1 4. During the 10th year of service, the daily rate of
2 pay multiplied by 50 percent times the number of days of
3 accumulated sick leave.

4 5. During the next 20 years of service, the daily rate
5 of pay multiplied by 50 percent plus up to an additional 2.5
6 percent per year for each year of service beyond 10 years,
7 times the number of days of accumulated sick leave.

8
9 If an employee receives terminal pay benefits based on unused
10 sick leave credit, all unused sick leave credit shall become
11 invalid; however, if an employee terminates his or her
12 employment without receiving terminal pay benefits and is
13 reemployed, his or her sick leave credit shall be reinstated.

14 (e) A community college board of trustees may, by
15 rule, provide for terminal pay for accumulated unused sick
16 leave to be paid to any full-time employee of a community
17 college other than instructional staff or educational support
18 employees. If termination of employment is by death of the
19 employee, any terminal pay to which the employee may have been
20 entitled shall be made to the employee's beneficiary.

21 1. For unused sick leave accumulated before July 1,
22 2001, terminal pay shall be made pursuant to rules or policies
23 of the board of trustees which were in effect on June 30,
24 2001.

25 2. For unused sick leave accumulated on or after July
26 1, 2001, terminal payment may not exceed an amount equal to
27 one-fourth of the employee's unused sick leave or 60 days of
28 the employee's pay, whichever amount is less.

29 3. If the employee had an accumulated sick leave
30 balance of 60 days or more on June 30, 2001, sick leave earned
31 after that date may not be accumulated for terminal pay

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1 purposes until the accumulated leave balance as of June 30,
2 2001, is less than 60 days.

3 (3) CLAIM MUST BE FILED.--Any full-time employee who
4 finds it necessary to be absent from his or her duties because
5 of illness as defined in this section shall notify the
6 community college president or a college official designated
7 by the president, if possible before the opening of college on
8 the day on which the employee must be absent or during the
9 day, except when he or she is absent for emergency reasons
10 recognized by the community college board of trustees as
11 valid. Any employee shall, before claiming and receiving
12 compensation for the time absent from his or her duties while
13 absent because of sick leave as prescribed in this section,
14 make and file a written certificate which shall set forth the
15 day or days absent, that such absence was necessary, and that
16 he or she is entitled or not entitled to receive pay for such
17 absence in accordance with the provisions of this section. The
18 community college board of trustees may adopt rules under
19 which the president may require a certificate of illness from
20 a licensed physician or from the county health officer.

21 (4) COMPENSATION.--Any full-time employee who has
22 unused sick leave credit shall receive full-time compensation
23 for the time justifiably absent on sick leave; however, no
24 compensation may be allowed beyond that provided in subsection
25 (6).

26 (5) EXPENDITURE AUTHORIZED.--Community college boards
27 of trustees may expend public funds for payment to employees
28 on account of sickness. The expending and excluding of such
29 funds shall be in compliance with rules adopted by the
30 Department of Management Services pursuant to chapter 650.

31 (6) SICK LEAVE POOL.--Notwithstanding any other

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1 provision of this section, a community college board of
2 trustees may, by rule, based upon the maintenance of reliable
3 and accurate records by the community college showing the
4 amount of sick leave which has been accumulated and is unused
5 by employees in accordance with this section, establish a plan
6 allowing participating full-time employees of the community
7 college to pool sick leave accrued and allowing any sick leave
8 thus pooled to be disbursed to any participating employee who
9 is in need of sick leave in excess of that amount he or she
10 has personally accrued. Such rules shall include, but not be
11 limited to, the following provisions:

12 (a) Participation in the sick leave pool shall at all
13 times be voluntary on the part of employees.

14 (b) Any full-time employee shall be eligible for
15 participation in the sick leave pool after 1 year of
16 employment with the community college, provided such employee
17 has accrued a minimum amount of unused sick leave, which
18 minimum shall be established by rule.

19 (c) Any sick leave pooled pursuant to this section
20 shall be removed from the personally accumulated sick leave
21 balance of the employee donating such leave.

22 (d) Participating employees shall make equal
23 contributions to the sick leave pool. There shall be
24 established a maximum amount of sick leave which may be
25 contributed to the pool by an employee. After the initial
26 contribution which an employee makes upon electing to
27 participate, no further contributions shall be required except
28 as may be necessary to replenish the pool. Any such further
29 contribution shall be equally required of all employees
30 participating in the pool.

31 (e) Any sick leave time drawn from the pool by a

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1 participating employee must be used for that employee's
2 personal illness, accident, or injury.

3 (f) A participating employee will not be eligible to
4 use sick leave from the pool until all of his or her sick
5 leave has been depleted. There shall be established a maximum
6 number of days for which an employee may draw sick leave from
7 the sick leave pool.

8 (g) A participating employee who uses sick leave from
9 the pool will not be required to recontribute such sick leave
10 to the pool, except as otherwise provided herein.

11 (h) A participating employee who chooses to no longer
12 participate in the sick leave pool will not be eligible to
13 withdraw any sick leave already contributed to the pool.

14 (i) Alleged abuse of the use of the sick leave pool
15 shall be investigated, and, on a finding of wrongdoing, the
16 employee shall repay all of the sick leave credits drawn from
17 the sick leave pool and shall be subject to such other
18 disciplinary action as is determined by the board to be
19 appropriate. Rules adopted for the administration of this
20 program shall provide for the investigation of the use of sick
21 leave utilized by the participating employee in the sick leave
22 pool.

23 Section 775. Section 1012.87, Florida Statutes, is
24 created to read:

25 1012.87 Retirement annuities.--Each community college
26 board of trustees may purchase annuities for its community
27 college personnel who have 25 or more years of creditable
28 service and who have reached age 55 and have applied for
29 retirement under the Florida Retirement System. No such
30 annuity may provide for more than the total difference in
31 retirement income between the retirement benefit based on

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1 average monthly compensation and creditable service as of the
2 member's early retirement date and the early retirement
3 benefit. Community college boards of trustees may also
4 purchase annuities for members of the Florida Retirement
5 System who have out-of-state teaching service in another state
6 or country which is documented as valid by the appropriate
7 educational entity. Such annuities may be based on no more
8 than 5 years of out-of-state teaching service and may equal,
9 but not exceed, the benefits that would be payable under the
10 Florida Retirement System if credit for out-of-state teaching
11 was authorized under that system. Each community college board
12 of trustees may invest funds, purchase annuities, or provide
13 local supplemental retirement programs for purposes of
14 providing retirement annuities for community college
15 personnel. All such retirement annuities shall comply with s.
16 14, Art. X of the State Constitution.

17 Section 776. Section 1012.875, Florida Statutes, is
18 created to read:

19 1012.875 Community College Optional Retirement
20 Program.--Each community college may implement an optional
21 retirement program, if such program is established therefor
22 pursuant to s. 1001.64(20), under which annuity contracts
23 providing retirement and death benefits may be purchased by,
24 and on behalf of, eligible employees who participate in the
25 program. Except as otherwise provided herein, this retirement
26 program, which shall be known as the State Community College
27 System Optional Retirement Program, may be implemented and
28 administered only by an individual community college or by a
29 consortium of community colleges.

30 (1) As used in this section, the term:

31 (a) "Activation" means the date upon which an optional

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1 retirement program is first made available by the program
2 administrator to eligible employees.

3 (b) "College" means community colleges as defined in
4 s. 1000.21.

5 (c) "Department" means the Department of Management
6 Services.

7 (d) "Program administrator" means the individual
8 college or consortium of colleges responsible for implementing
9 and administering an optional retirement program.

10 (e) "Program participant" means an eligible employee
11 who has elected to participate in an available optional
12 retirement program as authorized by this section.

13 (2) Participation in the optional retirement program
14 provided by this section is limited to employees who satisfy
15 the criteria set forth in s. 121.051(2)(c).

16 (3)(a) With respect to any employee who is eligible to
17 participate in the optional retirement program by reason of
18 qualifying employment commencing before the program's
19 activation:

20 1. The employee may elect to participate in the
21 optional retirement program in lieu of participation in the
22 Florida Retirement System. To become a program participant,
23 the employee must file with the personnel officer of the
24 college, within 60 days after the program's activation, both a
25 written election on a form provided by the department and a
26 completed application for an individual contract or
27 certificate.

28 2. An employee's participation in the optional
29 retirement program commences on the first day of the next full
30 calendar month following the filing of the election and
31 completed application with the program administrator and

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1 receipt of such election by the department. An employee's
2 membership in the Florida Retirement System terminates on this
3 same date.

4 3. Any such employee who fails to make an election to
5 participate in the optional retirement program within 60 days
6 after its activation has elected to retain membership in the
7 Florida Retirement System.

8 (b) With respect to any employee who becomes eligible
9 to participate in an optional retirement program by reason of
10 qualifying employment commencing on or after the program's
11 activation:

12 1. The employee may elect to participate in the
13 optional retirement program in lieu of participation in the
14 Florida Retirement System. To become a program participant,
15 the employee must file with the personnel officer of the
16 college, within 60 days after commencing qualifying
17 employment, both a written election on a form provided by the
18 department and a completed application for an individual
19 contract or certificate.

20 2. An employee's participation in the optional
21 retirement program commences on the first day of the next full
22 calendar month following the filing of the election and
23 completed application with the program administrator and
24 receipt of such election by the department. An employee's
25 membership in the Florida Retirement System terminates on this
26 same date.

27 3. If the employee makes an election to participate in
28 the optional retirement program before the community college
29 submits its initial payroll for the employee, participation in
30 the optional retirement program commences on the first date of
31 employment.

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1 4. Any such employee who fails to make an election to
2 participate in the optional retirement program within 60 days
3 after commencing qualifying employment has elected to retain
4 membership in the Florida Retirement System.

5 (c) Any employee who, on or after an optional
6 retirement program's activation, becomes eligible to
7 participate in the program by reason of a change in status due
8 to the subsequent designation of the employee's position as
9 one of those referenced in subsection (2), or due to the
10 employee's appointment, promotion, transfer, or
11 reclassification to a position referenced in subsection (2),
12 must be notified by the community college of the employee's
13 eligibility to participate in the optional retirement program
14 in lieu of participation in the Florida Retirement System.
15 These eligible employees are subject to the provisions of
16 paragraph (b) and may elect to participate in the optional
17 retirement program in the same manner as those employees
18 described in paragraph (b), except that the 60-day election
19 period commences upon the date notice of eligibility is
20 received by the employee.

21 (d) Program participants must be fully and immediately
22 vested in the optional retirement program.

23 (e) The election by an eligible employee to
24 participate in the optional retirement program is irrevocable
25 for so long as the employee continues to meet the eligibility
26 requirements set forth in this section and in s.
27 121.051(2)(c), except as provided in paragraph (i).

28 (f) If a program participant becomes ineligible to
29 continue participating in the optional retirement program
30 pursuant to the criteria referenced in subsection (2), the
31 employee becomes a member of the Florida Retirement System if

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1 eligible. The college must notify the department of an
2 employee's change in eligibility status within 30 days after
3 the event that makes the employee ineligible to continue
4 participation in the optional retirement program.

5 (g) An eligible employee who is a member of the
6 Florida Retirement System at the time of election to
7 participate in the optional retirement program retains all
8 retirement service credit earned under the Florida Retirement
9 System at the rate earned. Additional service credit in the
10 Florida Retirement System may not be earned while the employee
11 participates in the optional retirement program, nor is the
12 employee eligible for disability retirement under the Florida
13 Retirement System.

14 (h) A program participant may not simultaneously
15 participate in any other state-administered retirement system,
16 plan, or class.

17 (i) Except as provided in s. 121.052(6)(d), a program
18 participant who is or who becomes dually employed in two or
19 more positions covered by the Florida Retirement System, one
20 of which is eligible for an optional retirement program
21 pursuant to this section and one of which is not, is subject
22 to the dual employment provisions of chapter 121.

23 (4)(a) Each college must contribute on behalf of each
24 program participant an amount equal to 10.43 percent of the
25 participant's gross monthly compensation. The college shall
26 deduct an amount approved by the community college to provide
27 for the administration of the optional retirement program.
28 Payment of this contribution must be made either directly by
29 the community college or through the program administrator to
30 the designated company contracting for payment of benefits to
31 the program participant.

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1 (b) Each community college must contribute on behalf
2 of each program participant an amount equal to the unfunded
3 actuarial accrued liability portion of the employer
4 contribution which would be required if the program
5 participant were a member of the Regular Class of the Florida
6 Retirement System. Payment of this contribution must be made
7 directly by the college to the department for deposit in the
8 Florida Retirement System Trust Fund.

9 (c) Each program participant who has executed an
10 annuity contract may contribute by way of salary reduction or
11 deduction a percentage of the program participant's gross
12 compensation, but this percentage may not exceed the
13 corresponding percentage contributed by the community college
14 to the optional retirement program. Payment of this
15 contribution may be made either directly by the college or
16 through the program administrator to the designated company
17 contracting for payment of benefits to the program
18 participant.

19 (d) Contributions to an optional retirement program by
20 a college or a program participant are in addition to, and
21 have no effect upon, contributions required now or in future
22 by the federal Social Security Act.

23 (5)(a) The benefits to be provided to program
24 participants must be provided through individual contracts or
25 group annuity contracts, which may be fixed, variable, or
26 both. Each individual contract or certificate must state the
27 type of annuity contract on its face page, and must include at
28 least a statement of ownership, the contract benefits, annuity
29 income options, limitations, expense charges, and surrender
30 charges, if any.

31 (b) Benefits are payable under the optional retirement

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1 program to program participants or their beneficiaries, and
2 the benefits must be paid only by the designated company in
3 accordance with the terms of the annuity contracts applicable
4 to the program participant, provided that benefits funded by
5 employer contributions are payable only as a lifetime annuity
6 to the program participant, except for:

7 1. A lump-sum payment to the program participant's
8 beneficiary or estate upon the death of the program
9 participant; or

10 2. A cash-out of a de minimis account upon the request
11 of a former program participant who has been terminated for a
12 minimum of 6 months from the employment that caused the
13 participant to be eligible for participation. A de minimis
14 account is an account with a designated company containing
15 employer contributions and accumulated earnings of not more
16 than \$3,500. The cash-out must be a complete liquidation of
17 the account balance with that designated company and is
18 subject to the provisions of the Internal Revenue Code.

19 (c) The benefits payable to any person under the
20 optional retirement program, and any contribution accumulated
21 under the program, are not subject to assignment, execution,
22 attachment, or to any legal process whatsoever.

23 (6)(a) The optional retirement program authorized by
24 this section must be implemented and administered by the
25 program administrator under s. 403(b) of the Internal Revenue
26 Code. The program administrator has the express authority to
27 contract with a third party to fulfill any of the program
28 administrator's duties.

29 (b) The program administrator shall solicit
30 competitive bids or issue a request for proposal and select no
31 more than four companies from which annuity contracts may be

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1 purchased under the optional retirement program. In making
2 these selections, the program administrator shall consider the
3 following factors:

4 1. The financial soundness of the company.

5 2. The extent of the company's experience in providing
6 annuity contracts to fund retirement programs.

7 3. The nature and extent of the rights and benefits
8 provided to program participants in relation to the premiums
9 paid.

10 4. The suitability of the rights and benefits provided
11 to the needs of eligible employees and the interests of the
12 college in the recruitment and retention of employees.

13
14 In lieu of soliciting competitive bids or issuing a request
15 for proposals, the program administrator may authorize the
16 purchase of annuity contracts under the optional retirement
17 program from those companies currently selected by the
18 department to offer such contracts through the State
19 University System Optional Retirement Program, as set forth in
20 s. 121.35.

21 (c) Optional retirement program annuity contracts must
22 be approved in form and content by the program administrator
23 in order to qualify. The program administrator may use the
24 same annuity contracts currently used within the State
25 University System Optional Retirement Program, as set forth in
26 s. 121.35.

27 (d) The provision of each annuity contract applicable
28 to a program participant must be contained in a written
29 program description that includes a report of pertinent
30 financial and actuarial information on the solvency and
31 actuarial soundness of the program and the benefits applicable

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1 to the program participant. The company must furnish the
2 description annually to the program administrator, and to each
3 program participant upon commencement of participation in the
4 program and annually thereafter.

5 (e) The program administrator must ensure that each
6 program participant is provided annually with an accounting of
7 the total contributions and the annual contributions made by
8 and on the behalf of the program participant.

9 Section 777. Section 1012.88, Florida Statutes, is
10 created to read:

11 1012.88 Community college police.--

12 (1) Each community college is permitted and empowered
13 to employ police officers for the community college, who must
14 be designated community college police.

15 (2) Each community college police officer is a law
16 enforcement officer of the state and a conservator of the
17 peace who has the authority to arrest, in accordance with the
18 laws of this state, any person for a violation of state law or
19 applicable county or municipal ordinance if that violation
20 occurs on or in any property or facilities of the community
21 college by which he or she is employed or any property or
22 facilities of a direct-support organization of such community
23 college. A community college police officer may also arrest a
24 person off campus for a violation committed on campus after a
25 hot pursuit of that person that began on any such property or
26 facilities. A community college police officer may bear arms
27 in the performance of his or her duties and carry out a search
28 pursuant to a search warrant on the campus where he or she is
29 employed. Community college police, upon request of the
30 sheriff or local police authority, may serve subpoenas or
31 other legal process and may make arrests of persons against

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1 whom arrest warrants have been issued or against whom charges
2 have been made for violations of federal or state laws or
3 county or municipal ordinances.

4 (3) Community college police shall promptly deliver
5 all persons arrested and charged with felonies to the sheriff
6 of the county within which the community college is located
7 and all persons arrested and charged with misdemeanors to the
8 applicable authority as provided by law, but otherwise to the
9 sheriff of the county in which the community college is
10 located.

11 (4) Community college police must meet the minimum
12 standards established by the Police Standards and Training
13 Commission of the Department of Law Enforcement and chapter
14 943 for law enforcement officers. Each community college
15 police officer must, before entering into the performance of
16 his or her duties, take the oath of office established by the
17 community college. Each community college that employs police
18 officers may obtain and approve a bond on each police officer,
19 conditioned upon the officer's faithful performance of his or
20 her duties, which bond must be payable to the Governor. The
21 community college may determine the amount of the bond. In
22 determining the amount of the bond, the community college may
23 consider the amount of money or property likely to be in the
24 custody of the officer at any one time. The community college
25 shall provide a uniform set of identifying credentials to each
26 community college police officer it employs.

27 (5) In performance of any of the powers, duties, and
28 functions authorized by law, community college police have the
29 same rights, protections, and immunities afforded other law
30 enforcement officers.

31 (6) The community college, with the approval of the

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1 Department of Law Enforcement, shall adopt rules, including,
2 without limitation, rules for the appointment, employment, and
3 removal of community college police in accordance with the
4 state Career Service System and shall establish in writing a
5 policy manual, that includes, without limitation, procedures
6 for managing routine law enforcement situations and emergency
7 law enforcement situations. The community college shall
8 furnish a copy of the policy manual to each of the police
9 officers it employs.

10 Section 778. Part IV.c. of chapter 1012, Florida
11 Statutes, shall be entitled "Universities; Personnel" and
12 shall consist of ss. 1012.91-1012.97.

13 Section 779. Section 1012.91, Florida Statutes, is
14 created to read:

15 1012.91 Personnel records.--

16 (1) Each university board of trustees shall adopt
17 rules prescribing the content and custody of limited-access
18 records that the university may maintain on its employees.
19 Such limited-access records are confidential and exempt from
20 the provisions of s. 119.07(1). Such records are limited to
21 the following:

22 (a) Records containing information reflecting academic
23 evaluations of employee performance shall be open to
24 inspection only by the employee and by officials of the
25 university responsible for supervision of the employee.

26 (b) Records maintained for the purposes of any
27 investigation of employee misconduct, including but not
28 limited to a complaint against an employee and all information
29 obtained pursuant to the investigation of such complaint,
30 shall be confidential until the investigation ceases to be
31 active or until the university provides written notice to the

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1 employee who is the subject of the complaint that the
2 university has either:

3 1. Concluded the investigation with a finding not to
4 proceed with disciplinary action;

5 2. Concluded the investigation with a finding to
6 proceed with disciplinary action; or

7 3. Issued a letter of discipline.

8
9 For the purpose of this paragraph, an investigation shall be
10 considered active as long as it is continuing with a
11 reasonable, good faith anticipation that a finding will be
12 made in the foreseeable future. An investigation shall be
13 presumed to be inactive if no finding is made within 90 days
14 after the complaint is filed.

15 (c) Records maintained for the purposes of any
16 disciplinary proceeding brought against an employee shall be
17 confidential until a final decision is made in the proceeding.
18 The record of any disciplinary proceeding, including any
19 evidence presented, shall be open to inspection by the
20 employee at all times.

21 (d) Records maintained for the purposes of any
22 grievance proceeding brought by an employee for enforcement of
23 a collective bargaining agreement or contract shall be
24 confidential and shall be open to inspection only by the
25 employee and by officials of the university conducting the
26 grievance proceeding until a final decision is made in the
27 proceeding.

28 (2) Notwithstanding the foregoing, any records or
29 portions thereof which are otherwise confidential by law shall
30 continue to be exempt from the provisions of s. 119.07(1). In
31 addition, for sexual harassment investigations, portions of

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1 such records which identify the complainant, a witness, or
2 information which could reasonably lead to the identification
3 of the complainant or a witness are limited-access records.

4 (3) Except as required for use by the president in the
5 discharge of his or her official responsibilities, the
6 custodian of limited-access records may release information
7 from such records only upon authorization in writing from the
8 employee or upon order of a court of competent jurisdiction.

9 (4) Notwithstanding the provisions of subsection (1),
10 records comprising the common core items contained in the
11 State University System Student Assessment of Instruction or
12 comparable instrument may not be prescribed as limited-access
13 records.

14 (5) This section shall apply to records created after
15 July 1, 1995.

16 Section 780. Section 1012.92, Florida Statutes, is
17 created to read:

18 1012.92 Personnel codes of conduct; disciplinary
19 measures; rulemaking authority.--

20 (1) Each university board of trustees may adopt, by
21 rule, codes of conduct and appropriate penalties for
22 violations of rules by employees, to be administered by the
23 university. Such penalties, unless otherwise provided by law,
24 may include: reprimand; restitution; fines; restrictions on
25 the use of or removal from university facilities; educational
26 training or counseling requirements; and the imposition of
27 probation, suspension, dismissal, demotion, or other
28 appropriate disciplinary action.

29 (2) Sanctions authorized by university codes of
30 conduct may be imposed only for acts or omissions in violation
31 of rules adopted by the university, including rules adopted

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1 under this section, rules of the State Board of Education,
2 county and municipal ordinances, and the laws of this state,
3 the United States, or any other state.

4 (3) The university board of trustees shall adopt rules
5 for the lawful discipline of any employee who intentionally
6 acts to impair, interfere with, or obstruct the orderly
7 conduct, processes, and functions of a state university. Said
8 rules may apply to acts conducted on or off campus when
9 relevant to such orderly conduct, processes, and functions.

10 Section 781. Section 1012.93, Florida Statutes, is
11 created to read:

12 1012.93 Faculty members; test of spoken English.--The
13 State Board of Education shall adopt rules requiring that all
14 faculty members in each state university and New College,
15 other than those persons who teach courses that are conducted
16 primarily in a foreign language, be proficient in the oral use
17 of English, as determined by a satisfactory grade on the "Test
18 of Spoken English" of the Educational Testing Service or a
19 similar test approved by the state board.

20 Section 782. Section 1012.94, Florida Statutes, is
21 created to read:

22 1012.94 Evaluations of faculty members; report.--
23 (1) For the purpose of evaluating faculty members,
24 each university board of trustees shall adopt rules for the
25 assignment of duties and responsibilities to faculty members.
26 These assigned duties or responsibilities shall be conveyed to
27 each faculty member at the beginning of each academic term, in
28 writing, by his or her departmental chair or other appropriate
29 university administrator making the assignment. In evaluating
30 the competencies of a faculty member, primary assessment shall
31 be in terms of his or her performance of the assigned duties

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1 and responsibilities, and such evaluation shall be given
2 adequate consideration for the purpose of salary adjustments,
3 promotions, reemployment, and tenure. A faculty member who is
4 assigned full-time teaching duties as provided by law shall be
5 rewarded with salary adjustments, promotions, reemployment, or
6 tenure for meritorious teaching and other scholarly activities
7 related thereto.

8 (2) The State Board of Education shall establish
9 criteria for evaluating the quantity and quality of service to
10 public schools by university faculty members and shall require
11 consideration of this service in promotion, tenure, and other
12 reward measures. Each university board of trustees shall
13 ensure that the following policies are implemented:

14 (a) Flexible criteria for rewarding faculty members,
15 consistent with the educational goals and objectives of the
16 university, shall be established, which criteria shall include
17 quality teaching and service to public schools as major
18 factors in determining salary adjustments, promotions,
19 reemployment, or tenure.

20 (b) Measures shall be taken to increase the
21 recognition, reinforcements, and rewards given quality
22 teaching and service to public schools. Such measures might
23 include grants for professional development, curriculum
24 improvement, and instructional innovation, as well as awards
25 of varying kinds for meritorious teaching.

26 (c) The means of identifying and evaluating quality
27 teachers and outstanding service to public schools shall be
28 determined in accordance with established guidelines of the
29 university.

30 (3) The chief academic officer at each state
31 university and New College shall disseminate information to

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1 all faculty members which clearly states that service to
2 public schools is one of the criteria used to determine salary
3 adjustments, promotions, reemployment, and tenure for faculty
4 members.

5 Section 783. Section 1012.945, Florida Statutes, is
6 created to read:

7 1012.945 Required number of classroom teaching hours
8 for university faculty members.--

9 (1) As used in this section:

10 (a) "State funds" means those funds appropriated
11 annually in the General Appropriations Act.

12 (b) "Classroom contact hour" means a regularly
13 scheduled 1-hour period of classroom activity in a course of
14 instruction which has been approved by the university.

15 (2) Each full-time equivalent teaching faculty member
16 at a university who is paid wholly from state funds shall
17 teach a minimum of 12 classroom contact hours per week at such
18 university. However, any faculty member who is assigned by his
19 or her departmental chair or other appropriate university
20 administrator professional responsibilities and duties in
21 furtherance of the mission of the university shall teach a
22 minimum number of classroom contact hours in proportion to 12
23 classroom hours per week as such especially assigned
24 aforementioned duties and responsibilities bear to 12
25 classroom contact hours per week. Any full-time faculty member
26 who is paid partly from state funds and partly from other
27 funds or appropriations shall teach a minimum number of
28 classroom contact hours in such proportion to 12 classroom
29 contact hours per week as his or her salary paid from state
30 funds bears to his or her total salary. In determining the
31 appropriate hourly weighting of assigned duties other than

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1 classroom contact hours, the universities shall develop and
2 apply a formula designed to equate the time required for
3 nonclassroom duties with classroom contact hours. "Full-time
4 equivalent teaching faculty member" shall be interpreted to
5 mean all faculty personnel budgeted in the instruction and
6 research portion of the budget, exclusive of those full-time
7 equivalent positions assigned to research, public service,
8 administrative duties, and academic advising. Full-time
9 administrators, librarians, and counselors shall be exempt
10 from the provisions of this section; and colleges of medicine
11 and law and others which are required for purposes of
12 accreditation to meet national standards prescribed by the
13 American Medical Association, the American Bar Association, or
14 other professional associations shall be exempt from the
15 provisions of this section to the extent that the requirements
16 of this section differ from the requirements of accreditation.

17 Section 784. Section 1012.95, Florida Statutes, is
18 created to read:

19 1012.95 University employment equity accountability
20 program.--

21 (1) Each state university and New College shall
22 maintain an annual equity plan for appropriate representation
23 of women and minorities in senior-level administrative
24 positions, within tenure-track faculty, and within
25 faculty-granted tenure. Such plan shall be maintained until
26 appropriate representation has been achieved. As used in this
27 subsection, the term:

28 (a) "Appropriate representation" means category
29 employment representation that at least meets comparable
30 national standards for at least two consecutive reporting
31 periods.

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1 (b) "Category" means major executive, administrative,
2 and professional grouping, including senior-level
3 administrative and professional positions, senior academic
4 administrative-level positions, and tenure-track faculty.

5 (2)(a) By April 1 of each year, each state university
6 president shall submit an annual equity report to the
7 Commissioner of Education and the State Board of Education.
8 The equity report shall consist of a status update, an
9 analysis, and a status report of selected personnel
10 transactions. As used in this paragraph, the term, "selected
11 personnel transactions" means new hires in, promotions into,
12 tenure actions in, and terminations from a category. Each
13 university shall provide the following information for the
14 selected personnel transactions including, but not limited to:

- 15 1. Job classification title.
- 16 2. Gender.
- 17 3. Race.
- 18 4. Appointment status.

19
20 The status update shall assess underrepresentation in each
21 category. The status report shall consist of current category
22 employment representation, comparable national standards, an
23 evaluation of representation, and annual goals to address
24 underrepresentation.

25 (b) After 1 year of implementation of a plan, and
26 annually thereafter, for those categories in which prior year
27 goals were not achieved, each university shall provide, in its
28 annual equity report, a narrative explanation and a plan for
29 achievement of equity. The plan shall include guidelines for
30 ensuring balanced membership on selection committees and
31 specific steps for developing a diverse pool of candidates for

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1 each vacancy in the category. The plan shall also include a
2 systematic process by which those responsible for hiring are
3 provided information and are evaluated regarding their
4 responsibilities pursuant to this section.

5 (c) The equity report shall include an analysis and
6 assessment of the university's accomplishment of annual goals,
7 as specified in the university's affirmative action plan, for
8 increasing the representation of women and minorities in
9 tenure-earning and senior-level administrative positions.

10 (d) The equity report shall also include the current
11 rank, race, and gender of faculty eligible for tenure in a
12 category. In addition, each university shall report
13 representation of the pool of tenure-eligible faculty at each
14 stage of the transaction process and provide certification
15 that each eligible faculty member was apprised annually of
16 progress toward tenure. Each university shall also report on
17 the dissemination of standards for achieving tenure; racial
18 and gender composition of committees reviewing recommendations
19 at each transaction level; and dissemination of guidelines for
20 equitable distribution of assignments.

21 (3)(a) A factor in the evaluation of university
22 presidents, vice presidents, deans, and chairpersons shall be
23 their annual progress in achieving the annual and long-range
24 hiring and promotional goals and objectives, as specified in
25 the university's equity plan and affirmative action plan.
26 Annual budget allocations for positions and funding shall be
27 based on this evaluation. A summary of such evaluations shall
28 be submitted to the Commissioner of Education and the State
29 Board of Education as part of the university's annual equity
30 report.

31 (b) The university boards of trustees shall annually

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1 evaluate the performance of the university presidents in
2 achieving the annual equity goals and objectives. A summary of
3 the results of such evaluations shall be included as part of
4 the annual equity progress report submitted by the university
5 boards of trustees to the Legislature and the State Board of
6 Education.

7 (4) The State Board of Education shall submit an
8 annual equity progress report to the President of the Senate
9 and the Speaker of the House of Representatives on or before
10 August 1 of each year.

11 (5) Each university shall develop a budgetary
12 incentive plan to support and ensure attainment of the goals
13 developed pursuant to this section. The plan shall specify, at
14 a minimum, how resources shall be allocated to support the
15 achievement of goals and the implementation of strategies in a
16 timely manner. After prior review and approval by the
17 university president and the university board of trustees, the
18 plan shall be submitted as part of the annual equity report
19 submitted by each university to the State Board of Education.

20 (6) Relevant components of each university's
21 affirmative action plan may be used to satisfy the
22 requirements of this section.

23 (7) Subject to available funding, the Legislature
24 shall provide an annual appropriation to be allocated to the
25 universities to further enhance equity initiatives and related
26 priorities that support the mission of departments, divisions,
27 or colleges in recognition of the attainment of equity goals
28 and objectives.

29 Section 785. Section 1012.96, Florida Statutes, is
30 created to read:

31 1012.96 IFAS extension personnel; federal health

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1 insurance programs notwithstanding the provisions of s.
2 110.123.--The Institute of Food and Agricultural Sciences at
3 the University of Florida may pay the employer's share of
4 premiums to the Federal Health Benefits Insurance Program from
5 its appropriated budget for any cooperative extension employee
6 of the institute having both state and federal appointments
7 and participating in the Federal Civil Service Retirement
8 System.

9 Section 786. Section 1012.965, Florida Statutes, is
10 created to read:

11 1012.965 Payment of costs of civil action against
12 employees.--

13 (1) An employee or agent under the right of control of
14 a university board of trustees who, pursuant to the university
15 board's policies or rules, renders medical care or treatment
16 at any hospital or health care facility with which the
17 university board maintains an affiliation agreement whereby
18 the hospital or health care facility provides to the
19 university board a clinical setting for health care education,
20 research, and services, shall not be deemed to be an agent of
21 any person other than the university board in any civil action
22 resulting from any act or omission of the employee or agent
23 while rendering said medical care or treatment. For this
24 subsection to apply, the patient shall be provided separate
25 written conspicuous notice by the university board of trustees
26 or by the hospital or health care facility, and shall
27 acknowledge receipt of this notice, in writing, unless
28 impractical by reason of an emergency, either personally or
29 through another person authorized to give consent for him or
30 her, that he or she will receive care provided by university
31 board's employees and liability, if any, that may arise from

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1 that care is limited as provided by law. Compliance by a
2 hospital or health care facility with the requirements of
3 chapter 395 or s. 766.110(1) shall not be used as evidence in
4 any civil action to establish an employment or agency
5 relationship between the hospital or health care facility and
6 an employee or agent of the university board of trustees
7 providing services within the hospital or health care
8 facility.

9 (2) All faculty physicians employed by a university
10 board of trustees who are subject to the requirements of s.
11 456.013 shall complete their risk management continuing
12 education on issues specific to academic medicine. Such
13 continuing education shall include instruction for the
14 supervision of resident physicians as required by the
15 Accreditation Council for Graduate Medical Education. The
16 boards described in s. 456.013 shall adopt rules to implement
17 the provisions of this subsection.

18 (3) There are appropriated out of any funds available
19 to a university, not subject to the obligation of contract,
20 covenant, or trust, the amounts necessary to carry out the
21 purposes of this section.

22 (4) Failure of a university board of trustees or an
23 affiliated health care provider to do any act authorized by
24 this section shall not constitute a cause of action against
25 the university board, or an affiliated health care provider,
26 or any of their members, officers, or employees.

27 Section 787. Section 1012.97, Florida Statutes, is
28 created to read:

29 1012.97 University police.--

30 (1) Each university is empowered and directed to
31 provide for police officers for the university, and such

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1 police officers shall hereafter be known and designated as the
2 "university police."

3 (2) The university police are hereby declared to be
4 law enforcement officers of the state and conservators of the
5 peace with the right to arrest, in accordance with the laws of
6 this state, any person for violation of state law or
7 applicable county or city ordinances when such violations
8 occur on any property or facilities that are under the
9 guidance, supervision, regulation, or control of the state
10 university or a direct-support organization of such
11 university, except that arrest may be made off campus when hot
12 pursuit originates on any such property or facilities. Such
13 officers shall have full authority to bear arms in the
14 performance of their duties and to execute search warrants
15 within their territorial jurisdiction. University police, when
16 requested by the sheriff or local police authority, may serve
17 subpoenas or other legal process and may make arrest of any
18 person against whom a warrant has been issued or any charge
19 has been made of violation of federal or state laws or county
20 or city ordinances.

21 (3) University police shall promptly deliver all
22 persons arrested and charged with a felony to the sheriff of
23 the county within which the university is located, and all
24 persons arrested and charged with misdemeanors shall be
25 delivered to the applicable authority as may be provided by
26 law, but otherwise to the sheriff of the county in which the
27 university is located.

28 (4) University police must meet the minimum standards
29 established by the Criminal Justice Standards and Training
30 Commission and chapter 943. Each police officer shall, before
31 entering into the performance of his or her duties, take the

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1 oath of office as established by the university; and the
2 university may obtain and approve a bond on each officer,
3 payable to the Governor and his or her successors in office,
4 conditioned on the faithful performance of the duties of such
5 university police officer. The university may determine the
6 amount of the bond. In determining the amount of the bond, the
7 university may consider the amount of money or property likely
8 to be in the custody of the officer at any one time. The
9 university shall provide a uniform set of identification
10 credentials for each university police officer.

11 (5) In performance of any of the powers, duties, and
12 functions authorized by law or this section, university police
13 shall have the same rights, protections, and immunities
14 afforded other peace or law enforcement officers.

15 (6) The university, in concurrence with the Department
16 of Law Enforcement, shall adopt rules, including, but not
17 limited to, the appointment, employment, and removal of
18 university police and, further, establish in writing a policy
19 manual, including, but not limited to, routine and emergency
20 law enforcement situations. A policy manual shall be furnished
21 to each university police officer.

22 Section 788. Part V of chapter 1012, Florida Statutes,
23 shall be entitled "Professional Development" and shall consist
24 of ss. 1012.98-1012.985.

25 Section 789. Section 1012.98, Florida Statutes, is
26 created to read:

27 1012.98 School Community Professional Development
28 Act.--

29 (1) The Department of Education, public postsecondary
30 educational institutions, public school districts, and public
31 schools in this state shall collaborate to establish a

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1 coordinated system of professional development. The purpose of
2 the professional development system is to enable the school
3 community to meet state and local student achievement
4 standards and the state education goals and to succeed in
5 school improvement as described in s. 1000.03.

6 (2) The school community includes administrative
7 personnel, managers, instructional personnel, support
8 personnel, members of district school boards, members of
9 school advisory councils, parents, business partners, and
10 personnel that provide health and social services to school
11 children. School districts may identify and include
12 additional members of the school community in the professional
13 development activities required by this section.

14 (3) The activities designed to implement this section
15 must:

16 (a) Increase the success of educators in guiding
17 student learning and development so as to implement state and
18 local educational standards, goals, and initiatives.

19 (b) Assist the school community in providing
20 stimulating educational activities that encourage and motivate
21 students to achieve at the highest levels and to become active
22 learners.

23 (c) Provide continuous support for all education
24 professionals as well as temporary intervention for education
25 professionals who need improvement in knowledge, skills, and
26 performance.

27 (4) The Department of Education, school districts,
28 schools, community colleges, and state universities share the
29 responsibilities described in this section. These
30 responsibilities include the following:

31 (a) The department shall develop and disseminate to

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1 the school community model professional development methods
2 and programs that have demonstrated success in meeting
3 identified student needs. The Commissioner of Education shall
4 use data on student achievement to identify student needs. The
5 methods of dissemination must include a statewide performance
6 support system, a database of exemplary professional
7 development activities, a listing of available professional
8 development resources, training programs, and technical
9 assistance.

10 (b) Each school district shall develop a professional
11 development system. The system shall be developed in
12 consultation with teachers and representatives of community
13 college and university faculty, community agencies, and other
14 interested citizen groups to establish policy and procedures
15 to guide the operation of the district professional
16 development program. The professional development system
17 must:

18 1. Be approved by the department. All substantial
19 revisions to the system shall be submitted to the department
20 for review for continued approval.

21 2. Require the use of student achievement data; school
22 discipline data; school environment surveys; assessments of
23 parental satisfaction; performance appraisal data of teachers,
24 managers, and administrative personnel; and other performance
25 indicators to identify school and student needs that can be
26 met by improved professional performance.

27 3. Provide inservice activities coupled with followup
28 support that are appropriate to accomplish district-level and
29 school-level improvement goals and standards. The inservice
30 activities for instructional personnel shall primarily focus
31 on subject content and teaching methods, including technology,

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- 1 as related to the Sunshine State Standards, assessment and
2 data analysis, classroom management, and school safety.
- 3 4. Include a master plan for inservice activities,
4 pursuant to rules of the State Board of Education, for all
5 district employees from all fund sources. The master plan
6 shall be updated annually by September 1 using criteria for
7 continued approval as specified by rules of the State Board of
8 Education. Written verification that the inservice plan meets
9 all requirements of this section must be submitted annually to
10 the commissioner by October 1.
- 11 5. Require each school principal to establish and
12 maintain an individual professional development plan for each
13 instructional employee assigned to the school. The individual
14 professional development plan must:
- 15 a. Be related to specific performance data for the
16 students to whom the teacher is assigned.
- 17 b. Define the inservice objectives and specific
18 measurable improvements expected in student performance as a
19 result of the inservice activity.
- 20 c. Include an evaluation component that determines the
21 effectiveness of the professional development plan.
- 22 6. Include inservice activities for school
23 administrative personnel that address updated skills necessary
24 for effective school management and instructional leadership.
- 25 7. Provide for systematic consultation with regional
26 and state personnel designated to provide technical assistance
27 and evaluation of local professional development programs.
- 28 8. Provide for delivery of professional development by
29 distance learning and other technology-based delivery systems
30 to reach more educators at lower costs.
- 31 9. Provide for the continuous evaluation of the

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1 quality and effectiveness of professional development programs
2 in order to eliminate ineffective programs and strategies and
3 to expand effective ones. Evaluations must consider the impact
4 of such activities on the performance of participating
5 educators and their students' achievement and behavior.

6 (c) Each community college and state university shall
7 assist the department, school districts, and schools in the
8 design, delivery, and evaluation of professional development
9 activities. This assistance must include active participation
10 in state and local activities required by the professional
11 development system.

12 (5)(a) The Department of Education shall provide a
13 system for the recruitment, preparation, and professional
14 development of school administrative personnel. This system
15 shall:

16 1. Identify the knowledge, competencies, and skills
17 necessary for effective school management and instructional
18 leadership that align with student performance standards and
19 accountability measures.

20 2. Include performance evaluation methods.

21 3. Provide for alternate means for preparation of
22 school administrative personnel which may include programs
23 designed by school districts and postsecondary educational
24 institutions pursuant to guidelines developed by the
25 commissioner. Such preparation programs shall be approved by
26 the Department of Education.

27 4. Provide for the hiring of qualified out-of-state
28 school administrative personnel.

29 5. Provide advanced educational opportunities for
30 school-based instructional leaders.

31 (b) The Commissioner of Education shall appoint a task

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1 force that includes a district school superintendent, a
2 district school board member, a principal, an assistant
3 principal, a teacher, a dean of a college of education, and
4 parents. The task force shall convene periodically to provide
5 recommendations to the department in the areas of recruitment,
6 certification, preparation, professional development, and
7 evaluation of school administrators.

8 (6) Each district school board shall provide funding
9 for the professional development system as required by s.
10 1011.62 and the General Appropriations Act, and shall direct
11 expenditures from other funding sources to strengthen the
12 system and make it uniform and coherent. A school district
13 may coordinate its professional development program with that
14 of another district, with an educational consortium, or with a
15 community college or university, especially in preparing and
16 educating personnel. Each district school board shall make
17 available inservice activities to instructional personnel of
18 nonpublic schools in the district and the state certified
19 teachers who are not employed by the district school board on
20 a fee basis not to exceed the cost of the activity per all
21 participants.

22 (7) An organization of private schools which has no
23 fewer than 10 member schools in this state, which publishes
24 and files with the Department of Education copies of its
25 standards, and the member schools of which comply with the
26 provisions of part II of chapter 1003, relating to compulsory
27 school attendance, may also develop a professional development
28 system that includes a master plan for inservice activities.
29 The system and inservice plan must be submitted to the
30 commissioner for approval pursuant to rules of the State Board
31 of Education.

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1 (8) The Department of Education shall design methods
2 by which the state and district school boards may evaluate and
3 improve the professional development system. The evaluation
4 must include an annual assessment of data that indicate
5 progress or lack of progress of all students. If the review of
6 the data indicates progress, the department shall identify the
7 best practices that contributed to the progress. If the review
8 of the data indicates a lack of progress, the department shall
9 investigate the causes of the lack of progress, provide
10 technical assistance, and require the school district to
11 employ a different approach to professional development. The
12 department shall report annually to the State Board of
13 Education and the Legislature any school district that, in the
14 determination of the department, has failed to provide an
15 adequate professional development system. This report must
16 include the results of the department's investigation and of
17 any intervention provided.

18 (9) The State Board of Education may adopt rules
19 pursuant to ss. 120.536(1) and 120.54 to administer this
20 section.

21 (10) This section does not limit or discourage a
22 district school board from contracting with independent
23 entities for professional development services and inservice
24 education if the district school board believes that, through
25 such a contract, a better product can be acquired or its goals
26 for education improvement can be better met.

27 (11) For teachers, managers, and administrative
28 personnel who have been evaluated as less than satisfactory, a
29 district school board shall require participation in specific
30 professional development programs as part of the improvement
31 prescription.

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1 Section 790. Section 1012.985, Florida Statutes, is
2 created to read:

3 1012.985 Statewide system for inservice professional
4 development.--The intent of this section is to establish a
5 statewide system of professional development that provides a
6 wide range of targeted inservice training to teachers,
7 managers, and administrative personnel designed to upgrade
8 skills and knowledge needed to reach world class standards in
9 education. The system shall consist of a network of
10 professional development academies in each region of the state
11 that are operated in partnership with area business partners
12 to develop and deliver high-quality training programs
13 purchased by school districts. The academies shall be
14 established to meet the human resource development needs of
15 professional educators, schools, and school districts. Funds
16 appropriated for the initiation of professional development
17 academies shall be allocated by the Commissioner of Education,
18 unless otherwise provided in an appropriations act. To be
19 eligible for startup funds, the academy must:

20 (1) Be established by the collaborative efforts of one
21 or more district school boards, members of the business
22 community, and the postsecondary educational institutions
23 which may award college credits for courses taught at the
24 academy.

25 (2) Demonstrate the capacity to provide effective
26 training to improve teaching skills in the areas of elementary
27 reading and mathematics, the use of instructional technology,
28 high school algebra, and classroom management, and to deliver
29 such training using face-to-face, distance learning, and
30 individualized computer-based delivery systems.

31 (3) Propose a plan for responding in an effective and

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1 timely manner to the professional development needs of
2 teachers, managers, administrative personnel, schools, and
3 school districts relating to improving student achievement and
4 meeting state and local education goals.

5 (4) Demonstrate the ability to provide high-quality
6 trainers and training, appropriate followup and coaching for
7 all participants, and support school personnel in positively
8 impacting student performance.

9 (5) Be operated under contract with its public
10 partners and governed by an independent board of directors,
11 which should include at least one district school
12 superintendent and one district school board chair from the
13 participating school districts, the president of the
14 collective bargaining unit that represents the majority of the
15 region's teachers, and at least three individuals who are not
16 employees or elected or appointed officials of the
17 participating school districts. Regional educational consortia
18 as defined in s. 1001.451 satisfy the requirements of this
19 subsection.

20 (6) Be financed during the first year of operation by
21 an equal or greater match from private funding sources and
22 demonstrate the ability to be self-supporting within 1 year
23 after opening through fees for services, grants, or private
24 contributions. Regional educational consortia as defined in s.
25 1001.451 which serve rural areas of critical economic concern
26 are exempt from the funding match required by this subsection.

27 (7) Own or lease a facility that can be used to
28 deliver training onsite and through distance learning and
29 other technology-based delivery systems. The participating
30 district school boards may lease a site or facility to the
31 academy for a nominal fee and may pay all or part of the costs

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1 of renovating a facility to accommodate the academy. The
2 academy is responsible for all operational, maintenance, and
3 repair costs.

4 (8) Provide professional development services for the
5 participating school districts as specified in the contract
6 and may provide professional development services to other
7 school districts, private schools, and individuals on a
8 fee-for-services basis.

9 Section 791. Part VI of chapter 1012, Florida
10 Statutes, shall be entitled "Interstate Compact on
11 Qualifications of Educational Personnel" and shall consist of
12 ss. 1012.99-1012.992.

13 Section 792. Section 1012.99, Florida Statutes, is
14 created to read:

15 1012.99 Interstate agreement on qualifications of
16 educational personnel.--The interstate agreement on
17 qualifications of educational personnel is hereby enacted into
18 law and entered into with all jurisdictions legally joining
19 therein, in form substantially as follows:

20
21 ARTICLE I

22
23 PURPOSE, FINDINGS, AND POLICY

24 1. The states party to this agreement, desiring by
25 common action to improve their respective school systems by
26 utilizing the teacher or other professional educational person
27 wherever educated, declare that it is the policy of each of
28 them, on the basis of cooperation with one another, to take
29 advantage of the preparation and experience of such persons
30 wherever gained, thereby serving the best interests of
31 society, of education, and of the teaching profession. It is

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1 the purpose of this agreement to provide for the development
2 and execution of such programs of cooperation as will
3 facilitate the movement of teachers and other professional
4 educational personnel among the states party to it, and to
5 authorize specific interstate educational personnel contracts
6 to achieve that end.

7 2. The party states find that included in the large
8 movement of population among all sections of the nation are
9 many qualified educational personnel who move for family and
10 other personal reasons but who are hindered in using their
11 professional skill and experience in their new locations.
12 Variations from state to state in requirements for qualifying
13 educational personnel discourage such personnel from taking
14 the steps necessary to qualify in other states. As a
15 consequence, a significant number of professionally prepared
16 and experienced educators is lost to our school systems.
17 Facilitating the employment of qualified educational
18 personnel, without reference to their states of origin, can
19 increase the available educational resources. Participation in
20 this compact can increase the availability of educational
21 personnel.

22
23 ARTICLE II

24
25 DEFINITIONS

26 As used in this agreement and contracts made pursuant
27 to it, unless the context clearly requires otherwise:

28 1. "Educational personnel" means persons who must meet
29 requirements pursuant to state law as a condition of
30 employment in educational programs.

31 2. "Designated state official" means the education

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1 official of a state selected by that state to negotiate and
2 enter into, on behalf of this state, contracts pursuant to
3 this agreement.

4 3. "Accept," or any variant thereof, means to
5 recognize and give effect to one or more determinations of
6 another state relating to the qualifications of educational
7 personnel in lieu of making or requiring a like determination
8 that would otherwise be required by or pursuant to the laws of
9 a receiving state.

10 4. "State" means a state, territory, or possession of
11 the United States; the district of Columbia; or the
12 Commonwealth of Puerto Rico.

13 5. "Originating state" means a state and the
14 subdivision thereof, if any, whose determination that certain
15 educational personnel are qualified to be employed for
16 specific duties in schools is acceptable in accordance with
17 the terms of a contract made pursuant to Article III.

18 6. "Receiving state" means a state and the
19 subdivisions thereof which accept educational personnel in
20 accordance with the terms of a contract made pursuant to
21 Article III.

22
23 ARTICLE III

24
25 INTERSTATE EDUCATIONAL

26 PERSONNEL CONTRACTS

27 1. The designated state official of a party state may
28 make one or more contracts on behalf of his or her state with
29 one or more other party states providing for the acceptance of
30 educational personnel. Any such contract for the period of
31 its duration shall be applicable to and binding on the states

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1 whose designated state officials enter into it, and the
2 subdivisions of those states, with the same force and effect
3 as if incorporated in this agreement. A designated state
4 official may enter into a contract pursuant to this article
5 only with states in which he or she finds that there are
6 programs of education, certification standards or other
7 acceptable qualifications that assure preparation or
8 qualification of educational personnel on a basis sufficiently
9 comparable, even though not identical to that prevailing in
10 his or her own state.

11 2. Any such contract shall provide for:

12 (a) Its duration.

13 (b) The criteria to be applied by an originating state
14 in qualifying educational personnel for acceptance by a
15 receiving state.

16 (c) Such waivers, substitutions, and conditional
17 acceptances as shall aid the practical effectuation of the
18 contract without sacrifice of basic educational standards.

19 (d) Any other necessary matters.

20 3. No contract made pursuant to this agreement shall
21 be for a term longer than five years but any such contract may
22 be renewed for like or lesser periods.

23 4. Any contract dealing with acceptance of educational
24 personnel on the basis of their having completed an
25 educational program shall specify the earliest date or dates
26 on which originating state approval of the program or programs
27 involved can have occurred. No contract made pursuant to this
28 agreement shall require acceptance by a receiving state or any
29 persons qualified because of successful completion of a
30 program prior to January 1, 1954.

31 5. The certification or other acceptance of a person

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1 who has been accepted pursuant to the terms of a contract
2 shall not be revoked or otherwise impaired because the
3 contract has expired or been terminated. However, any
4 certificate or other qualifying document may be revoked or
5 suspended on any ground which would be sufficient for
6 revocation or suspension of a certificate or other qualifying
7 document initially granted or approved in the receiving state.

8 6. A contract committee composed of the designated
9 state officials of the contracting states or their
10 representatives shall keep the contract under continuous
11 review, study means of improving its administration, and
12 report no less frequently than once a year to the heads of the
13 appropriate education agencies of the contracting states.

14
15 ARTICLE IV

16
17 APPROVED AND ACCEPTED PROGRAMS

18 1. Nothing in this agreement shall be construed to
19 repeal or otherwise modify any law or regulation of a party
20 state relating to the approval of programs of educational
21 preparation having effect solely on the qualification of
22 educational personnel within that state.

23 2. To the extent that contracts made pursuant to this
24 agreement deal with the educational requirements for the
25 proper qualification of educational personnel, acceptance of a
26 program of educational preparation shall be in accordance with
27 such procedures and requirements as may be provided in the
28 applicable contract.

29
30 ARTICLE V

31
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1 INTERSTATE COOPERATION

2 The party states agree that:

3 1. They will, so far as practicable, prefer the making
4 of multilateral contracts pursuant to Article III of this
5 agreement.

6 2. They will facilitate and strengthen cooperation in
7 interstate certification and other elements of educational
8 personnel qualification and for this purpose shall cooperate
9 with agencies, organizations, and associations interested in
10 certification and other elements of educational personnel
11 qualification.

12

13 ARTICLE VI

14

15 AGREEMENT EVALUATION

16 The designated state officials of any party states may
17 meet from time to time as a group to evaluate progress under
18 the agreement, and to formulate recommendations for changes.

19

20 ARTICLE VII

21

22 OTHER ARRANGEMENTS

23 Nothing in this agreement shall be construed to prevent
24 or inhibit other arrangements or practices of any party state
25 or states to facilitate the interchange of educational
26 personnel.

27

28 ARTICLE VIII

29

30 EFFECT AND WITHDRAWAL

31 1. This agreement shall become effective when enacted

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1 into law by two states. Thereafter it shall become effective
2 as to any state upon its enactment of this agreement.

3 2. Any party state may withdraw from this agreement by
4 enacting a statute repealing the same, but no such withdrawal
5 shall take effect until one year after the governor of the
6 withdrawing state has given notice in writing of the
7 withdrawal to the governors of all other party states.

8 3. No withdrawal shall relieve the withdrawing state
9 of any obligation imposed upon it by a contract to which it is
10 a party. The duration of contracts and the methods and
11 conditions of withdrawal therefrom shall be those specified in
12 their terms.

13
14 ARTICLE IX

15
16 CONSTRUCTION AND SEVERABILITY

17 This agreement shall be liberally construed so as to
18 effectuate the purposes thereof. The provisions of this
19 agreement shall be severable and if any phrase, clause,
20 sentence or provision of this agreement is declared to be
21 contrary to the constitution of any state or of the United
22 States, or the application thereof to any government, agency,
23 person, or circumstance is held invalid, the validity of the
24 remainder of this agreement and the applicability thereof to
25 any government, agency, person, or circumstance shall not be
26 affected thereby. If this agreement shall be held contrary to
27 the constitution of any state participating therein, the
28 agreement shall remain in full force and effect as to the
29 state affected as to all severable matters.

30 Section 793. Section 1012.991, Florida Statutes, is
31 created to read:

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1 1012.991 Commissioner designated official.--For the
2 purposes of the agreement set forth in Article IX, the
3 "designated state official" for this state shall be the
4 Commissioner of Education. The Commissioner of Education shall
5 enter into contracts pursuant to Article III of the agreement
6 only with the approval of the specific texts thereof by the
7 State Board of Education.

8 Section 794. Section 1012.992, Florida Statutes, is
9 created to read:

10 1012.992 Copies of contracts with other states;
11 depository.--Two copies of all contracts made on behalf of
12 this state pursuant to the agreement set forth in Article IX
13 shall be kept on file in the office of the Commissioner of
14 Education and in the office of the Department of State. The
15 Department of Education shall publish all such contracts in
16 convenient form.

17 Section 795. Chapter 1013, Florida Statutes, shall be
18 entitled "Educational Facilities" and shall consist of ss.
19 1013.01-1013.82.

20 Section 796. Part I of chapter 1013, Florida Statutes,
21 shall be entitled "Functions; Department of Education" and
22 shall consist of ss. 1013.01-1013.05.

23 Section 797. Section 1013.01, Florida Statutes, is
24 created to read:

25 1013.01 Definitions.--The following terms shall be
26 defined as follows for the purpose of this chapter:

27 (1) "Ancillary plant" is comprised of the building,
28 site, and site improvements necessary to provide such
29 facilities as vehicle maintenance, warehouses, maintenance, or
30 administrative buildings necessary to provide support services
31 to an educational program.

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1 (2) "Auxiliary facility" means the spaces located at
2 educational plants which are not designed for student occupant
3 stations.

4 (3) "Board," unless otherwise specified, means a
5 district school board, a community college board of trustees,
6 a university board of trustees, and the Board of Trustees for
7 the Florida School for the Deaf and the Blind. The term
8 "board" does not include the State Board of Education.

9 (4) "Capital project," for the purpose of s. 9(a)(2),
10 Art. XII of the State Constitution, as amended, means sums of
11 money appropriated from the Public Education Capital Outlay
12 and Debt Service Trust Fund to the state system of public
13 education and other educational agencies as authorized by the
14 Legislature.

15 (5) "Core facilities" means the media center,
16 cafeteria, toilet facilities, and circulation space of an
17 educational plant.

18 (6) "Educational facilities" means the buildings and
19 equipment, structures, and special educational use areas that
20 are built, installed, or established to serve primarily the
21 educational purposes and secondarily the social and
22 recreational purposes of the community and which may lawfully
23 be used as authorized by the Florida Statutes and approved by
24 boards.

25 (7) "Educational plant" comprises the educational
26 facilities, site, and site improvements necessary to
27 accommodate students, faculty, administrators, staff, and the
28 activities of the educational program of each plant.

29 (8) "Educational plant survey" means a systematic
30 study of present educational and ancillary plants and the
31 determination of future needs to provide an appropriate

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1 educational program and services for each student based on
2 projected capital outlay FTE's approved by the Department of
3 Education.

4 (9) "Feasibility study" means the examination and
5 analysis of information related to projected educational
6 facilities to determine whether they are reasonable and
7 possible.

8 (10) "Long-range planning" means devising a systematic
9 method based on educational information and needs, carefully
10 analyzed, to provide the facilities to meet the goals and
11 objectives of the educational agency for a period of 5 years.

12 (11) "Low-energy usage features" means engineering
13 features or devices that supplant or minimize the consumption
14 of fossil fuels by heating equipment and cooling equipment.
15 Such features may include, but are not limited to, high
16 efficiency chillers and boilers, thermal storage tanks, solar
17 energy systems, waste heat recovery systems, and facility load
18 management systems.

19 (12) "Maintenance and repair" means the upkeep of
20 educational and ancillary plants, including, but not limited
21 to, roof or roofing replacement short of complete replacement
22 of membrane or structure; repainting of interior or exterior
23 surfaces; resurfacing of floors; repair or replacement of
24 glass; repair of hardware, furniture, equipment, electrical
25 fixtures, and plumbing fixtures; and repair or resurfacing of
26 parking lots, roads, and walkways. The term "maintenance and
27 repair" does not include custodial or groundskeeping
28 functions, or renovation except for the replacement of
29 equipment with new equipment of equal systems meeting current
30 code requirements, provided that the replacement item neither
31 places increased demand upon utilities services or structural

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1 supports nor adversely affects the function of safety to life
2 systems.

3 (13) "Need determination" means the identification of
4 types and amounts of educational facilities necessary to
5 accommodate the educational programs, student population,
6 faculty, administrators, staff, and auxiliary and ancillary
7 services of an educational agency.

8 (14) "New construction" means any construction of a
9 building or unit of a building in which the entire work is new
10 or an entirely new addition connected to an existing building
11 or which adds additional square footage to the space
12 inventory.

13 (15) "Passive design elements" means architectural
14 features that minimize heat gain, heat loss, and the use of
15 heating and cooling equipment when ambient conditions are
16 extreme and that permit use of the facility without heating or
17 air-conditioning when ambient conditions are moderate. Such
18 features may include, but are not limited to, building
19 orientation, landscaping, earth bermings, insulation, thermal
20 windows and doors, overhangs, skylights, thermal chimneys, and
21 other design arrangements.

22 (16) "Public education capital outlay (PECO) funded
23 projects" means site acquisition, renovation, remodeling,
24 construction projects, and site improvements necessary to
25 accommodate buildings, equipment, other structures, and
26 special educational use areas that are built, installed, or
27 established to serve primarily the educational instructional
28 program of the district school board, community college board
29 of trustees, or university board of trustees.

30 (17) "Remodeling" means the changing of existing
31 facilities by rearrangement of spaces and their use and

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1 includes, but is not limited to, the conversion of two
2 classrooms to a science laboratory or the conversion of a
3 closed plan arrangement to an open plan configuration.

4 (18) "Renovation" means the rejuvenating or upgrading
5 of existing facilities by installation or replacement of
6 materials and equipment and includes, but is not limited to,
7 interior or exterior reconditioning of facilities and spaces;
8 air-conditioning, heating, or ventilating equipment; fire
9 alarm systems; emergency lighting; electrical systems; and
10 complete roofing or roof replacement, including replacement of
11 membrane or structure. As used in this subsection, the term
12 "materials" does not include instructional materials.

13 (19) "Satisfactory educational facility" means a
14 facility that has been recommended for continued use by an
15 educational plant survey or that has been classified as
16 satisfactory in the state inventory of educational facilities.

17 (20) "Site" means a space of ground occupied or to be
18 occupied by an educational facility or program.

19 (21) "Site development" means work that must be
20 performed on an unimproved site in order to make it usable for
21 the desired purpose or work incidental to new construction or
22 to make an addition usable.

23 (22) "Site improvement" means work that must be
24 performed on an existing site to improve its utilization,
25 correct health and safety deficiencies, meet special program
26 needs, or provide additional service areas.

27 (23) "Site improvement incident to construction" means
28 the work that must be performed on a site as an accompaniment
29 to the construction of an educational facility.

30 (24) "Satellite facility" means the buildings and
31 equipment, structures, and special educational use areas that

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1 are built, installed, or established by private business or
2 industry in accordance with chapter 6A-2, Florida
3 Administrative Code, to be used exclusively for educational
4 purposes to serve primarily the students of its employees and
5 that are staffed professionally by the district school board.

6 Section 798. Section 1013.02, Florida Statutes, is
7 created to read:

8 1013.02 Purpose; rules.--

9 (1) The purpose of this chapter is to authorize state
10 and local officials to cooperate in establishing and
11 maintaining educational plants that will provide for public
12 educational needs throughout the state.

13 (2) The State Board of Education shall adopt rules
14 pursuant to ss. 120.536(1) and 120.54 to implement the
15 provisions of this chapter.

16 Section 799. Section 1013.03, Florida Statutes, is
17 created to read:

18 1013.03 Functions of the department.--The functions of
19 the Department of Education as it pertains to educational
20 facilities shall include, but not be limited to, the
21 following:

22 (1) Establish recommended minimum and maximum square
23 footage standards for different functions and areas and
24 procedures for determining the gross square footage for each
25 educational facility to be funded in whole or in part by the
26 state, including public broadcasting stations but excluding
27 postsecondary special purpose laboratory space. The gross
28 square footage determination standards may be exceeded when
29 the core facility space of an educational facility is
30 constructed or renovated to accommodate the future addition of
31 classrooms to meet projected increases in student enrollment.

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1 The department shall encourage multiple use of facilities and
2 spaces in educational plants.

3 (2) Establish, for the purpose of determining need,
4 equitably uniform utilization standards for all types of like
5 space, regardless of the level of education. These standards
6 shall also establish, for postsecondary education classrooms,
7 a minimum room utilization rate of 40 hours per week and a
8 minimum station utilization rate of 60 percent. These rates
9 shall be subject to increase based on national norms for
10 utilization of postsecondary education classrooms.

11 (3) Require boards to submit other educational plant
12 inventories data and statistical data or information relevant
13 to construction, capital improvements, and related costs.

14 (4) Require each board and other appropriate agencies
15 to submit complete and accurate financial data as to the
16 amounts of funds from all sources that are available and spent
17 for construction and capital improvements. The commissioner
18 shall prescribe the format and the date for the submission of
19 this data and any other educational facilities data. If any
20 district does not submit the required educational facilities
21 fiscal data by the prescribed date, the Commissioner of
22 Education shall notify the district school board of this fact
23 and, if appropriate action is not taken to immediately submit
24 the required report, the district school board shall be
25 directed to proceed pursuant to the provisions of s.
26 1001.42(11)(b). If any community college or university does
27 not submit the required educational facilities fiscal data by
28 the prescribed date, the same policy prescribed in this
29 subsection for school districts shall be implemented.

30 (5) Administer, under the supervision of the
31 Commissioner of Education, the Public Education Capital Outlay

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1 and Debt Service Trust Fund and the School District and
2 Community College District Capital Outlay and Debt Service
3 Trust Fund.

4 (6) Develop, review, update, revise, and recommend a
5 mandatory portion of the Florida Building Code for educational
6 facilities construction and capital improvement by community
7 college boards and district school boards.

8 (7) Provide training, technical assistance, and
9 building code interpretation for requirements of the mandatory
10 Florida Building Code for the educational facilities
11 construction and capital improvement programs of the community
12 college boards and district school boards and, upon request,
13 approve phase III construction documents for remodeling,
14 renovation, or new construction of educational plants or
15 ancillary facilities, except that university boards of
16 trustees shall approve specifications and construction
17 documents for their respective institutions. The Department of
18 Management Services may, upon request, provide similar
19 services for the Florida School for the Deaf and the Blind and
20 shall use the Florida Building Code and the Florida Fire
21 Prevention Code.

22 (8) Provide minimum criteria, procedures, and training
23 to boards to conduct educational plant surveys and document
24 the determination of future needs.

25 (9) Make available to boards technical assistance,
26 awareness training, and research and technical publications
27 relating to lifesafety, casualty, sanitation, environmental,
28 maintenance, and custodial issues; and, as needed, technical
29 assistance for survey, planning, design, construction,
30 operation, and evaluation of educational and ancillary
31 facilities and plants, facilities administrative procedures

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1 review, and training for new administrators.

2 (10)(a) Review and validate surveys proposed or
3 amended by the boards and recommend to the Commissioner of
4 Education, for approval, surveys that meet the requirements of
5 this chapter.

6 1. The term "validate" as applied to surveys by school
7 districts means to review inventory data as submitted to the
8 department by district school boards; provide for review and
9 inspection, where required, of student stations and aggregate
10 square feet of inventory changed from satisfactory to
11 unsatisfactory or changed from unsatisfactory to satisfactory;
12 compare new school inventory to allocation limits provided by
13 this chapter; review cost projections for conformity with cost
14 limits set by s. 1013.64(6); compare total capital outlay
15 full-time equivalent enrollment projections in the survey with
16 the department's projections; review facilities lists to
17 verify that student station and auxiliary facility space
18 allocations do not exceed the limits provided by this chapter
19 and related rules; review and confirm the application of
20 uniform facility utilization factors, where provided by this
21 chapter or related rules; utilize the documentation of
22 programs offered per site, as submitted by the board, to
23 analyze facility needs; confirm that need projections for
24 career and technical and adult educational programs comply
25 with needs documented by the Office of Workforce and Economic
26 Development; and confirm the assignment of full-time student
27 stations to all space except auxiliary facilities, which, for
28 purposes of exemption from student station assignment, include
29 the following:

30 a. Cafeterias.

31 b. Multipurpose dining areas.

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1 c. Media centers.

2 d. Auditoriums.

3 e. Administration.

4 f. Elementary, middle, and high school resource rooms,
5 up to the number of such rooms recommended for the applicable
6 occupant and space design capacity of the educational plant in
7 the State Requirements for Educational Facilities, beyond
8 which student stations must be assigned.

9 g. Elementary school skills labs, up to the number of
10 such rooms recommended for the applicable occupant and space
11 design capacity of the educational plant in the State
12 Requirements for Educational Facilities, beyond which student
13 stations must be assigned.

14 h. Elementary school art and music rooms.

15 2. The term "validate" as applied to surveys by
16 community colleges and universities means to review and
17 document the approval of each new site and official
18 designation, where applicable; review the inventory database
19 as submitted by each board to the department, including
20 noncareer and technical, and total capital outlay full-time
21 equivalent enrollment projections per site and per college;
22 provide for the review and inspection, where required, of
23 student stations and aggregate square feet of space changed
24 from satisfactory to unsatisfactory; utilize and review the
25 documentation of programs offered per site submitted by the
26 boards as accurate for analysis of space requirements and
27 needs; confirm that needs projected for career and technical
28 and adult educational programs comply with needs documented by
29 the Office of Workforce and Economic Development; compare new
30 facility inventory to allocations limits as provided in this
31 chapter; review cost projections for conformity with state

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1 averages or limits designated by this chapter; compare student
2 enrollment projections in the survey to the department's
3 projections; review facilities lists to verify that area
4 allocations and space factors for generating space needs do
5 not exceed the limits as provided by this chapter and related
6 rules; confirm the application of facility utilization factors
7 as provided by this chapter and related rules; and review, as
8 submitted, documentation of how survey recommendations will
9 implement the detail of current campus master plans and
10 integrate with local comprehensive plans and development
11 regulations.

12 (b) Recommend priority of projects to be funded for
13 approval by the state board, when required by law.

14 (11) Prepare the commissioner's comprehensive fixed
15 capital outlay legislative budget request and provide annually
16 an estimate of the funds available for developing required
17 3-year priority lists. This amount shall be based upon the
18 average percentage for the 5 prior years of funds appropriated
19 by the Legislature for fixed capital outlay to each level of
20 public education: public schools, community colleges, and
21 universities.

22 (12) Perform any other functions that may be involved
23 in educational facilities construction and capital improvement
24 which shall ensure that the intent of the Legislature is
25 implemented.

26 Section 800. Section 1013.04, Florida Statutes, is
27 created to read:

28 1013.04 School district facilities work program
29 performance and productivity standards; development;
30 measurement; application.--

31 (1) The Office of Educational Facilities and SMART

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1 Schools Clearinghouse shall develop and adopt measures for
2 evaluating the performance and productivity of school district
3 facilities work programs. The measures may be both
4 quantitative and qualitative and must, to the maximum extent
5 practical, assess those factors that are within the districts'
6 control. The measures must, at a minimum, assess performance
7 in the following areas:

- 8 (a) Frugal production of high-quality projects.
9 (b) Efficient finance and administration.
10 (c) Optimal school and classroom size and utilization
11 rate.
12 (d) Safety.
13 (e) Core facility space needs and cost-effective
14 capacity improvements that consider demographic projections.
15 (f) Level of district local effort.

16 (2) The office shall establish annual performance
17 objectives and standards that can be used to evaluate district
18 performance and productivity.

19 (3) The office shall conduct ongoing evaluations of
20 district educational facilities program performance and
21 productivity, using the measures adopted under this section.
22 If, using these measures, the office finds that a district
23 failed to perform satisfactorily, the office must recommend to
24 the district school board actions to be taken to improve the
25 district's performance.

26 Section 801. Section 1013.05, Florida Statutes, is
27 created to read:

28 1013.05 Office of Educational Facilities and SMART
29 (Soundly Made, Accountable, Reasonable, and Thrifty) Schools
30 Clearinghouse.--

31 (1) The SMART Schools Clearinghouse is established to

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1 assist school districts that seek to access School
2 Infrastructure Thrift (SIT) Program awards pursuant to ss.
3 1013.42 and 1013.72 or effort index grants pursuant to s.
4 1013.73. The office must use expedited procedures in providing
5 such assistance.

6 (2) The office shall prioritize school district SIT
7 Program awards based on a review of the district facilities
8 work programs and proposed construction projects.

9 Section 802. Part II of chapter 1013, Florida
10 Statutes, shall be entitled "Use and Management of Educational
11 Facilities" and shall consist of ss. 1013.10-1013.28.

12 Section 803. Section 1013.10, Florida Statutes, is
13 created to read:

14 1013.10 Use of buildings and grounds.--The board may
15 permit the use of educational facilities and grounds for any
16 legal assembly or for community use centers or may permit the
17 same to be used as voting places in any primary, regular, or
18 special election. The board shall adopt rules or policies and
19 procedures necessary to protect educational facilities and
20 grounds when used for such purposes.

21 Section 804. Section 1013.11, Florida Statutes, is
22 created to read:

23 1013.11 Postsecondary institutions assessment of
24 physical plant safety.--The president of each postsecondary
25 institution shall conduct or cause to be conducted an annual
26 assessment of physical plant safety. An annual report shall
27 incorporate the findings obtained through such assessment and
28 recommendations for the improvement of safety on each campus.
29 The annual report shall be submitted to the respective
30 governing or licensing board of jurisdiction no later than
31 January 1 of each year. Each board shall compile the

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1 individual institutional reports and convey the aggregate
2 institutional reports to the Commissioner of Education. The
3 Commissioner of Education shall convey these reports and the
4 reports required in s. 1008.48 to the President of the Senate
5 and the Speaker of the House of Representatives no later than
6 March 1 of each year.

7 Section 805. Section 1013.12, Florida Statutes, is
8 created to read:

9 1013.12 Safety and sanitation standards and inspection
10 of property.--The State Board of Education shall adopt and
11 administer rules prescribing standards for the safety and
12 health of occupants of educational and ancillary plants as a
13 part of State Requirements for Educational Facilities or the
14 Florida Building Code for educational facilities construction
15 as provided in s. 1013.37, the provisions of chapter 633 to
16 the contrary notwithstanding. These standards must be used by
17 all public agencies when inspecting public educational and
18 ancillary plants. In accordance with such standards, each
19 board shall prescribe policies and procedures establishing a
20 comprehensive program of safety and sanitation for the
21 protection of occupants of public educational and ancillary
22 plants. Such policies must contain procedures for periodic
23 inspections as prescribed herein and for withdrawal of any
24 educational and ancillary plant, or portion thereof, from use
25 until unsafe or unsanitary conditions are corrected or
26 removed.

27 (1) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
28 BOARDS.--

29 (a) Each board shall provide for periodic inspection
30 of each educational and ancillary plant at least once during
31 each fiscal year to determine compliance with standards of

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1 sanitation and casualty safety prescribed in the rules of the
2 State Board of Education.

3 (b) Firesafety inspections of each educational and
4 ancillary plant must be made annually by persons certified by
5 the Division of State Fire Marshal to be eligible to conduct
6 firesafety inspections in public educational and ancillary
7 plants.

8 (c) In each firesafety inspection report, the board
9 shall include a plan of action and a schedule for the
10 correction of each deficiency. If immediate life-threatening
11 deficiencies are noted in any inspection, the board shall
12 either take action to promptly correct the deficiencies or
13 withdraw the educational or ancillary plant from use until
14 such time as the deficiencies are corrected.

15 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
16 AGENCIES.--

17 (a) A safety or sanitation inspection of any
18 educational or ancillary plant may be made at any time by the
19 Department of Education or any other state or local agency
20 authorized or required to conduct such inspections by either
21 general or special law. Each agency conducting inspections
22 shall use the standards adopted by the Commissioner of
23 Education in lieu of, and to the exclusion of, any other
24 inspection standards prescribed either by statute or
25 administrative rule, the provisions of chapter 633 to the
26 contrary notwithstanding. The agency shall submit a copy of
27 the inspection report to the board.

28 (b) In addition to district school board inspections,
29 the applicable local fire control authority shall also
30 annually inspect district school board educational facilities
31 within its fire control district, using the standards adopted

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1 by the Commissioner of Education. Reports shall be filed with
2 the district school board, and a copy shall be on file with
3 the local site administrator.

4 (3) CORRECTIVE ACTION.--Upon failure of the board to
5 take corrective action within a reasonable time, the agency
6 making the inspection may request the commissioner to:

7 (a) Order that appropriate action be taken to correct
8 all deficiencies in accordance with a schedule determined
9 jointly by the inspecting authority and the board; in
10 developing the schedule, consideration must be given to the
11 seriousness of the deficiencies and the ability of the board
12 to obtain the necessary funds; or

13 (b) After 30 calendar days' notice to the board, order
14 all or a portion of the educational or ancillary plant
15 withdrawn from use until the deficiencies are corrected.

16 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
17 FACILITIES.--Firesafety inspections of community college and
18 university facilities shall comply with State Board of
19 Education rules.

20 Section 806. Section 1013.13, Florida Statutes, is
21 created to read:

22 1013.13 Coordination of school safety information;
23 construction design documents.--

24 (1) Each district school superintendent must provide
25 to the law enforcement agency and fire department that has
26 jurisdiction over each educational facility a copy of the
27 floor plans and other relevant documents for each educational
28 facility in the district, as defined in s. 1013.01. After the
29 initial submission of the floor plans and other relevant
30 documents, the district superintendent of schools shall
31 submit, by October 1 of each year, revised floor plans and

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1 other relevant documents for each educational facility in the
2 district that was modified during the preceding year.

3 (2) Each community college president must provide to
4 the law enforcement agency and fire department that has
5 jurisdiction over the community college a copy of the floor
6 plans and other relevant documents for each educational
7 facility as defined in s. 1013.01. After the initial
8 submission of the floor plans and other relevant documents,
9 the community college president shall submit, by October 1 of
10 each year, revised floor plans and other relevant documents
11 for each educational facility that was modified during the
12 preceding year.

13 Section 807. Section 1013.14, Florida Statutes, is
14 created to read:

15 1013.14 Proposed purchase of real property by a board;
16 confidentiality of records; procedure.--

17 (1)(a) In any case in which a board, pursuant to the
18 provisions of this chapter, seeks to acquire by purchase any
19 real property for educational purposes, every appraisal,
20 offer, or counteroffer must be in writing and is exempt from
21 the provisions of s. 119.07(1) until an option contract is
22 executed or, if no option contract is executed, until 30 days
23 before a contract or agreement for purchase is considered for
24 approval by the board. If a contract or agreement for purchase
25 is not submitted to the board for approval, the exemption from
26 s. 119.07(1) shall expire 30 days after the termination of
27 negotiations. The board shall maintain complete and accurate
28 records of every such appraisal, offer, and counteroffer. For
29 the purposes of this section, the term "option contract" means
30 an agreement by the board to purchase a piece of property,
31 subject to the approval of the board at a public meeting after

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1 30 days' public notice.

2 (b) Prior to acquisition of the property, the board
3 shall obtain at least one appraisal by an appraiser approved
4 pursuant to s. 253.025(6)(b) for each purchase in an amount
5 greater than \$100,000 and not more than \$500,000. For each
6 purchase in an amount in excess of \$500,000, the board shall
7 obtain at least two appraisals by appraisers approved pursuant
8 to s. 253.025(6)(b). If the agreed to purchase price exceeds
9 the average appraised value, the board is required to approve
10 the purchase by an extraordinary vote.

11 (2) Nothing in this section shall be interpreted as
12 providing an exemption from, or an exception to, s. 286.011.

13 Section 808. Section 1013.15, Florida Statutes, is
14 created to read:

15 1013.15 Lease, rental, and lease-purchase of
16 educational facilities and sites.--

17 (1) A board may lease any land, facilities, or
18 educational plants owned by it to any person or entity for
19 such term, for such rent, and upon such terms and conditions
20 as the board determines to be in its best interests; any such
21 lease may provide for the optional or binding purchase of the
22 land, facilities, or educational plants by the lessee upon
23 such terms and conditions as the board determines are in its
24 best interests. A determination that any such land, facility,
25 or educational plant so leased is unnecessary for educational
26 purposes is not a prerequisite to the leasing or
27 lease-purchase of such land, facility, or educational plant.
28 Prior to entering into or executing any such lease, a board
29 shall consider approval of the lease or lease-purchase
30 agreement at a public meeting, at which a copy of the proposed
31 agreement in its final form shall be available for inspection

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1 and review by the public, after due notice as required by law.

2 (2)(a) A district school board may rent or lease
3 educational facilities and sites as defined in s. 1013.01.
4 Educational facilities and sites rented or leased for 1 year
5 or less shall be funded through the operations budget or funds
6 derived from millage proceeds pursuant to s. 1011.71(2). A
7 lease contract for 1 year or less, when extended or renewed
8 beyond a year, becomes a multiple-year lease. Operational
9 funds or funds derived from millage proceeds pursuant to s.
10 1011.71(2) may be authorized to be expended for multiple-year
11 leases. All leased facilities and sites must be inspected
12 prior to occupancy by the authority having jurisdiction.

13 1. All newly leased spaces must be inspected and
14 brought into compliance with the Florida Building Code
15 pursuant to chapter 553 and the life safety codes pursuant to
16 chapter 633, prior to occupancy, using the board's operations
17 budget or funds derived from millage proceeds pursuant to s.
18 1011.71(2).

19 2. Plans for renovation or remodeling of leased space
20 shall conform to the Florida Building Code and the Florida
21 Fire Prevention Code for educational occupancies or other
22 occupancies, as appropriate and as required in chapters 553
23 and 633, prior to occupancy.

24 3. All leased facilities must be inspected annually
25 for firesafety deficiencies in accordance with the applicable
26 code and have corrections made in accordance with s. 1013.12.
27 Operational funds or funds derived from millage proceeds
28 pursuant to s. 1011.71(2) may be used to correct deficiencies
29 in leased space.

30 4. When the board declares that a public emergency
31 exists, it may take up to 30 days to bring the leased facility

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1 into compliance with the requirements of State Board of
2 Education rules.

3 (b) A board is authorized to lease-purchase
4 educational facilities and sites as defined in s. 1013.01. The
5 lease-purchase of educational facilities and sites shall be as
6 required by s. 1013.37, shall be advertised for and receive
7 competitive proposals and be awarded to the best proposer, and
8 shall be funded using current or other funds specifically
9 authorized by law to be used for such purpose.

10 1. A district school board, by itself, or through a
11 direct-support organization formed pursuant to s. 1013.77 or
12 nonprofit educational organization or a consortium of district
13 school boards, may, in developing a lease-purchase of
14 educational facilities and sites provide for separately
15 advertising for and receiving competitive bids or proposals on
16 the construction of facilities and the selection of financing
17 to provide the lowest cost funding available, so long as the
18 board determines that such process would best serve the public
19 interest and the pledged revenues are limited to those
20 authorized in s. 1011.71(2)(e).

21 2. All activities and information, including lists of
22 individual participants, associated with agreements made
23 pursuant to this section shall be subject to the provisions of
24 chapter 119 and s. 286.011.

25 (c)1. The term of any lease-purchase agreement,
26 including the initial term and any subsequent renewals, shall
27 not exceed the useful life of the educational facilities and
28 sites for which the agreement is made, or 30 years, whichever
29 is less.

30 2. The initial term or any renewal term of any
31 lease-purchase agreement shall expire on June 30 of each

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1 fiscal year, but may be automatically renewed annually,
2 subject to a board making sufficient annual appropriations
3 therefor. Under no circumstances shall the failure of a board
4 to renew a lease-purchase agreement constitute a default or
5 require payment of any penalty or in any way limit the right
6 of a board to purchase or utilize educational facilities and
7 sites similar in function to the educational facilities and
8 sites that are the subject of the said lease-purchase
9 agreement. Educational facilities and sites being acquired
10 pursuant to a lease-purchase agreement shall be exempt from ad
11 valorem taxation.

12 3. No lease-purchase agreement entered into pursuant
13 to this subsection shall constitute a debt, liability, or
14 obligation of the state or a board or shall be a pledge of the
15 faith and credit of the state or a board.

16 4. Any lease-purchase agreement entered into pursuant
17 to this subsection shall stipulate an annual rate which may
18 consist of a principal component and an interest component,
19 provided that the maximum interest rate of any interest
20 component payable under any such lease-purchase agreement, or
21 any participation or certificated portion thereof, shall be
22 calculated in accordance with and be governed by the
23 provisions of s. 215.84.

24 (3) Lease agreements entered into by university boards
25 of trustees shall comply with the provisions of s. 1013.171.

26 (4)(a) A board may rent or lease existing buildings,
27 or space within existing buildings, originally constructed or
28 used for purposes other than education, for conversion to use
29 as educational facilities. Such buildings rented or leased for
30 1 year or less shall be funded through the operations budget
31 or funds derived from millage pursuant to s. 1011.71(2). A

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1 rental agreement or lease contract for 1 year or less, when
2 extended or renewed beyond a year, becomes a multiple-year
3 rental or lease. Operational funds or funds derived from
4 millage proceeds pursuant to s. 1011.71(2) may be authorized
5 to be expended for multiple-year rentals or leases.
6 Notwithstanding any other provisions of this section, if a
7 building was constructed in conformance with all applicable
8 building and life safety codes, it shall be deemed to meet the
9 requirements for use and occupancy as an educational facility
10 subject only to the provisions of this subsection.

11 (b) Prior to occupying a rented or a leased existing
12 building, or space within an existing building, pursuant to
13 this subsection, a school board shall, in a public meeting,
14 adopt a resolution certifying that the following circumstances
15 apply to the building proposed for occupancy:

16 1. Growth among the school-age population in the
17 school district has created a need for new educational
18 facilities in a neighborhood where there is little or no
19 vacant land.

20 2. There exists a supply of vacant space in existing
21 buildings that meet state minimum building and life safety
22 codes.

23 3. Acquisition and conversion to use as educational
24 facilities of an existing building or buildings is a
25 cost-saving means of providing the needed classroom space as
26 determined by the difference between the cost of new
27 construction, including land acquisition and preparation and,
28 if applicable, demolition of existing structures, and the cost
29 of acquisition through rental or lease and conversion of an
30 existing building or buildings.

31 4. The building has been examined for suitability,

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1 safety, and conformance with state minimum building and life
2 safety codes. The building examination shall consist, at a
3 minimum, of a review of existing documents, building site
4 reconnaissance, and analysis of the building conducted by, or
5 under the responsible charge of, a licensed structural
6 engineer.

7 5. A certificate of evaluation has been issued by an
8 appropriately licensed design professional which states that,
9 based on available documents, building site reconnaissance,
10 current knowledge, and design judgment in the professional's
11 opinion, the building meets the requirements of state minimum
12 building and life safety codes, provides safe egress of
13 occupants from the building, provides adequate firesafety, and
14 does not pose a substantial threat to life to persons who
15 would occupy the building for classroom use.

16 6. The plans for conversion of the building were
17 prepared by an appropriate design professional licensed in
18 this state and the work of conversion was performed by
19 contractors licensed in this state.

20 7. The conversion of the building was observed by an
21 appropriate design professional licensed in this state.

22 8. The building has been reviewed, inspected, and
23 granted a certificate of occupancy by the local building
24 department.

25 9. All ceilings, light fixtures, ducts, and registers
26 within the area to be occupied for classroom purposes were
27 constructed or have been reconstructed to meet state minimum
28 requirements.

29 Section 809. Section 1013.16, Florida Statutes, is
30 created to read:

31 1013.16 Construction of facilities on leased property;

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1 conditions.--

2 (1) A board may construct or place educational
3 facilities and ancillary facilities on land that is owned by
4 any person after the board has acquired from the owner of the
5 land a long-term lease for the use of this land for a period
6 of not less than 40 years or the life expectancy of the
7 permanent facilities constructed thereon, whichever is longer.

8 (2) A board may enter into a short-term lease for the
9 use of land owned by any person on which temporary or
10 relocatable facilities are to be utilized.

11 Section 810. Section 1013.17, Florida Statutes, is
12 created to read:

13 1013.17 University leasing in affiliated research and
14 development park.--A university is exempt from the
15 requirements of s. 255.25(3), (4), and (8) when leasing
16 educational facilities in a research and development park with
17 which the university is affiliated and when the State Board of
18 Education certifies in writing that the leasing of said
19 educational facilities is in the best interests of the
20 university and that the exemption from competitive bid
21 requirements would not be detrimental to the state.

22 Section 811. Section 1013.171, Florida Statutes, is
23 created to read:

24 1013.171 University lease agreements; land,
25 facilities.--

26 (1) Each university is authorized to negotiate and
27 enter into agreements to lease land under its jurisdiction to
28 for-profit and nonprofit corporations, registered by the
29 Secretary of State to do business in this state, for the
30 purpose of erecting thereon facilities and accommodations
31 necessary and desirable to serve the needs and purposes of the

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1 university, as determined by the systemwide strategic plan
2 adopted by the State Board of Education. Such agreement will
3 be for a term not in excess of 99 years or the life expectancy
4 of the permanent facilities constructed thereon, whichever is
5 shorter, and shall include as a part of the consideration
6 provisions for the eventual ownership of the completed
7 facilities by the state. The Board of Trustees of the Internal
8 Improvement Trust Fund upon request of the university shall
9 lease any such property to the university for sublease as
10 heretofore provided.

11 (2) Each university board of trustees is authorized to
12 enter into agreements with for-profit and nonprofit
13 corporations, registered by the Secretary of State to do
14 business in this state, whereby income-producing buildings,
15 improvements, and facilities necessary and desirable to serve
16 the needs and purposes of the university, as determined by the
17 systemwide strategic plan adopted by the State Board of
18 Education, are acquired by purchase or lease-purchase by the
19 university. When such agreements provide for lease-purchase of
20 facilities erected on land that is not under the jurisdiction
21 of the university, the agreement shall include as a part of
22 the consideration provisions for the eventual ownership of the
23 land and facility by the state. Agreements for lease-purchase
24 shall not exceed 30 years or the life expectancy of the
25 permanent facility constructed, whichever is shorter.
26 Notwithstanding the provisions of any other law, the
27 university board of trustees may enter into an agreement for
28 the lease-purchase of a facility under this section for a term
29 greater than 1 year. Each university board of trustees is
30 authorized to use any auxiliary trust funds, available and not
31 otherwise obligated, to pay rent to the owner should income

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1 from the facilities not be sufficient in any debt payment
2 period. The trust funds used for payment of rent shall be
3 reimbursed as soon as possible to the extent that income from
4 the facilities exceeds the amount necessary for such debt
5 payment.

6 (3) Each university board of trustees may:

7 (a) Construct educational facilities on land that is
8 owned by a direct-support organization, as defined in s.
9 1004.28, or a governmental agency at the federal, state,
10 county, or municipal level, if the university has acquired a
11 long-term lease for the use of the land. The lease must be for
12 at least 40 years or the expected time the facilities to be
13 constructed on the land are expected to remain in a condition
14 acceptable for use, whichever is longer.

15 (b) Acquire a short-term lease from one of the
16 entities listed in paragraph (a) for the use of land, if
17 adequate temporary or relocatable facilities are available on
18 the land.

19 (c) Enter into a short-term lease for the use of land
20 and buildings upon which capital improvements may be made.

21
22 If sufficient land is not available from any of the entities
23 listed in paragraph (a), a university may acquire a short-term
24 lease from a private landowner or developer.

25 (4) Agreements as provided in this section shall be
26 entered into with an offeror resulting from publicly announced
27 competitive bids or proposals, except that the university may
28 enter into an agreement with an entity enumerated in paragraph
29 (3)(a) for leasing land or with a direct-support organization
30 as provided in s. 1004.28, which shall enter into subsequent
31 agreements for financing and constructing the project after

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1 receiving competitive bids or proposals. Any facility
2 constructed, lease-purchased, or purchased under such
3 agreements, whether erected on land under the jurisdiction of
4 the university or not, shall conform to the construction
5 standards and codes applicable to university facilities. Each
6 university board of trustees shall adopt such rules as are
7 necessary to carry out its duties and responsibilities imposed
8 by this section.

9 (5) Agreements executed by the State Board of
10 Education prior to January 1, 1980, for the purposes listed
11 herein shall be validated, and said board's capacity to act in
12 such cases ratified and confirmed.

13 Section 812. Section 1013.18, Florida Statutes, is
14 created to read:

15 1013.18 Radio and television facilities.--

16 (1) A board may acquire, by purchase, license,
17 permanent easement, or gift, suitable lands and other
18 facilities, either within or without the boundaries of the
19 district, for use in providing educational radio or television
20 transmitting sites and may erect such buildings, antennas,
21 transmission equipment, towers, or other structures as are
22 necessary to accomplish the purposes of this section.

23 (2) Fixed capital outlay budget requests for public
24 broadcasting stations and instructional television and radio
25 facilities shall be submitted pursuant to s. 1013.60. The
26 commissioner may include any recommendations for these
27 purposes in the legislative budget request for fixed capital
28 outlay.

29 Section 813. Section 1013.19, Florida Statutes, is
30 created to read:

31 1013.19 Purchase, conveyance, or encumbrance of

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1 property interests above surface of land; joint-occupancy
2 structures.--For the purpose of implementing jointly financed
3 construction project agreements, or for the construction of
4 combined occupancy structures, any board may purchase, own,
5 convey, sell, lease, or encumber airspace or any other
6 interests in property above the surface of the land, provided
7 the lease of airspace for nonpublic use is for such reasonable
8 rent, length of term, and conditions as the board in its
9 discretion may determine. All proceeds from such sale or lease
10 shall be used by the board or boards receiving the proceeds
11 solely for fixed capital outlay purposes. These purposes may
12 include the renovation or remodeling of existing facilities
13 owned by the board or the construction of new facilities;
14 however, for a community college board or university board,
15 such new facility must be authorized by the Legislature. It is
16 declared that the use of such rental by the board for public
17 purposes in accordance with its statutory authority is a
18 public use. Airspace or any other interest in property held by
19 the Board of Trustees of the Internal Improvement Trust Fund
20 or the State Board of Education may not be divested or
21 conveyed without approval of the respective board. Any
22 building, including any building or facility component that is
23 common to both nonpublic and educational portions thereof,
24 constructed in airspace that is sold or leased for nonpublic
25 use pursuant to this section is subject to all applicable
26 state, county, and municipal regulations pertaining to land
27 use, zoning, construction of buildings, fire protection,
28 health, and safety to the same extent and in the same manner
29 as such regulations would be applicable to the construction of
30 a building for nonpublic use on the appurtenant land beneath
31 the subject airspace. Any educational facility constructed or

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1 leased as a part of a joint-occupancy facility is subject to
2 all rules and requirements of the respective boards or
3 departments having jurisdiction over educational facilities.

4 Section 814. Effective upon this act becoming a law,
5 section 1013.20, Florida Statutes, is created to read:

6 1013.20 Standards for relocatables used as classroom
7 space; inspections.--

8 (1) The State Board of Education shall adopt rules
9 establishing standards for relocatables intended for long-term
10 use as classroom space at a public elementary school, middle
11 school, or high school. "Long-term use" means the use of
12 relocatables at the same educational plant for a period of 4
13 years or more. Each relocatable acquired by a district school
14 board after the effective date of the rules and intended for
15 long-term use must comply with the standards. District school
16 boards shall submit a plan for the use of existing
17 relocatables within the 5-year work program to be reviewed and
18 approved by the commissioner by January 1, 2003. A progress
19 report shall be provided by the commissioner to the Speaker of
20 the House of Representatives and the President of the Senate
21 each January thereafter. Relocatables that fail to meet the
22 standards after completion of the approved plan may not be
23 used as classrooms. The standards shall protect the health,
24 safety, and welfare of occupants by requiring compliance with
25 the Florida Building Code or the State Requirements for
26 Educational Facilities for existing relocatables, as
27 applicable, to ensure the safety and stability of construction
28 and onsite installation; fire and moisture protection; air
29 quality and ventilation; appropriate wind resistance; and
30 compliance with the requirements of the Americans with
31 Disabilities Act of 1990. If appropriate and where

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1 relocatables are not scheduled for replacement, the standards
2 must also require relocatables to provide access to the same
3 technologies available to similar classrooms within the main
4 school facility and, if appropriate, and where relocatables
5 are not scheduled for replacement, to be accessible by
6 adequate covered walkways. A relocatable that is subject to
7 this section and does not meet the standards shall not be
8 reported as providing satisfactory student stations in the
9 Florida Inventory of School Houses.

10 (2) Annual inspections for all satisfactory
11 relocatables designed for classroom use or being occupied by
12 students are required for: foundations; tie-downs; structural
13 integrity; weatherproofing; HVAC; electrical; plumbing, if
14 applicable; firesafety; and accessibility. Reports shall be
15 filed with the district school board and posted in each
16 respective relocatable in order to facilitate corrective
17 action.

18 Section 815. Section 1013.21, Florida Statutes, is
19 created to read:

20 1013.21 Reduction of relocatable facilities in use.--

21 (1)(a) It is a goal of the Legislature that all school
22 districts shall provide a quality educational environment for
23 their students such that, by July 1, 2003, student stations in
24 relocatable facilities exceeding 20 years of age and in use by
25 a district during the 1998-1999 fiscal year shall be removed
26 and the number of all other relocatable student stations at
27 over-capacity schools during that fiscal year shall be
28 decreased by half. The Legislature finds, however, that
29 necessary maintenance of existing facilities and public school
30 enrollment growth impair the ability of some districts to
31 achieve the goal of this section within 5 years. Therefore,

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1 the Legislature is increasing its commitment to school funding
2 in this act, in part to help districts reduce the number of
3 temporary, relocatable student stations at over-capacity
4 schools. The Legislature intends that local school districts
5 also increase their investment toward meeting this goal. Each
6 district's progress toward meeting this goal shall be measured
7 annually by comparing district facilities work programs for
8 replacing relocatables with the state capital outlay
9 projections for education prepared by the Office of
10 Educational Facilities and SMART Schools Clearinghouse.
11 District facilities work programs shall be monitored by the
12 SMART Schools Clearinghouse to measure the commitment of local
13 school districts toward this goal.

14 (b) For the purposes of this section, an
15 "over-capacity school" means a school the capital outlay FTE
16 enrollment of which exceeds 100 percent of the space and
17 occupant design capacity of its nonrelocatable facilities.
18 However, if a school's initial design incorporated relocatable
19 or modular instructional space, an "over-capacity school"
20 shall mean a school the capital outlay FTE enrollment of which
21 exceeds 100 percent of the space and occupant design capacity
22 of its core facilities.

23 (2) In accordance with the legislative goal described
24 in subsection (1), any relocatables purchased with money
25 appropriated pursuant to chapter 97-384, Laws of Florida,
26 shall be counted at actual student capacity for purposes of s.
27 1013.31 for the life cycle of the relocatable.

28 Section 816. Section 1013.22, Florida Statutes, is
29 created to read:

30 1013.22 Obscenity on educational buildings or
31 vehicles.--Whoever willfully cuts, paints, pastes, marks, or

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1 defaces by writing or in any other manner any educational
2 building, furniture, apparatus, appliance, outbuilding,
3 ground, fence, tree, post, vehicle, or other educational
4 property with an obscene word, image, or device commits a
5 misdemeanor of the second degree, punishable as provided in s.
6 775.082 or s. 775.083. This section shall not apply to any
7 student in grades K-12 subject to the discipline of a district
8 school board.

9 Section 817. Section 1013.23, Florida Statutes, is
10 created to read:

11 1013.23 Energy efficiency contracting.--

12 (1) LEGISLATIVE INTENT.--The Legislature finds that
13 investment in energy conservation measures in educational
14 facilities can reduce the amount of energy consumed and
15 produce immediate and long-term savings. It is the policy of
16 this state to encourage school districts, community colleges,
17 and state universities to invest in energy conservation
18 measures that reduce energy consumption, produce a cost
19 savings, and improve the quality of indoor air in facilities,
20 and, when economically feasible, to build, operate, maintain,
21 or renovate educational facilities in such a manner so as to
22 minimize energy consumption and maximize energy savings. It is
23 further the policy of this state to encourage school
24 districts, community colleges, and state universities to
25 reinvest any energy savings resulting from energy conservation
26 measures into additional energy conservation efforts.

27 (2) DEFINITIONS.--For purposes of this section, the
28 term:

29 (a) "Energy conservation measure" means a training
30 program, facility alteration, or equipment to be used in new
31 construction, including an addition to an existing facility,

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1 that reduces energy costs, and includes, but is not limited
2 to:

3 1. Insulation of the facility structure and systems
4 within the facility.

5 2. Storm windows and doors, caulking or
6 weatherstripping, multi-glazed windows and doors,
7 heat-absorbing, or heat-reflective, glazed and coated window
8 and door systems, additional glazing, reductions in glass
9 area, and other window and door system modifications that
10 reduce energy consumption.

11 3. Automatic energy control systems.

12 4. Heating, ventilating, or air-conditioning system
13 modifications or replacements.

14 5. Replacement or modifications of lighting fixtures
15 to increase the energy efficiency of the lighting system
16 which, at a minimum, shall conform to the Florida Building
17 Code.

18 6. Energy recovery systems.

19 7. Cogeneration systems that produce steam or forms of
20 energy such as heat, as well as electricity, for use primarily
21 within a facility or complex of facilities.

22 8. Energy conservation measures that provide long-term
23 operating cost reductions and significantly reduce Btu
24 consumed.

25 9. Renewable energy systems, such as solar, biomass,
26 and wind.

27 10. Devices which reduce water consumption or sewer
28 charges.

29 (b) "Energy cost savings" means:

30 1. A measured reduction in fuel, energy, or operation
31 and maintenance costs created from the implementation of one

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1 or more energy conservation measures when compared with an
2 established baseline for previous fuel, energy, or operation
3 and maintenance costs; or

4 2. For new construction, a projected reduction in
5 fuel, energy, or operation and maintenance costs created from
6 the implementation of one or more energy conservation measures
7 when compared with the projected fuel, energy, or operation
8 and maintenance costs for equipment if the minimum standards
9 of the Florida Building Code for educational facilities
10 construction were implemented and signed and sealed by a
11 registered professional engineer.

12 (c) "Energy performance-based contract" means a
13 contract for the evaluation, recommendation, and
14 implementation of energy conservation measures which includes,
15 at a minimum:

16 1. The design and installation of equipment to
17 implement one or more of such measures, and, if applicable,
18 operation and maintenance of such measures.

19 2. The amount of any actual annual savings. This
20 amount must meet or exceed total annual contract payments made
21 by the district school board, community college board of
22 trustees, or state university board of trustees for such
23 contract.

24 3. Financing charges to be incurred by the district
25 school board, community college board of trustees, or state
26 university board of trustees over the life of the contract.

27 (d) "Energy performance contractor" means a person or
28 business licensed pursuant to chapter 471, chapter 481, or
29 chapter 489 and experienced in the analysis, design,
30 implementation, and installation of energy conservation
31 measures through the implementation of energy

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1 performance-based contracts.

2 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.--

3 (a) A district school board, community college board
4 of trustees, or state university board of trustees may enter
5 into an energy performance-based contract with an energy
6 performance contractor to significantly reduce energy or
7 operating costs of an educational facility through one or more
8 energy conservation measures.

9 (b) The energy performance contractor shall be
10 selected in compliance with s. 287.055; except that in a case
11 where a district school board, community college board of
12 trustees, or state university board of trustees determines
13 that fewer than three firms are qualified to perform the
14 required services, the requirement for agency selection of
15 three firms, as provided in s. 287.055(4)(b), shall not apply
16 and the bid requirements of s. 287.057 shall not apply.

17 (c) Before entering into a contract pursuant to this
18 section, the district school board, community college board of
19 trustees, or state university board of trustees shall provide
20 published notice of the meeting in which it proposes to award
21 the contract, the names of the parties to the proposed
22 contract, and the contract's purpose.

23 (d) Prior to the design and installation of the energy
24 conservation measure, the district school board, community
25 college board of trustees, or state university board of
26 trustees must obtain from the energy performance contractor a
27 report that discloses all costs associated with the energy
28 conservation measure and provides an estimate of the amount of
29 the energy cost savings. The report must be reviewed by either
30 the Department of Education or the Department of Management
31 Services or signed and sealed by a registered professional

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1 engineer.

2 (e) A district school board, community college board
3 of trustees, or state university board of trustees may enter
4 into an energy performance-based contract with an energy
5 performance contractor if, after review of the report required
6 by paragraph (d), it finds that the amount it would spend on
7 the energy conservation measures recommended in the report
8 will not exceed the amount to be saved in energy and operation
9 costs over 20 years from the date of installation, based on
10 life-cycle costing calculations, if the recommendations in the
11 report were followed and if the energy performance contractor
12 provides a written guarantee that the energy or operating cost
13 savings will meet or exceed the costs of the system. The
14 contract may provide for payments over a period of time not to
15 exceed 20 years.

16 (f) A district school board, community college board
17 of trustees, or state university board of trustees may enter
18 into an installment payment contract for the purchase and
19 installation of energy conservation measures. The contract
20 shall provide for payments of not less than one-twentieth of
21 the price to be paid within 2 years from the date of the
22 complete installation and acceptance by the district school
23 board, community college board of trustees, or state
24 university board of trustees, and the remaining costs to be
25 paid at least quarterly, not to exceed a 20-year term based on
26 life-cycle costing calculations.

27 (g) Energy performance-based contracts may extend
28 beyond the fiscal year in which they become effective;
29 however, the term of any contract shall expire at the end of
30 each fiscal year and may be automatically renewed annually up
31 to 20 years, subject to a district school board, community

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1 college board of trustees, or state university board of
2 trustees making sufficient annual appropriations based upon
3 continued realized energy cost savings. Such contracts shall
4 stipulate that the agreement does not constitute a debt,
5 liability, or obligation of the state or a district school
6 board, community college board of trustees, or state
7 university board of trustees, or a pledge of the faith and
8 credit of the state or a district school board, community
9 college board of trustees, or state university board of
10 trustees.

11 (4) CONTRACT PROVISIONS.--

12 (a) An energy performance-based contract shall include
13 a guarantee by the energy performance contractor that annual
14 energy cost savings will meet or exceed the amortized cost of
15 energy conservation measures.

16 (b) The contract shall provide that all payments,
17 except obligations on termination of the contract before its
18 expiration, are to be made over time, but not to exceed 20
19 years from the date of complete installation and acceptance by
20 the district school board, community college board of
21 trustees, or state university board of trustees, and that the
22 annual savings are guaranteed to the extent necessary to make
23 annual payments to satisfy the contract.

24 (c) The contract must require that the energy
25 performance contractor to whom the contract is awarded provide
26 a 100-percent public construction bond to the district school
27 board, community college board of trustees, or state
28 university board of trustees for its faithful performance, as
29 required by s. 255.05.

30 (d) The contract shall require the energy performance
31 contractor to provide to the district school board, community

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1 college board of trustees, or state university board of
2 trustees an annual reconciliation of the guaranteed energy
3 cost savings. The energy performance contractor shall be
4 liable for any annual savings shortfall which may occur. In
5 the event that such reconciliation reveals an excess in annual
6 energy cost savings, such excess savings shall not be used to
7 cover potential energy cost savings shortages in subsequent
8 contract years.

9 Section 818. Section 1013.24, Florida Statutes, is
10 created to read:

11 1013.24 Right of eminent domain.--There is conferred
12 upon the district school boards in the state the authority and
13 right to take private property for any public school purpose
14 or use when, in the opinion of the school board, such property
15 is needed in the operation of any or all of the public schools
16 within the district, including property needed for any school
17 purpose or use in any school district or districts within the
18 county. The absolute fee simple title to all property so
19 taken and acquired shall vest in the district school board,
20 unless the school board seeks to appropriate a particular
21 right or estate in such property.

22 Section 819. Section 1013.25, Florida Statutes, is
23 created to read:

24 1013.25 When university or community college board of
25 trustees may exercise power of eminent domain.--Whenever it
26 becomes necessary for the welfare and convenience of any of
27 its institutions or divisions to acquire private property for
28 the use of such institutions, and this cannot be acquired by
29 agreement satisfactory to a university or community college
30 board of trustees and the parties interested in, or the owners
31 of, the private property, the board of trustees may exercise

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1 the power of eminent domain after receiving approval therefor
2 from the State Board of Education and may then proceed to
3 condemn the property in the manner provided by chapter 73 or
4 chapter 74.

5 Section 820. Section 1013.26, Florida Statutes, is
6 created to read:

7 1013.26 Department of Legal Affairs to represent
8 university board in condemnation proceedings.--Any suits or
9 actions brought by a university board of trustees to condemn
10 property, as provided in s. 1013.25, shall be brought in the
11 name of the university board of trustees, and the Department
12 of Legal Affairs shall conduct the proceedings for, and act as
13 the counsel of, the university board of trustees.

14 Section 821. Section 1013.27, Florida Statutes, is
15 created to read:

16 1013.27 Purchase of land by municipality.--Any
17 municipality wherein a community college as defined by s.
18 1004.65 is situated may purchase land with municipal funds and
19 to donate and convey the land or any other land to the
20 community college board of trustees.

21 Section 822. Section 1013.28, Florida Statutes, is
22 created to read:

23 1013.28 Disposal of property.--

24 (1) REAL PROPERTY.--Subject to rules of the State
25 Board of Education, a board may dispose of any land or real
26 property that is, by resolution of the board, determined to be
27 unnecessary for educational purposes as recommended in an
28 educational plant survey. A board shall take diligent measures
29 to dispose of educational property only in the best interests
30 of the public. However, appraisals may be obtained by the
31 board prior to or simultaneously with the receipt of bids.

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1 (2) TANGIBLE PERSONAL PROPERTY.--Tangible personal
2 property which has been properly classified as surplus by a
3 district school board or community college board of trustees
4 shall be disposed of in accordance with the procedure
5 established by chapter 274 and by a university board of
6 trustees by chapter 273. However, the provisions of chapter
7 274 shall not be applicable to a motor vehicle used in driver
8 education to which title is obtained for a token amount from
9 an automobile dealer or manufacturer. In such cases, the
10 disposal of the vehicle shall be as prescribed in the
11 contractual agreement between the automotive agency or
12 manufacturer and the board.

13 Section 823. Part III of chapter 1013, Florida
14 Statutes, shall be entitled "Planning and Construction of
15 Educational Facilities" and shall consist of ss.

16 1013.30-1013.54.

17 Section 824. Part III.a. of chapter 1013, Florida
18 Statutes, shall be entitled "Campus Master Plans and
19 Educational Plant Surveys" and shall consist of ss.

20 1013.30-1013.365.

21 Section 825. Section 1013.30, Florida Statutes, is
22 created to read:

23 1013.30 University campus master plans and campus
24 development agreements.--

25 (1) This section contains provisions for campus
26 planning and concurrency management that supersede the
27 requirements of part II of chapter 163, except when stated
28 otherwise in this section. These special growth management
29 provisions are adopted in recognition of the unique
30 relationship between university campuses and the local
31 governments in which they are located. While the campuses

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1 provide research and educational benefits of statewide and
2 national importance, and further provide substantial
3 educational, economic, and cultural benefits to their host
4 local governments, they may also have an adverse impact on the
5 public facilities and services and natural resources of host
6 governments. On balance, however, universities should be
7 considered as vital public facilities of the state and local
8 governments. The intent of this section is to address this
9 unique relationship by providing for the preparation of campus
10 master plans and associated campus development agreements.

11 (2) As used in this section:

12 (a) "Affected local government" means a unit of local
13 government that provides public services to or is responsible
14 for maintaining facilities within a campus of an institution
15 or is directly affected by development that is proposed for a
16 campus.

17 (b) "Affected person" means a host local government;
18 an affected local government; any state, regional, or federal
19 agency; or a person who resides, owns property, or owns or
20 operates a business within the boundaries of a host local
21 government or affected local government.

22 (c) "Host local government" means a local government
23 within the jurisdiction of which all or part of a campus of an
24 institution is located, but does not include a county if no
25 part of an institution is located within its unincorporated
26 area.

27 (d) "Institution" means a university.

28 (3) Each university board of trustees shall prepare
29 and adopt a campus master plan for the university. The master
30 plan must identify general land uses and address the need for
31 and plans for provision of roads, parking, public

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1 transportation, solid waste, drainage, sewer, potable water,
2 and recreation and open space during the coming 10 to 20
3 years. The plans must contain elements relating to future land
4 use, intergovernmental coordination, capital improvements,
5 recreation and open space, general infrastructure, housing,
6 and conservation. Each element must address compatibility with
7 the surrounding community. The master plan must identify
8 specific land uses, location of structures, densities and
9 intensities of use, and contain standards for onsite
10 development, site design, environmental management, and the
11 preservation of historic and archaeological resources. The
12 transportation element must address reasonable transportation
13 demand management techniques to minimize offsite impacts where
14 possible. Data and analyses on which the elements are based
15 must include, at a minimum: the characteristics of vacant
16 lands; projected impacts of development on onsite and offsite
17 infrastructure, public services, and natural resources;
18 student enrollment projections; student housing needs; and the
19 need for academic and support facilities. Master plans must be
20 updated at least every 5 years.

21 (4) Campus master plans may contain additional
22 elements at the discretion of the State Board of Education;
23 however, such elements are not subject to review under this
24 section. These additional elements may include the academic
25 mission of the institution, academic program, utilities,
26 public safety, architectural design, landscape architectural
27 design, and facilities maintenance.

28 (5) Subject to the right of the university board of
29 trustees to initiate the dispute resolution provisions of
30 subsection (8), a campus master plan must not be in conflict
31 with the comprehensive plan of the host local government and

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1 the comprehensive plan of any affected local governments. A
2 campus master plan must be consistent with the state
3 comprehensive plan.

4 (6) Before a campus master plan is adopted, a copy of
5 the draft master plan must be sent for review to the host and
6 any affected local governments, the state land planning
7 agency, the Department of Environmental Protection, the
8 Department of Transportation, the Department of State, the
9 Fish and Wildlife Conservation Commission, and the applicable
10 water management district and regional planning council. These
11 agencies must be given 90 days after receipt of the campus
12 master plans in which to conduct their review and provide
13 comments to the university board of trustees. The commencement
14 of this review period must be advertised in newspapers of
15 general circulation within the host local government and any
16 affected local government to allow for public comment.
17 Following receipt and consideration of all comments, and the
18 holding of at least two public hearings within the host
19 jurisdiction, the university board of trustees shall adopt the
20 campus master plan. It is the intent of the Legislature that
21 the university board of trustees comply with the notice
22 requirements set forth in s. 163.3184(15) to ensure full
23 public participation in this planning process. Campus master
24 plans developed under this section are not rules and are not
25 subject to chapter 120 except as otherwise provided in this
26 section.

27 (7) Notice that the campus master plan has been
28 adopted must be forwarded within 45 days after its adoption to
29 any affected person that submitted comments on the draft
30 campus master plan. The notice must state how and where a copy
31 of the master plan may be obtained or inspected. Within 30

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1 days after receipt of the notice of adoption of the campus
2 master plan, or 30 days after the date the adopted plan is
3 available for review, whichever is later, an affected person
4 who submitted comments on the draft master plan may petition
5 the university board of trustees, challenging the campus
6 master plan as not being in compliance with this section or
7 any rule adopted under this section. The petition must state
8 each objection, identify its source, and provide a recommended
9 action. A petition filed by an affected local government may
10 raise only those issues directly pertaining to the public
11 facilities or services that the affected local government
12 provides to or maintains within the campus or to the direct
13 impact that campus development would have on the affected
14 local government.

15 (8) Following receipt of a petition, the petitioning
16 party or parties and the university board of trustees shall
17 mediate the issues in dispute as follows:

18 (a) The parties have 60 days to resolve the issues in
19 dispute. Other affected parties that submitted comments on the
20 draft campus master plan must be given the opportunity to
21 participate in these and subsequent proceedings.

22 (b) If resolution of the matter cannot be achieved
23 within 60 days, the issues must be submitted to the state land
24 planning agency. The state land planning agency has 60 days to
25 hold informal hearings, if necessary, identify the issues
26 remaining in dispute, prepare a record of the proceedings, and
27 submit the matter to the Administration Commission for final
28 action. The report to the Administration Commission must list
29 each issue in dispute, describe the nature and basis for each
30 dispute, identify alternative resolutions of the dispute, and
31 make recommendations.

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1 (c) After receiving the report from the state land
2 planning agency, the Administration Commission shall take
3 action to resolve the issues in dispute. In deciding upon a
4 proper resolution, the Administration Commission shall
5 consider the nature of the issues in dispute, the compliance
6 of the parties with this section, the extent of the conflict
7 between the parties, the comparative hardships, and the public
8 interest involved. If the Administration Commission
9 incorporates in its final order a term or condition that
10 specifically requires the university board of trustees or a
11 local government to amend or modify its plan, the university
12 board of trustees shall have a reasonable period of time to
13 amend or modify its plan, and a local government shall
14 initiate the required plan amendment, which shall be exempt
15 from the requirements of s. 163.3187(1). Any required
16 amendment to a local government comprehensive plan must be
17 limited in scope so as to only relate to specific impacts
18 attributable to the campus development. The final order of the
19 Administration Commission is subject to judicial review as
20 provided in s. 120.68.

21 (9) An amendment to a campus master plan must be
22 reviewed and adopted under subsections (6)-(8) if such
23 amendment, alone or in conjunction with other amendments,
24 would:

25 (a) Increase density or intensity of use of land on
26 the campus by more than 10 percent;

27 (b) Decrease the amount of natural areas, open space,
28 or buffers on the campus by more than 10 percent; or

29 (c) Rearrange land uses in a manner that will increase
30 the impact of any proposed campus development by more than 10
31 percent on a road or on another public facility or service

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1 provided or maintained by the state, the county, the host
2 local government, or any affected local government.

3 (10) Upon adoption of a campus master plan, the
4 university board of trustees shall draft a proposed campus
5 development agreement for each local government and send it to
6 the local government within 270 days after the adoption of the
7 relevant campus master plan.

8 (11) At a minimum, each campus development agreement:

9 (a) Must identify the geographic area of the campus
10 and local government covered by the campus development
11 agreement.

12 (b) Must establish its duration, which must be at
13 least 5 years and not more than 10 years.

14 (c) Must address public facilities and services
15 including roads, sanitary sewer, solid waste, drainage,
16 potable water, parks and recreation, and public
17 transportation.

18 (d) Must, for each of the facilities and services
19 listed in paragraph (c), identify the level-of-service
20 standard established by the applicable local government,
21 identify the entity that will provide the service to the
22 campus, and describe any financial arrangements between the
23 State Board of Education and other entities relating to the
24 provision of the facility or service.

25 (e) Must, for each of the facilities and services
26 listed in paragraph (c), determine the impact of existing and
27 proposed campus development reasonably expected over the term
28 of the campus development agreement on each service or
29 facility and any deficiencies in such service or facility
30 which the proposed campus development will create or to which
31 it will contribute.

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1 (f) May, if proposed by the university board of
2 trustees, address the issues prescribed in paragraphs (d) and
3 (e) with regard to additional facilities and services,
4 including, but not limited to, electricity, nonpotable water,
5 law enforcement, fire and emergency rescue, gas, and
6 telephone.

7 (g) Must, to the extent it addresses issues addressed
8 in the campus master plan and host local government
9 comprehensive plan, be consistent with the adopted campus
10 master plan and host local government comprehensive plan.

11 (12)(a) Each proposed campus development agreement
12 must clearly identify the lands to which the university board
13 of trustees intends the campus development agreement to apply.

14 (b) Such land may include:

15 1. Land to be purchased by the university board of
16 trustees and if purchased with state appropriated funds titled
17 in the name of the board of trustees of the Internal
18 Improvement Trust Fund for use by an institution over the life
19 of the campus development agreement.

20 2. Land not owned by the board of trustees of the
21 Internal Improvement Trust Fund if the university board of
22 trustees intends to undertake development activities on the
23 land during the term of the campus development agreement.

24 (c) Land owned by the Board of Trustees of the
25 Internal Improvement Trust Fund for lease to the State Board
26 of Education acting on behalf of the institution may be
27 excluded, but any development activity undertaken on excluded
28 land is subject to part II of chapter 163.

29 (13) With regard to the impact of campus development
30 on the facilities and services listed in paragraph (11)(c),
31 the following applies:

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1 (a) All improvements to facilities or services which
2 are necessary to eliminate the deficiencies identified in
3 paragraph (11)(e) must be specifically listed in the campus
4 development agreement.

5 (b) The university board of trustees' fair share of
6 the cost of the measures identified in paragraph (a) must be
7 stated in the campus development agreement. In determining the
8 fair share, the effect of any demand management techniques,
9 which may include such techniques as flexible work hours and
10 carpooling, that are used by the State Board of Education to
11 minimize the offsite impacts shall be considered.

12 (c) The university board of trustees is responsible
13 for paying the fair share identified in paragraph (b), and it
14 may do so by:

15 1. Paying a fair share of each of the improvements
16 identified in paragraph (a); or

17 2. Taking on full responsibility for the improvements,
18 selected from the list of improvements identified in paragraph
19 (a), and agreed to between the host local government and the
20 State Board of Education, the total cost of which equals the
21 contribution identified in paragraph (b).

22 (d) All concurrency management responsibilities of the
23 university board of trustees are fulfilled if the university
24 board of trustees expends the total amount of funds identified
25 in paragraph (b) notwithstanding that the university board of
26 trustees may not have undertaken or made contributions to some
27 of the measures identified in paragraph (a).

28 (e) Capital projects included in the campus
29 development agreement may be used by the local government for
30 the concurrency management purposes.

31 (f) Funds provided by universities in accordance with

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1 campus development agreements are subject to appropriation by
2 the Legislature. A development authorized by a campus
3 development agreement may not be built until the funds to be
4 provided pursuant to paragraph (b) are appropriated by the
5 Legislature.

6 (14) A campus development agreement may not address or
7 include any standards or requirements for onsite development,
8 including environmental management requirements or
9 requirements for site preparation.

10 (15) Once the university board of trustees and host
11 local government agree on the provisions of the campus
12 development agreement, the campus development agreement shall
13 be executed by the university board of trustees and the host
14 local government in a manner consistent with the requirements
15 of s. 163.3225. Once the campus development agreement is
16 executed, it is binding upon the university board of trustees
17 and host local government. A copy of the executed campus
18 development agreement must be sent to the state land planning
19 agency within 14 days after the date of execution.

20 (16) If, within 180 days following the host local
21 government's receipt of the proposed campus development
22 agreement, the university board of trustees and host local
23 government cannot reach agreement on the provisions of the
24 campus development agreement, the following procedures for
25 resolving the matter must be followed:

26 (a) The matter must be submitted to the state land
27 planning agency, which has 60 days to hold informal hearings,
28 if necessary, and identify the issues remaining in dispute,
29 prepare a record of the proceedings, and submit the matter to
30 the Administration Commission for final action. The report to
31 the Administration Commission must list each issue in dispute,

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1 describe the nature and basis for each dispute, identify
2 alternative resolutions of each dispute, and make
3 recommendations.

4 (b) After receiving the report from the state land
5 planning agency, the Administration Commission shall take
6 action to resolve the issues in dispute. In deciding upon a
7 proper resolution, the Administration Commission shall
8 consider the nature of the issues in dispute, the compliance
9 of the parties with this section, the extent of the conflict
10 between the parties, the comparative hardships, and the public
11 interest involved. In resolving the matter, the Administration
12 Commission may prescribe, by order, the contents of the campus
13 development agreement.

14 (17) Disputes that arise in the implementation of an
15 executed campus development agreement must be resolved as
16 follows:

17 (a) Each party shall select one mediator and notify
18 the other in writing of the selection. Thereafter, within 15
19 days after their selection, the two mediators selected by the
20 parties shall select a neutral, third mediator to complete the
21 mediation panel.

22 (b) Each party is responsible for all costs and fees
23 payable to the mediator selected by it and shall equally bear
24 responsibility for the costs and fees payable to the third
25 mediator for services rendered and costs expended in
26 connection with resolving disputes pursuant to the campus
27 development agreement.

28 (c) Within 10 days after the selection of the
29 mediation panel, proceedings must be convened by the panel to
30 resolve the issues in dispute.

31 (d) Within 60 days after the convening of the panel,

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1 the panel shall issue a report containing a recommended
2 resolution of the issues in dispute.

3 (e) If either the university board of trustees or
4 local government rejects the recommended resolution of the
5 issues in dispute, the disputed issues must be resolved
6 pursuant to the procedures provided by subsection (16).

7 (18) Once the campus development agreement is
8 executed, all campus development may proceed without further
9 review by the host local government if it is consistent with
10 the adopted campus master plan and associated campus
11 development agreement.

12 (19) A campus development agreement may be amended
13 under subsections (10)-(16):

14 (a) In conjunction with any amendment to the campus
15 master plan subject to the requirements in subsection (9).

16 (b) If either party delays by more than 12 months the
17 construction of a capital improvement identified in the
18 agreement.

19 (20) Any party to a campus development agreement or
20 aggrieved or adversely affected person, as defined in s.
21 163.3215(2), may file an action for injunctive relief in the
22 circuit court where the host local government is located to
23 enforce the terms of a campus development agreement or to
24 challenge compliance of the agreement with this section. This
25 action shall be the sole and exclusive remedy of an adversely
26 affected person other than a party to the agreement to enforce
27 any rights or obligations arising from a development
28 agreement.

29 (21) State and regional environmental program
30 requirements remain applicable, except that this section
31 supersedes all other sections of part II of chapter 163 and s.

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1 380.06 except as provided in this section.

2 (22) In consultation with the state land planning
3 agency, the State Board of Education shall adopt rules
4 implementing subsections (3)-(6). The rules must set specific
5 schedules and procedures for the development and adoption of
6 campus master plans.

7 (23) Until the campus master plan and campus
8 development agreement for an institution have been finalized,
9 any dispute between the university board of trustees and a
10 local government relating to campus development for that
11 institution shall be resolved by the process established in
12 subsection (8).

13 Section 826. Section 1013.31, Florida Statutes, is
14 created to read:

15 1013.31 Educational plant survey; localized need
16 assessment; PECO project funding.--

17 (1) At least every 5 years, each board shall arrange
18 for an educational plant survey, to aid in formulating plans
19 for housing the educational program and student population,
20 faculty, administrators, staff, and auxiliary and ancillary
21 services of the district or campus, including consideration of
22 the local comprehensive plan. The Office of Workforce and
23 Economic Development shall document the need for additional
24 career and adult education programs and the continuation of
25 existing programs before facility construction or renovation
26 related to career or adult education may be included in the
27 educational plant survey of a school district or community
28 college that delivers career or adult education programs.
29 Information used by the Office of Workforce and Economic
30 Development to establish facility needs must include, but need
31 not be limited to, labor market data, needs analysis, and

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1 information submitted by the school district or community
2 college.

3 (a) Survey preparation and required data.--Each survey
4 shall be conducted by the board or an agency employed by the
5 board. Surveys shall be reviewed and approved by the board,
6 and a file copy shall be submitted to the commissioner. The
7 survey report shall include at least an inventory of existing
8 educational and ancillary plants; recommendations for existing
9 educational and ancillary plants; recommendations for new
10 educational or ancillary plants, including the general
11 location of each in coordination with the land use plan;
12 campus master plan update and detail for community colleges;
13 the utilization of school plants based on an extended school
14 day or year-round operation; and such other information as may
15 be required by the rules of the State Board of Education. This
16 report may be amended, if conditions warrant, at the request
17 of the board or commissioner.

18 (b) Required need assessment criteria for district,
19 community college, and state university plant surveys.--Each
20 educational plant survey completed must use uniform data
21 sources and criteria specified in this paragraph. Each revised
22 educational plant survey and each new educational plant survey
23 supersedes previous surveys.

24 1. Each school district's educational plant survey
25 must reflect the capacity of existing satisfactory facilities
26 as reported in the Florida Inventory of School Houses.
27 Projections of facility space needs may not exceed the norm
28 space and occupant design criteria established by the State
29 Requirements for Educational Facilities. Existing and
30 projected capital outlay full-time equivalent student
31 enrollment must be consistent with data prepared by the

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1 department and must include all enrollment used in the
2 calculation of the distribution formula in s. 1013.64(3). To
3 insure that the data reported to the Department of Education
4 as required by this section is correct, the department shall
5 annually conduct an onsite review of 5 percent of the
6 facilities reported for each school district completing a new
7 survey that year. If the department's review finds the data
8 reported by a district is less than 95 percent accurate,
9 within one year from the time of notification by the
10 department the district must submit revised reports correcting
11 its data. If a district fails to correct its reports, the
12 commissioner may direct that future fixed capital outlay funds
13 be withheld until such time as the district has corrected its
14 reports so that they are not less than 95 percent accurate.
15 All satisfactory relocatable classrooms, including those
16 owned, lease-purchased, or leased by the school district,
17 shall be included in the school district inventory of gross
18 capacity of facilities and must be counted at actual student
19 capacity for purposes of the inventory. For future needs
20 determination, student capacity shall not be assigned to any
21 relocatable classroom that is scheduled for elimination or
22 replacement with a permanent educational facility in the
23 adopted 5-year educational plant survey and in the district
24 facilities work program adopted under s. 1013.35. Those
25 relocatables clearly identified and scheduled for replacement
26 in a school board adopted financially feasible 5-year district
27 facilities work program shall be counted at zero capacity at
28 the time the work program is adopted and approved by the
29 school board. However, if the district facilities work program
30 is changed or altered and the relocatables are not replaced as
31 scheduled in the work program, they must then be reentered

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1 into the system for counting at actual capacity. Relocatables
2 may not be perpetually added to the work program and
3 continually extended for purposes of circumventing the intent
4 of this section. All remaining relocatable classrooms,
5 including those owned, lease-purchased, or leased by the
6 school district, shall be counted at actual student capacity.
7 The educational plant survey shall identify the number of
8 relocatable student stations scheduled for replacement during
9 the 5-year survey period and the total dollar amount needed
10 for that replacement. All district educational plant surveys
11 shall include information on leased space used for conducting
12 the district's instructional program, in accordance with the
13 recommendations of the department's report authorized in s.
14 1013.15. A definition of satisfactory relocatable classrooms
15 shall be established by rule of the State Board of Education.

16 2. Each survey of a special facility, joint-use
17 facility, or cooperative career and technical education
18 facility must be based on capital outlay full-time equivalent
19 student enrollment data prepared by the department for school
20 districts, community colleges, and universities. A survey of
21 space needs of a joint-use facility shall be based upon the
22 respective space needs of the school districts, community
23 colleges, and universities, as appropriate. Projections of a
24 school district's facility space needs may not exceed the norm
25 space and occupant design criteria established by the State
26 Requirements for Educational Facilities.

27 3. Each community college's survey must reflect the
28 capacity of existing facilities as specified in the inventory
29 maintained by the Department of Education. Projections of
30 facility space needs must comply with standards for
31 determining space needs as specified by rule of the State

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1 Board of Education. The 5-year projection of capital outlay
2 student enrollment must be consistent with the annual report
3 of capital outlay full-time student enrollment prepared by the
4 Department of Education.

5 4. Each state university's survey must reflect the
6 capacity of existing facilities as specified in the inventory
7 maintained and validated by the Department of Education.
8 Projections of facility space needs must be consistent with
9 standards for determining space needs approved by the
10 Department of Education. The projected capital outlay
11 full-time equivalent student enrollment must be consistent
12 with the 5-year planned enrollment cycle for the State
13 University System approved by the Department of Education.

14 5. The educational plant survey of a school district,
15 community college, or state university may include space needs
16 that deviate from approved standards for determining space
17 needs if the deviation is justified by the district or
18 institution and approved by the department as necessary for
19 the delivery of an approved educational program.

20 (c) Review and validation.--The department shall
21 review and validate the surveys of school districts, community
22 colleges, and universities, and any amendments thereto for
23 compliance with the requirements of this chapter and, when
24 required by the State Constitution, shall recommend those in
25 compliance for approval by the State Board of Education.
26 Annually, the department shall perform an in-depth analysis of
27 a representative sample of each survey of recommended needs
28 for five districts selected by the commissioner from among
29 districts with the largest need-to-revenue ratio. For the
30 purpose of this subsection, the need-to-revenue ratio is
31 determined by dividing the total 5-year cost of projects

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1 listed on the district survey by the total 5-year fixed
2 capital outlay revenue projections from state and local
3 sources as determined by the department. The commissioner may
4 direct fixed capital outlay funds to be withheld from
5 districts until such time as the survey accurately projects
6 facilities needs.

7 (2) Only the district school superintendent, community
8 college president, or university president shall certify to
9 the department a project's compliance with the requirements
10 for expenditure of PECO funds prior to release of funds.

11 (a) Upon request for release of PECO funds for
12 planning purposes, certification must be made to the
13 department that the need and location of the facility are in
14 compliance with the board-approved survey recommendations and
15 that the project meets the definition of a PECO project and
16 the limiting criteria for expenditures of PECO funding.

17 (b) Upon request for release of construction funds,
18 certification must be made to the department that the need and
19 location of the facility are in compliance with the
20 board-approved survey recommendations, that the project meets
21 the definition of a PECO project and the limiting criteria for
22 expenditures of PECO funding, and that the construction
23 documents meet the requirements of the Florida Building Code
24 for educational facilities construction or other applicable
25 codes as authorized in this chapter.

26 Section 827. Section 1013.32, Florida Statutes, is
27 created to read:

28 1013.32 Exception to recommendations in educational
29 plant survey.--An exception to the recommendations in the
30 educational plant survey may be allowed if a board considers
31 that it will be advantageous to the welfare of the educational

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1 system or that it will make possible a substantial saving of
2 funds. A board, upon determining that an exception is
3 warranted, must present a full statement, in writing, setting
4 forth all the facts to the Commissioner of Education.

5 Section 828. Section 1013.33, Florida Statutes, is
6 created to read:

7 1013.33 Coordination of planning with local governing
8 bodies.--

9 (1) It is the policy of this state to require the
10 coordination of planning between boards and local governing
11 bodies to ensure that plans for the construction and opening
12 of public educational facilities are facilitated and
13 coordinated in time and place with plans for residential
14 development, concurrently with other necessary services. Such
15 planning shall include the integration of the educational
16 plant survey and applicable policies and procedures of a board
17 with the local comprehensive plan and land development
18 regulations of local governing bodies. The planning must
19 include the consideration of allowing students to attend the
20 school located nearest their homes when a new housing
21 development is constructed near a county boundary and it is
22 more feasible to transport the students a short distance to an
23 existing facility in an adjacent county than to construct a
24 new facility or transport students longer distances in their
25 county of residence. The planning must also consider the
26 effects of the location of public education facilities,
27 including the feasibility of keeping central city facilities
28 viable, in order to encourage central city redevelopment and
29 the efficient use of infrastructure and to discourage
30 uncontrolled urban sprawl.

31 (2) A board and the local governing body must share

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1 and coordinate information related to existing and planned
2 school facilities; proposals for development, redevelopment,
3 or additional development; and infrastructure required to
4 support the school facilities, concurrent with proposed
5 development. A school board shall use Department of Education
6 enrollment projections when preparing the 5-year district
7 facilities work program pursuant to s. 1013.35, and a school
8 board shall affirmatively demonstrate in the educational
9 facilities report consideration of local governments'
10 population projections to ensure that the 5-year work program
11 not only reflects enrollment projections but also considers
12 applicable municipal and county growth and development
13 projections. A school board is precluded from siting a new
14 school in a jurisdiction where the school board has failed to
15 provide the annual educational facilities report for the prior
16 year required pursuant to s. 1013.34 unless the failure is
17 corrected.

18 (3) The location of educational facilities shall be
19 consistent with the comprehensive plan of the appropriate
20 local governing body developed under part II of chapter 163
21 and the plan's implementing land development regulations, to
22 the extent that the regulations are not in conflict with or
23 the subject regulated is not specifically addressed by this
24 chapter or the state requirements for educational facilities,
25 unless mutually agreed by the local government and the board.

26 (4) To improve coordination relative to potential
27 educational facility sites, a board shall provide written
28 notice to the local government that has regulatory authority
29 over the use of the land at least 60 days prior to acquiring
30 or leasing property that may be used for a new public
31 educational facility. The local government, upon receipt of

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1 this notice, shall notify the board within 45 days if the site
2 proposed for acquisition or lease is consistent with the land
3 use categories and policies of the local government's
4 comprehensive plan. This preliminary notice does not
5 constitute the local government's determination of consistency
6 pursuant to subsection (5).

7 (5) As early in the design phase as feasible, but at
8 least before commencing construction of a new public
9 educational facility, the local governing body that regulates
10 the use of land shall determine, in writing within 90 days
11 after receiving the necessary information and a school board's
12 request for a determination, whether a proposed educational
13 facility is consistent with the local comprehensive plan and
14 local land development regulations, to the extent that the
15 regulations are not in conflict with or the subject regulated
16 is not specifically addressed by this chapter or the Florida
17 Building Code for educational facilities and construction,
18 unless mutually agreed. If the determination is affirmative,
19 school construction may proceed and further local government
20 approvals are not required, except as provided in this
21 section. Failure of the local governing body to make a
22 determination in writing within 90 days after a district
23 school board's request for a determination of consistency
24 shall be considered an approval of the district school board's
25 application. Campus master plans and development agreements
26 must comply with the provisions of ss. 1013.30 and 1013.63.

27 (6) A local governing body may not deny the site
28 applicant based on adequacy of the site plan as it relates
29 solely to the needs of the school. If the site is consistent
30 with the comprehensive plan's future land use policies and
31 categories in which public schools are identified as allowable

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1 uses, the local government may not deny the application but it
2 may impose reasonable development standards and conditions in
3 accordance with s. 1013.51(1) and consider the site plan and
4 its adequacy as it relates to environmental concerns, health,
5 safety and welfare, and effects on adjacent property.
6 Standards and conditions may not be imposed which conflict
7 with those established in this chapter or the State Uniform
8 Building Code, unless mutually agreed.

9 (7) This section does not prohibit a local governing
10 body and district school board from agreeing and establishing
11 an alternative process for reviewing a proposed educational
12 facility and site plan, and offsite impacts.

13 (8) Existing schools shall be considered consistent
14 with the applicable local government comprehensive plan
15 adopted under part II of chapter 163. The collocation of a new
16 proposed public educational facility with an existing public
17 educational facility, or the expansion of an existing public
18 educational facility is not inconsistent with the local
19 comprehensive plan, if the site is consistent with the
20 comprehensive plan's future land use policies and categories
21 in which public schools are identified as allowable uses, and
22 levels of service adopted by the local government for any
23 facilities affected by the proposed location for the new
24 facility are maintained. If a board submits an application to
25 expand an existing school site, the local governing body may
26 impose reasonable development standards and conditions on the
27 expansion only, and in a manner consistent with s. 1013.51(1).
28 Standards and conditions may not be imposed which conflict
29 with those established in this chapter or the State Uniform
30 Building Code, unless mutually agreed. Local government review
31 or approval is not required for:

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1 (a) The placement of temporary or portable classroom
2 facilities; or

3 (b) Proposed renovation or construction on existing
4 school sites, with the exception of construction that changes
5 the primary use of a facility, includes stadiums, or results
6 in a greater than 5 percent increase in student capacity, or
7 as mutually agreed.

8 Section 829. Section 1013.34, Florida Statutes, is
9 created to read:

10 1013.34 General educational facilities report.--

11 (1) It is the policy of the state to foster
12 coordination between district school boards and the local
13 general-purpose governments as those local general-purpose
14 governments develop and implement plans under the Local
15 Government Comprehensive Planning and Land Development
16 Regulation Act, part II of chapter 163.

17 (2) Each district school board shall submit annually
18 on October 1 to each local government within the school
19 board's jurisdiction a general educational facilities report.
20 The general educational facilities report must contain
21 information detailing existing educational facilities and
22 their locations and projected needs. The report must also
23 contain the board's capital improvement plan, including
24 planned facilities with funding over the next 3 years, and the
25 educational facilities representing the district's unmet need.
26 The school board shall also provide a copy of its educational
27 plan survey to each local government at least once every 5
28 years.

29 Section 830. Section 1013.35, Florida Statutes, is
30 created to read:

31 1013.35 School district facilities work program;

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1 definitions; preparation, adoption, and amendment; long-term
2 work programs.--

3 (1) DEFINITIONS.--As used in this section, the term:

4 (a) "Adopted district facilities work program" means
5 the 5-year work program adopted by the district school board
6 as provided in subsection (3).

7 (b) "Tentative district facilities work program" means
8 the 5-year listing of capital outlay projects required:

9 1. To properly maintain the educational plant and
10 ancillary facilities of the district.

11 2. To provide an adequate number of satisfactory
12 student stations for the projected student enrollment of the
13 district in K-12 programs in accordance with the goal in s.
14 1013.21.

15 (2) PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK
16 PROGRAM.--

17 (a) Annually, prior to the adoption of the district
18 school budget, each district school board shall prepare a
19 tentative district facilities work program that includes:

20 1. A schedule of major repair and renovation projects
21 necessary to maintain the educational plant and ancillary
22 facilities of the district.

23 2. A schedule of capital outlay projects necessary to
24 ensure the availability of satisfactory student stations for
25 the projected student enrollment in K-12 programs. This
26 schedule shall consider:

27 a. The locations, capacities, and planned utilization
28 rates of current educational facilities of the district.

29 b. The proposed locations of planned facilities.

30 c. Plans for the use and location of relocatable
31 facilities, leased facilities, and charter school facilities.

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1 d. Plans for multitrack scheduling, grade level
2 organization, block scheduling, or other alternatives that
3 reduce the need for permanent student stations.

4 e. Information concerning average class size and
5 utilization rate by grade level within the district that will
6 result if the tentative district facilities work program is
7 fully implemented. The average shall not include exceptional
8 student education classes or prekindergarten classes.

9 f. The number and percentage of district students
10 planned to be educated in relocatable facilities during each
11 year of the tentative district facilities work program.

12 g. Plans for the closure of any school, including
13 plans for disposition of the facility or usage of facility
14 space, and anticipated revenues.

15 3. The projected cost for each project identified in
16 the tentative district facilities work program. For proposed
17 projects for new student stations, a schedule shall be
18 prepared comparing the planned cost and square footage for
19 each new student station, by elementary, middle, and high
20 school levels, to the low, average, and high cost of
21 facilities constructed throughout the state during the most
22 recent fiscal year for which data is available from the
23 Department of Education.

24 4. A schedule of estimated capital outlay revenues
25 from each currently approved source which is estimated to be
26 available for expenditure on the projects included in the
27 tentative district facilities work program.

28 5. A schedule indicating which projects included in
29 the tentative district facilities work program will be funded
30 from current revenues projected in subparagraph 4.

31 6. A schedule of options for the generation of

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1 additional revenues by the district for expenditure on
2 projects identified in the tentative district facilities work
3 program which are not funded under subparagraph 5. Additional
4 anticipated revenues may include effort index grants, SIT
5 Program awards, and Classrooms First funds.

6 (b) To the extent available, the tentative district
7 facilities work program shall be based on information produced
8 by the demographic, revenue, and education estimating
9 conferences pursuant to s. 216.136.

10 (c) Provision shall be made for public comment
11 concerning the tentative district facilities work program.

12 (3) ADOPTED DISTRICT FACILITIES WORK
13 PROGRAM.--Annually, the district school board shall consider
14 and adopt the tentative district facilities work program
15 completed pursuant to subsection (2). Upon giving proper
16 public notice and opportunity for public comment, the district
17 school board may amend the program to revise the priority of
18 projects, to add or delete projects, to reflect the impact of
19 change orders, or to reflect the approval of new revenue
20 sources which may become available. The adopted district
21 facilities work program shall:

22 (a) Be a complete, balanced capital outlay financial
23 plan for the district.

24 (b) Set forth the proposed commitments and planned
25 expenditures of the district to address the educational
26 facilities needs of its students and to adequately provide for
27 the maintenance of the educational plant and ancillary
28 facilities.

29 (4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK
30 PROGRAM.--The first year of the adopted district facilities
31 work program shall constitute the capital outlay budget

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1 required in s. 1013.61. The adopted district facilities work
2 program shall include the information required in
3 subparagraphs (2)(a)1., 2., and 3., based upon projects
4 actually funded in the program.

5 (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to
6 the adopted district facilities work program covering the
7 5-year work program, the district school board shall adopt
8 annually a 10-year and a 20-year work program which include
9 the information set forth in subsection (2), but based upon
10 enrollment projections and facility needs for the 10-year and
11 20-year periods. It is recognized that the projections in the
12 10-year and 20-year timeframes are tentative and should be
13 used only for general planning purposes.

14 Section 831. Section 1013.36, Florida Statutes, is
15 created to read:

16 1013.36 Site planning and selection.--

17 (1) Before acquiring property for sites, each district
18 school board and community college board of trustees shall
19 determine the location of proposed educational centers or
20 campuses. In making this determination, the board shall
21 consider existing and anticipated site needs and the most
22 economical and practicable locations of sites. The board shall
23 coordinate with the long-range or comprehensive plans of
24 local, regional, and state governmental agencies to assure the
25 compatibility of such plans with site planning. Boards are
26 encouraged to locate educational facilities proximate to urban
27 residential areas to the extent possible, and shall seek to
28 collocate educational facilities with other public facilities,
29 such as parks, libraries, and community centers, to the extent
30 possible.

31 (2) Each new site selected must be adequate in size to

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1 meet the educational needs of the students to be served on
2 that site by the original educational facility or future
3 expansions of the facility through renovation or the addition
4 of relocatables. The State Board of Education shall prescribe
5 by rule recommended sizes for new sites according to
6 categories of students to be housed and other appropriate
7 factors determined by the state board. Less-than-recommended
8 site sizes are allowed if the board recommends such a site and
9 finds that it can provide an appropriate and equitable
10 educational program on the site.

11 (3) Sites recommended for purchase or purchased must
12 meet standards prescribed in law and such supplementary
13 standards as the State Board of Education prescribes to
14 promote the educational interests of the students. Each site
15 must be well drained and suitable for outdoor educational
16 purposes as appropriate for the educational program. As
17 provided in s. 333.03, the site must not be located within any
18 path of flight approach of any airport. Insofar as is
19 practicable, the site must not adjoin a right-of-way of any
20 railroad or through highway and must not be adjacent to any
21 factory or other property from which noise, odors, or other
22 disturbances, or at which conditions, would be likely to
23 interfere with the educational program.

24 (4) It shall be the responsibility of the board to
25 provide adequate notice to appropriate municipal, county,
26 regional, and state governmental agencies for requested
27 traffic control and safety devices so they can be installed
28 and operating prior to the first day of classes or to satisfy
29 itself that every reasonable effort has been made in
30 sufficient time to secure the installation and operation of
31 such necessary devices prior to the first day of classes. It

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1 shall also be the responsibility of the board to review
2 annually traffic control and safety device needs and to
3 request all necessary changes indicated by such review.

4 (5) Each board may request county and municipal
5 governments to construct and maintain sidewalks and bicycle
6 trails within a 2-mile radius of each educational facility
7 within the jurisdiction of the local government. When a board
8 discovers or is aware of an existing hazard on or near a
9 public sidewalk, street, or highway within a 2-mile radius of
10 a school site and the hazard endangers the life or threatens
11 the health or safety of students who walk, ride bicycles, or
12 are transported regularly between their homes and the school
13 in which they are enrolled, the board shall, within 24 hours
14 after discovering or becoming aware of the hazard, excluding
15 Saturdays, Sundays, and legal holidays, report such hazard to
16 the governmental entity within the jurisdiction of which the
17 hazard is located. Within 5 days after receiving notification
18 by the board, excluding Saturdays, Sundays, and legal
19 holidays, the governmental entity shall investigate the
20 hazardous condition and either correct it or provide such
21 precautions as are practicable to safeguard students until the
22 hazard can be permanently corrected. However, if the
23 governmental entity that has jurisdiction determines upon
24 investigation that it is impracticable to correct the hazard,
25 or if the entity determines that the reported condition does
26 not endanger the life or threaten the health or safety of
27 students, the entity shall, within 5 days after notification
28 by the board, excluding Saturdays, Sundays, and legal
29 holidays, inform the board in writing of its reasons for not
30 correcting the condition. The governmental entity, to the
31 extent allowed by law, shall indemnify the board from any

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1 liability with respect to accidents or injuries, if any,
2 arising out of the hazardous condition.

3 Section 832. Section 1013.365, Florida Statutes, is
4 created to read:

5 1013.365 Schools on contaminated site prohibited.--

6 (1) DEFINITIONS.--For purposes of this section, the
7 following terms shall have the same meaning as provided in the
8 definitions in s. 376.301: "contaminant," "contaminated
9 site," "discharge," "engineering controls," "hazardous
10 substances," "institutional controls," "pollutants," and "site
11 rehabilitation."

12 (2) LEGISLATIVE INTENT.--The Legislature finds:

13 (a) Steps should be taken to eliminate or reduce the
14 risk to student health posed by attendance at K-12 schools
15 located on or adjacent to a contaminated site.

16 (b) District school boards have a duty and a
17 responsibility to ensure the safety of school children while
18 attending K-12 schools and engaging in extracurricular
19 activities on school properties.

20 (c) Ensuring student safety includes preventing,
21 eliminating, or reducing exposure to contaminants that may
22 exist at or adjacent to K-12 school properties.

23 (3) K-12 SCHOOL SITING LIMITATIONS; PROHIBITIONS.--No
24 K-12 school shall be built on or adjacent to a known
25 contaminated site unless steps have been taken to ensure that
26 children attending the school or playing on school property
27 will not be exposed to contaminants in the air, water, or soil
28 at levels that present a threat to human health or the
29 environment.

30 (4) DUTIES OF DISTRICT SCHOOL BOARD.--Before taking
31 title to real property upon which a K-12 school may be built

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1 or initiating action to locate a K-12 school on real property
2 already owned by the school district, the district school
3 board shall conduct appropriate due diligence including all
4 appropriate inquiry into the previous ownership and use of the
5 property consistent with good commercial or customary practice
6 in an effort to determine the existence of any potential air,
7 water, or soil contamination that may exist on or adjacent to
8 the proposed K-12 school site. The district school board is
9 encouraged to contact the Department of Environmental
10 Protection to obtain any information about contaminated sites
11 on or adjacent to a proposed K-12 school site. Any evidence
12 of a discharge of pollutants or hazardous substances on or
13 adjacent to a proposed K-12 school site shall prompt the
14 district school board to conduct further investigation using
15 at least a Phase II Environmental Audit, in accordance with
16 standards established by the American Society for Testing and
17 Materials (ASTM), that includes air, water, and soil sampling.
18 If the results of the environmental audit confirm the presence
19 of contaminants or pollution on or adjacent to the proposed
20 K-12 school site at concentrations that pose a threat to human
21 health or the environment, then the district school board
22 shall conduct appropriate site rehabilitation in accordance
23 with the provisions of subsection (5) before initiating K-12
24 school construction at the site.

25 (5) CORRECTIVE ACTION.--The Department of
26 Environmental Protection may use risk-based corrective action
27 cleanup criteria as described in ss. 376.3071, 376.3078, and
28 376.81, and in Chapter 62-777, F.A.C., in reviewing and
29 approving site rehabilitation conducted by district school
30 boards pursuant to this section.

31 Section 833. Part III.b. of chapter 1013, Florida

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1 Statutes, shall be entitled "Building Codes and Construction
2 for Educational Facilities" and shall consist of ss.
3 1013.37-1013.45.

4 Section 834. Section 1013.37, Florida Statutes, is
5 created to read:

6 1013.37 State uniform building code for public
7 educational facilities construction.--

8 (1) UNIFORM BUILDING CODE.--A uniform statewide
9 building code for the planning and construction of public
10 educational and ancillary plants by district school boards and
11 community college district boards of trustees shall be adopted
12 by the Florida Building Commission within the Florida Building
13 Code, pursuant to s. 553.73. Included in this code must be
14 flood plain management criteria in compliance with the rules
15 and regulations in 44 C.F.R. parts 59 and 60, and subsequent
16 revisions thereto which are adopted by the Federal Emergency
17 Management Agency. It is also the responsibility of the
18 department to develop, as a part of the uniform building code,
19 standards relating to:

20 (a) Prefabricated facilities or factory-built
21 facilities that are designed to be portable, relocatable,
22 demountable, or reconstructible; are used primarily as
23 classrooms; and do not fall under the provisions of ss.
24 320.822-320.862. Such standards must permit boards to contract
25 with the Department of Community Affairs for factory
26 inspections by certified building code inspectors to certify
27 conformance with applicable law and rules. The standards must
28 comply with the requirements of s. 1013.20 for relocatable
29 facilities intended for long-term use as classroom space, and
30 the relocatable facilities shall be designed subject to
31 missile impact criteria of s. 423(24)(d)(1) of the Florida

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1 Building Code when located in the windborne debris region.

2 (b) The sanitation of educational and ancillary plants
3 and the health of occupants of educational and ancillary
4 plants.

5 (c) The safety of occupants of educational and
6 ancillary plants as provided in s. 1013.12, except that the
7 firesafety criteria shall be established by the State Fire
8 Marshal in cooperation with the Florida Building Commission
9 and the department and such firesafety requirements must be
10 incorporated into the Florida Fire Prevention Code.

11 (d) Accessibility for children, notwithstanding the
12 provisions of s. 553.512.

13 (e) The performance of life-cycle cost analyses on
14 alternative architectural and engineering designs to evaluate
15 their energy efficiencies.

16 1. The life-cycle cost analysis must consist of the
17 sum of:

18 a. The reasonably expected fuel costs over the life of
19 the building which are required to maintain illumination,
20 water heating, temperature, humidity, ventilation, and all
21 other energy-consuming equipment in a facility; and

22 b. The reasonable costs of probable maintenance,
23 including labor and materials, and operation of the building.

24 2. For computation of the life-cycle costs, the
25 department shall develop standards that must include, but need
26 not be limited to:

27 a. The orientation and integration of the facility
28 with respect to its physical site.

29 b. The amount and type of glass employed in the
30 facility and the directions of exposure.

31 c. The effect of insulation incorporated into the

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1 facility design and the effect on solar utilization of the
2 properties of external surfaces.

3 d. The variable occupancy and operating conditions of
4 the facility and subportions of the facility.

5 e. An energy-consumption analysis of the major
6 equipment of the facility's heating, ventilating, and cooling
7 system; lighting system; and hot water system and all other
8 major energy-consuming equipment and systems as appropriate.

9 3. Life-cycle cost criteria published by the
10 Department of Education for use in evaluating projects.

11 4. Standards for construction materials and systems
12 based on life-cycle costs that consider initial costs,
13 maintenance costs, custodial costs, operating costs, and life
14 expectancy. The standards may include multiple acceptable
15 materials. It is the intent of the Legislature to require
16 district school boards to comply with these standards when
17 expending funds from the Public Education Capital Outlay and
18 Debt Service Trust Fund or the School District and Community
19 College District Capital Outlay and Debt Service Trust Fund
20 and to prohibit district school boards from expending local
21 capital outlay revenues for any project that includes
22 materials or systems that do not comply with these standards,
23 unless the district school board submits evidence that
24 alternative materials or systems meet or exceed standards
25 developed by the department.

26
27 It is not a purpose of the Florida Building Code to inhibit
28 the use of new materials or innovative techniques; nor may it
29 specify or prohibit materials by brand names. The code must be
30 flexible enough to cover all phases of construction so as to
31 afford reasonable protection for the public safety, health,

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1 and general welfare. The department may secure the service of
2 other state agencies or such other assistance as it finds
3 desirable in recommending to the Florida Building Commission
4 revisions to the code.

5 (2) APPROVAL.--

6 (a) Before a contract has been let for the
7 construction, the department, the district school board, the
8 community college board, or its authorized review agent must
9 approve the phase III construction documents. A district
10 school board or a community college board may reuse prototype
11 plans on another site, provided the facilities list and phase
12 III construction documents have been updated for the new site
13 and for compliance with the Florida Building Code and the
14 Florida Fire Prevention Code and any laws relating to
15 firesafety, health and sanitation, casualty safety, and
16 requirements for the physically handicapped which are in
17 effect at the time a construction contract is to be awarded.

18 (b) In reviewing plans for approval, the department,
19 the district school board, the community college board, or its
20 review agent as authorized in s. 1013.38, shall take into
21 consideration:

- 22 1. The need for the new facility.
- 23 2. The educational and ancillary plant planning.
- 24 3. The architectural and engineering planning.
- 25 4. The location on the site.
- 26 5. Plans for future expansion.
- 27 6. The type of construction.
- 28 7. Sanitary provisions.
- 29 8. Conformity to Florida Building Code standards.
- 30 9. The structural design and strength of materials
31 proposed to be used.

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- 1 10. The mechanical design of any heating,
2 air-conditioning, plumbing, or ventilating system. Typical
3 heating, ventilating, and air-conditioning systems preapproved
4 by the department for specific applications may be used in the
5 design of educational facilities.
- 6 11. The electrical design of educational plants.
- 7 12. The energy efficiency and conservation of the
8 design.
- 9 13. Life-cycle cost considerations.
- 10 14. The design to accommodate physically handicapped
11 persons.
- 12 15. The ratio of net to gross square footage.
- 13 16. The proposed construction cost per gross square
14 foot.
- 15 17. Conformity with the Florida Fire Prevention Code.
- 16 (c) The district school board or the community college
17 board may not occupy a facility until the project has been
18 inspected to verify compliance with statutes, rules, and codes
19 affecting the health and safety of the occupants. Verification
20 of compliance with rules, statutes, and codes for nonoccupancy
21 projects such as roofing, paving, site improvements, or
22 replacement of equipment may be certified by the architect or
23 engineer of record and verification of compliance for other
24 projects may be made by an inspector certified by the
25 department or certified pursuant to chapter 468 who is not the
26 architect or engineer of record. The board shall maintain a
27 record of the project's completion and permanent archive of
28 phase III construction documents, including any addenda and
29 change orders to the project. The boards shall provide project
30 data to the department, as requested, for purposes and reports
31 needed by the Legislature.

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1 (3) REVIEW PROCEDURE.--The Commissioner of Education
2 shall cooperate with the Florida Building Commission in
3 addressing all questions, disputes, or interpretations
4 involving the provisions of the Florida Building Code which
5 govern the construction of public educational and ancillary
6 facilities, and any objections to decisions made by the
7 inspectors or the department must be submitted in writing.

8 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
9 department shall biennially review and recommend to the
10 Florida Building Commission updates and revisions to the
11 provisions of the Florida Building Code which govern the
12 construction of public educational and ancillary facilities.
13 The department shall publish and make available to each board
14 at no cost copies of the state requirements for educational
15 facilities and each amendment and revision thereto. The
16 department shall make additional copies available to all
17 interested persons at a price sufficient to recover costs.

18 (5) LOCAL LEGISLATION PROHIBITED.--After June 30,
19 1985, pursuant to s. 11(a)(21), Art. III of the State
20 Constitution, there shall not be enacted any special act or
21 general law of local application which proposes to amend,
22 alter, or contravene any provisions of the State Building Code
23 adopted under the authority of this section.

24 Section 835. Section 1013.371, Florida Statutes, is
25 created to read:

26 1013.371 Conformity to codes.--

27 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA
28 FIRE PREVENTION CODE REQUIRED FOR APPROVAL.--

29 (a) Except as otherwise provided in paragraph (b), all
30 public educational and ancillary plants constructed by a board
31 must conform to the Florida Building Code and the Florida Fire

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1 Prevention Code, and the plants are exempt from all other
2 state building codes; county, municipal, or other local
3 amendments to the Florida Building Code and local amendments
4 to the Florida Fire Prevention Code; building permits, and
5 assessments of fees for building permits, except as provided
6 in s. 553.80; ordinances; road closures; and impact fees or
7 service availability fees. Any inspection by local or state
8 government must be based on the Florida Building Code and the
9 Florida Fire Prevention Code. Each board shall provide for
10 periodic inspection of the proposed educational plant during
11 each phase of construction to determine compliance with the
12 state requirements for educational facilities.

13 (b) A board may comply with the Florida Building Code
14 and the Florida Fire Prevention Code and the administration of
15 the codes when constructing ancillary plants that are not
16 attached to educational facilities, if those plants conform to
17 the space size requirements established in the codes.

18 (c) A board may not approve any plans for the
19 construction, renovation, remodeling, or demolition of any
20 educational or ancillary plants unless these plans conform to
21 the requirements of the Florida Building Code and the Florida
22 Fire Prevention Code. Each board may adopt policies for
23 delegating to the district school superintendent, community
24 college president, or university president authority for
25 submitting documents to the department and for awarding
26 contracts subsequent to and consistent with board approval of
27 the scope, timeframes, funding source, and budget of a
28 survey-recommended project.

29 (2) ENFORCEMENT BY BOARD.--It is the responsibility of
30 each board to ensure that all plans and educational and
31 ancillary plants meet the standards of the Florida Building

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1 Code and the Florida Fire Prevention Code and to provide for
2 the enforcement of these codes in the areas of its
3 jurisdiction. Each board shall provide for the proper
4 supervision and inspection of the work. Each board may employ
5 a chief building official or inspector and such other
6 inspectors, who have been certified pursuant to chapter 468,
7 and such personnel as are necessary to administer and enforce
8 the provisions of this code. Boards may also use local
9 building department inspectors who are certified by the
10 department to enforce this code. Plans or facilities that fail
11 to meet the standards of the Florida Building Code or the
12 Florida Fire Prevention Code may not be approved. When
13 planning for and constructing an educational, auxiliary, or
14 ancillary facility, a board must use construction materials
15 and systems that meet standards adopted pursuant to s.
16 1013.37(1)(e)3. and 4. If the planned or actual construction
17 of a facility deviates from the adopted standards, the board
18 must, at a public hearing, quantify and compare the costs of
19 constructing the facility with the proposed deviations and in
20 compliance with the adopted standards and the Florida Building
21 Code. The board must explain the reason for the proposed
22 deviations and compare how the total construction costs and
23 projected life-cycle costs of the facility or component system
24 of the facility would be affected by implementing the proposed
25 deviations rather than using materials and systems that meet
26 the adopted standards.

27 (3) ENFORCEMENT BY DEPARTMENT.--As a further means of
28 ensuring that all educational and ancillary facilities
29 constructed or materially altered or added to conform to the
30 Florida Building Code standards or Florida Fire Prevention
31 Code standards, each board that undertakes the construction,

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1 renovation, remodeling, purchasing, or lease-purchase of any
2 educational plant or ancillary facility, the cost of which
3 exceeds \$200,000, may submit plans to the department for
4 approval.

5 Section 836. Section 1013.372, Florida Statutes, is
6 created to read:

7 1013.372 Education facilities as emergency shelters.--

8 (1) The Department of Education shall, in consultation
9 with boards and county and state emergency management offices,
10 include within the standards to be developed under this
11 subsection public shelter design criteria to be incorporated
12 into the Florida Building Code. The new criteria must be
13 designed to ensure that appropriate new educational facilities
14 can serve as public shelters for emergency-management
15 purposes. A facility, or an appropriate area within a
16 facility, for which a design contract is entered into after
17 the effective date of the inclusion of the public shelter
18 criteria in the code must be built in compliance with the
19 amended code unless the facility or a part of it is exempted
20 from using the new shelter criteria due to its location, size,
21 or other characteristics by the applicable board with the
22 concurrence of the applicable local emergency management
23 agency or the Department of Community Affairs. Any educational
24 facility located or proposed to be located in an identified
25 category 1, 2, or 3 evacuation zone is not subject to the
26 requirements of this subsection. If the regional planning
27 council region in which the county is located does not have a
28 hurricane evacuation shelter deficit, as determined by the
29 Department of Community Affairs, educational facilities within
30 the planning council region are not required to incorporate
31 the public shelter criteria.

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1 (2) By January 31 of each even-numbered year, the
2 Department of Community Affairs shall prepare and submit a
3 statewide emergency shelter plan to the Governor and the
4 Cabinet for approval. The plan must identify the general
5 location and square footage of existing shelters, by regional
6 planning council region, and the general location and square
7 footage of needed shelters, by regional planning council
8 region, during the next 5 years. The plan must identify the
9 types of public facilities that should be constructed to
10 comply with emergency-shelter criteria and must recommend an
11 appropriate and available source of funding for the additional
12 cost of constructing emergency shelters within these public
13 facilities. After the approval of the plan, a board may not be
14 required to build more emergency-shelter space than identified
15 as needed in the plan, and decisions pertaining to exemptions
16 pursuant to subsection (1) must be guided by the plan.

17 (3) The provisions of s. 1013.74 apply to university
18 facilities as emergency shelters.

19 Section 837. Section 1013.38, Florida Statutes, is
20 created to read:

21 1013.38 Boards to ensure that facilities comply with
22 building codes and life safety codes.--

23 (1) Boards shall ensure that all new construction,
24 renovation, remodeling, day labor, and maintenance projects
25 conform to the appropriate sections of the Florida Building
26 Code, Florida Fire Prevention Code, or, where applicable as
27 authorized in other sections of law, other building codes, and
28 life safety codes.

29 (2) Boards may provide compliance as follows:

30 (a) Boards or consortia may individually or
31 cooperatively provide review services under the insurance risk

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1 management oversight through the use of board employees or
2 consortia employees, registered pursuant to chapter 471,
3 chapter 481, or part XII of chapter 468.

4 (b) Boards may elect to review construction documents
5 using their own employees registered pursuant to chapter 471,
6 chapter 481, or part XII of chapter 468.

7 (c) Boards may submit phase III construction documents
8 for review to the department.

9 (d) Boards or consortia may contract for plan review
10 services directly with engineers and architects registered
11 pursuant to chapter 471 or chapter 481.

12 (3) The Department of Management Services may, upon
13 request, provide facilities services for the Florida School
14 for the Deaf and the Blind, the Division of Blind Services,
15 and Public Broadcasting. As used in this section, the term
16 "facilities services" means project management, code and
17 design plan review, and code compliance inspection for
18 projects as defined in s. 287.017(1)(e).

19 Section 838. Section 1013.39, Florida Statutes, is
20 created to read:

21 1013.39 Building construction standards;
22 exemptions.--Universities are exempt from local amendments to
23 the Florida Building Code and the Florida Fire Prevention
24 Code.

25 Section 839. Section 1013.40, Florida Statutes, is
26 created to read:

27 1013.40 Planning and construction of community college
28 facilities; property acquisition.--

29 (1) The need for community college facilities shall be
30 established by a survey conducted pursuant to this chapter.
31 The facilities recommended by such survey must be approved by

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1 the State Board of Education and the projects must be
2 constructed according to the provisions of this chapter and
3 State Board of Education rules.

4 (2) No community college may expend public funds for
5 the acquisition of additional property without the specific
6 approval of the Legislature.

7 (3) No facility may be acquired or constructed by a
8 community college or its direct-support organization if such
9 facility requires general revenue funds for operation or
10 maintenance upon project completion or in subsequent years of
11 operation, unless prior approval is received from the
12 Legislature.

13 Section 840. Section 1013.41, Florida Statutes, is
14 created to read:

15 1013.41 SMART schools; Classrooms First; legislative
16 purpose.--

17 (1) SMART SCHOOLS.--"SMART schools" are schools that
18 are soundly made, accountable, reasonable, and thrifty. It is
19 the purpose of the Legislature to provide a balanced and
20 principle-based plan for a functional, safe, adequate, and
21 thrifty learning environment for Florida's K-12 students
22 through SMART schools. The plan must be balanced in serving
23 all school districts and must also be balanced between the
24 operating and capital sides of the budget. The principles upon
25 which the plan is based are less government, lower taxes,
26 increased responsibility of school districts, increased
27 freedom through local control, and family and community
28 empowerment.

29 (2) CLASSROOMS FIRST.--It is the purpose of the
30 Legislature to substantially increase the state's investment
31 in school construction in an equitable, fair, and reasonable

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1 way.

2 (3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.--It is
3 the purpose of the Legislature to create s. 1013.35, requiring
4 each school district annually to adopt a district facilities
5 5-year work program. The purpose of the district facilities
6 work program is to keep the district school board and the
7 public fully informed as to whether the district is using
8 sound policies and practices that meet the essential needs of
9 students and that warrant public confidence in district
10 operations. The district facilities work program will be
11 monitored by the Office of Educational Facilities and SMART
12 Schools Clearinghouse, which will also apply performance
13 standards pursuant to s. 1013.04.

14 (4) OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS
15 CLEARINGHOUSE.--It is the purpose of the Legislature to create
16 s. 1013.05, establishing the Office of Educational Facilities
17 and SMART Schools Clearinghouse to assist the school districts
18 in building SMART schools utilizing functional and frugal
19 practices. The Office of Educational Facilities and SMART
20 Schools Clearinghouse must review district facilities work
21 programs and projects and identify districts qualified for
22 incentive funding available through School Infrastructure
23 Thrift Program awards; identify opportunities to maximize
24 design and construction savings; develop school district
25 facilities work program performance standards; and provide for
26 review and recommendations to the Governor, the Legislature,
27 and the State Board of Education.

28 (5) EFFORT INDEX GRANTS.--It is the purpose of the
29 Legislature to create s. 1013.73, in order to provide grants
30 from state funds to assist school districts that have provided
31 a specified level of local effort funding.

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1 (6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM

2 AWARDS.--It is the purpose of the Legislature to convert the
3 SIT Program established in ss. 1013.42 and 1013.72 to an
4 incentive award program to encourage functional, frugal
5 facilities and practices.

6 Section 841. Section 1013.42, Florida Statutes, is
7 created to read:

8 1013.42 School Infrastructure Thrift (SIT) Program
9 Act.--

10 (1) This section and s. 1013.72 may be cited as the
11 "School Infrastructure Thrift Program Act."

12 (2) The School Infrastructure Thrift (SIT) Program is
13 established within the Department of Education, and the State
14 Board of Education may adopt rules as necessary to operate the
15 program. To facilitate the program's purposes, the department
16 shall aggressively seek the elimination or revision of
17 obsolete, excessively restrictive, or unnecessary laws, rules,
18 and regulations for the purpose of reducing the cost of
19 constructing educational facilities and related costs without
20 sacrificing safety or quality of construction. Such efforts
21 must include, but are not limited to, the elimination of
22 duplicate or overlapping inspections; the relaxation of
23 requirements relating to the life cycle of buildings,
24 landscaping, operable glazing, operable windows, radon
25 testing, and firesafety when lawful, safe, and
26 cost-beneficial; and other cost savings identified as lawful,
27 safe, and cost-beneficial.

28 (3) The SIT Program is designed as:

29 (a) An incentive program to reward districts for
30 savings realized through functional, frugal construction.

31 (b) A recognition program to provide an annual SMART

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1 school of the year recognition award to the district that
2 builds the highest quality functional, frugal school.

3 (4) Funds shall be appropriated to the SIT Program on
4 an annual basis as determined by the Legislature.

5 Notwithstanding the provisions of s. 216.301 and pursuant to
6 s. 216.351, undisbursed balances of appropriations to the SIT
7 Program shall not revert. It is the intent of the Legislature
8 to continue funding the SIT Program with funds available
9 through frugal government operation and agency savings.

10 (5) Participating school districts may seek SIT
11 Program awards beginning July 1, 1997, for projects commenced
12 after or for projects underway at that time, if the projects
13 comply with s. 1013.72.

14 (6)(a) Each school district may submit to the Office
15 of Educational Facilities and SMART Schools Clearinghouse,
16 with supporting data, its request, based on eligibility
17 pursuant to s. 1013.72 for an award of SIT Program dollars.

18 (b) The Office of Educational Facilities and SMART
19 Schools Clearinghouse shall examine the supporting data from
20 each school district and shall report to the commissioner each
21 district's eligibility pursuant to s. 1013.72. Based on the
22 office's report and pursuant to ss. 1013.04 and 1013.05, the
23 office shall make recommendations, ranked in order of
24 priority, for SIT Program awards.

25 (c) The criteria for SIT Program evaluation and
26 recommendation for awards must be based on the school
27 district's eligibility pursuant to s. 1013.72 and the balance
28 of dollars in the SIT Program.

29 (7) Awards from the SIT Program shall be made by the
30 commissioner from funds appropriated by the Legislature. An
31 award funded by an appropriation from the General Revenue Fund

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1 may be used for any lawful capital outlay expenditure. An
2 award funded by an appropriation of the proceeds of bonds
3 issued pursuant to s. 1013.70 may be used only for bondable
4 capital outlay projects.

5 Section 842. Section 1013.43, Florida Statutes, is
6 created to read:

7 1013.43 Small school requirement.--

8 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

9 (a) Florida's schools are among the largest in the
10 nation.

11 (b) Smaller schools provide benefits of reduced
12 discipline problems and crime, reduced truancy and gang
13 participation, reduced dropout rates, improved teacher and
14 student attitudes, improved student self-perception, student
15 academic achievement equal to or superior to that of students
16 at larger schools, and increased parental involvement.

17 (c) Smaller schools can provide these benefits while
18 not increasing administrative and construction costs.

19 (2) DEFINITION.--As used in this section, "small
20 school" means:

21 (a) An elementary school with a student population of
22 not more than 500 students.

23 (b) A middle school with a student population of not
24 more than 700 students.

25 (c) A high school with a student population of not
26 more than 900 students.

27 (d) A school serving kindergarten through grade 8 with
28 a student population of not more than 700 students.

29 (e) A school serving kindergarten through grade 12
30 with a student population of not more than 900 students.
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1 A school on a single campus which operates as a
2 school-within-a-school, as defined by s. 1003.02(4), shall be
3 considered a small school if each smaller unit located on the
4 single campus meets the requirements of this subsection.

5 (3) REQUIREMENTS.--

6 (a) Beginning July 1, 2003, all plans for new
7 educational facilities to be constructed within a school
8 district and reflected in the 5-year school district
9 facilities work plan shall be plans for small schools in order
10 to promote increased learning and more effective use of school
11 facilities.

12 (b) Small schools shall comply with all laws, rules,
13 and court orders relating to racial balance.

14 (4) EXCEPTIONS.--This section does not apply to plans
15 for new educational facilities already under architectural
16 contract on July 1, 2003.

17 Section 843. Section 1013.44, Florida Statutes, is
18 created to read:

19 1013.44 Low-energy use design; solar energy systems;
20 swimming pool heaters.--

21 (1)(a) Passive design elements and low-energy usage
22 features shall be included in the design and construction of
23 new educational facilities. Operable glazing consisting of at
24 least 5 percent of the floor area shall be placed in each
25 classroom located on the perimeter of the building. For a
26 relocatable classroom, the area of operable glazing and the
27 area of exterior doors, together, shall consist of at least 5
28 percent of the floor area. Operable glazing is not required in
29 community colleges, auxiliary facilities, music rooms, gyms,
30 locker and shower rooms, special laboratories requiring
31 special climate control, and large group instruction areas

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1 having a capacity of more than 100 persons.

2 (b) In the remodeling and renovation of educational
3 facilities which have existing natural ventilation, adequate
4 sources of natural ventilation shall be retained, or a
5 combination of natural and low-energy usage mechanical
6 equipment shall be provided that will permit the use of the
7 facility without air-conditioning or heat when ambient
8 conditions are moderate. However, the Commissioner of
9 Education is authorized to waive this requirement when
10 environmental conditions, particularly noise and pollution
11 factors, preclude the effective use of natural ventilation.

12 (2) Each new educational facility for which the
13 projected demand for hot water exceeds 1,000 gallons a day
14 shall be constructed, whenever economically and physically
15 feasible, with a solar energy system as the primary energy
16 source for the domestic hot water system of the facility. The
17 solar energy system shall be sized so as to provide at least
18 65 percent of the estimated needs of the facility. Sizing
19 shall be determined by generally recognized simulation models,
20 such as F-chart and SOLCOST, or by sizing tables generated by
21 the Florida Solar Energy Center.

22 (3) If swimming and wading pools constructed as an
23 integral part of an educational facility or plant are heated,
24 such pools shall, whenever feasible, be heated by either a
25 waste heat recovery system or a solar energy system.

26 Section 844. Section 1013.45, Florida Statutes, is
27 created to read:

28 1013.45 Educational facilities contracting and
29 construction techniques.--

30 (1) Boards may employ procedures to contract for
31 construction of new facilities, or major additions to existing

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1 facilities, that will include, but not be limited to:
2 (a) Competitive bids.
3 (b) Design-build pursuant to s. 287.055.
4 (c) Selecting a construction management entity,
5 pursuant to the process provided by s. 287.055, that would be
6 responsible for all scheduling and coordination in both design
7 and construction phases and is generally responsible for the
8 successful, timely, and economical completion of the
9 construction project. The construction management entity must
10 consist of or contract with licensed or registered
11 professionals for the specific fields or areas of construction
12 to be performed, as required by law. At the option of the
13 board, the construction management entity, after having been
14 selected, may be required to offer a guaranteed maximum price
15 or a guaranteed completion date; in which case, the
16 construction management entity must secure an appropriate
17 surety bond pursuant to s. 255.05 and must hold construction
18 subcontracts. The criteria for selecting a construction
19 management entity shall not unfairly penalize an entity that
20 has relevant experience in the delivery of construction
21 projects of similar size and complexity by methods of delivery
22 other than construction management.
23 (d) Selecting a program management entity, pursuant to
24 the process provided by s. 287.055, that would act as the
25 agent of the board and would be responsible for schedule
26 control, cost control, and coordination in providing or
27 procuring planning, design, and construction services. The
28 program management entity must consist of or contract with
29 licensed or registered professionals for the specific areas of
30 design or construction to be performed as required by law. The
31 program management entity may retain necessary design

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1 professionals selected under the process provided in s.
2 287.055. At the option of the board, the program management
3 entity, after having been selected, may be required to offer a
4 guaranteed maximum price or a guaranteed completion date, in
5 which case, the program management entity must secure an
6 appropriate surety bond pursuant to s. 255.05 and must hold
7 design and construction subcontracts. The criteria for
8 selecting a program management entity shall not unfairly
9 penalize an entity that has relevant experience in the
10 delivery of construction programs of similar size and
11 complexity by methods of delivery other than program
12 management.

13 (e) Day-labor contracts not exceeding \$200,000 for
14 construction, renovation, remodeling, or maintenance of
15 existing facilities.

16 (2) For the purposes of this section, "day-labor
17 contract" means a project constructed using persons employed
18 directly by a board or by contracted labor.

19 (3) Contractors, design-build firms, contract
20 management entities, program management entities, or any other
21 person under contract to construct facilities or major
22 additions to facilities may use any construction techniques
23 allowed by contract and not prohibited by law, including, but
24 not limited to, those techniques known as fast-track
25 construction scheduling, use of components, and systems
26 building process.

27 (4) Except as otherwise provided in this section and
28 s. 481.229, the services of a registered architect must be
29 used for the development of plans for the erection,
30 enlargement, or alteration of any educational facility. The
31 services of a registered architect are not required for a

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1 minor renovation project for which the construction cost is
2 less than \$50,000 or for the placement or hookup of
3 relocatable educational facilities that conform with standards
4 adopted under s. 1013.37. However, boards must provide
5 compliance with building code requirements and ensure that
6 these structures are adequately anchored for wind resistance
7 as required by law. Boards are encouraged to consider the
8 reuse of existing construction documents or design criteria
9 packages where such reuse is feasible and practical.
10 Notwithstanding s. 287.055, a board may purchase the
11 architectural services for the design of educational or
12 ancillary facilities under an existing contract agreement for
13 professional services held by a district school board in the
14 State of Florida, provided that the purchase is to the
15 economic advantage of the purchasing board, the services
16 conform to the standards prescribed by rules of the State
17 Board of Education, and such reuse is not without notice to,
18 and permission from, the architect of record whose plans or
19 design criteria are being reused. Plans shall be reviewed for
20 compliance with the state requirements for educational
21 facilities. Rules adopted under this section must establish
22 uniform prequalification, selection, bidding, and negotiation
23 procedures applicable to construction management contracts and
24 the design-build process. This section does not supersede any
25 small, woman-owned or minority-owned business enterprise
26 preference program adopted by a board. Except as otherwise
27 provided in this section, the negotiation procedures
28 applicable to construction management contracts and the
29 design-build process must conform to the requirements of s.
30 287.055. A board may not modify any rules regarding
31 construction management contracts or the design-build process.

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1 Section 845. Part III.c. of chapter 1013, Florida
2 Statutes, shall be entitled "Contracting for Educational
3 Facilities" and shall consist of ss. 1013.46-1013.51.

4 Section 846. Section 1013.46, Florida Statutes, is
5 created to read:

6 1013.46 Advertising and awarding contracts;
7 prequalification of contractor.--

8 (1)(a) As soon as practicable after any bond issue has
9 been voted upon and authorized or funds have been made
10 available for the construction, remodeling, renovation,
11 demolition, or otherwise for the improvement, of any
12 educational or ancillary plant, and after plans for the work
13 have been approved, the board, if competitively bidding the
14 project pursuant to s. 1013.45, after advertising the same in
15 the manner prescribed by law or rule, shall award the contract
16 for the building or improvements to the lowest responsible
17 bidder. However, if after taking all deductive alternates, the
18 bid of the lowest responsible bidder exceeds the construction
19 budget for the project established at the phase III submittal,
20 the board may declare an emergency. After stating the reasons
21 why an emergency exists, the board may negotiate the
22 construction contract or modify the contract, including the
23 specifications, with the lowest responsible bidder and, if the
24 contract is modified, shall resubmit the documents to the
25 authorized review authority for review to confirm that the
26 project remains in compliance with building and fire codes.
27 The board may reject all bids received and may readvertise,
28 calling for new bids.

29 (b) Each board may declare an emergency pursuant to
30 this subsection. A situation created by fire, storm, or other
31 providential cause resulting in:

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- 1 1. Imminent danger to life or safety; or
2 2. Overcrowding of students

3
4 constitutes an emergency.

5 (c) As an option, any county, municipality, or board
6 may set aside up to 10 percent of the total amount of funds
7 allocated for the purpose of entering into construction
8 capital project contracts with minority business enterprises,
9 as defined in s. 287.094. Such contracts shall be
10 competitively bid only among minority business enterprises.
11 The set-aside shall be used to redress present effects of past
12 discriminatory practices and shall be subject to periodic
13 reassessment to account for changing needs and circumstances.

14 (2) Boards shall prequalify bidders for construction
15 contracts according to rules prescribed by the State Board of
16 Education which require the prequalification of bidders of
17 educational facilities construction. Boards shall require that
18 all construction or capital improvement bids be accompanied by
19 evidence that the bidder holds an appropriate certificate or
20 license or that the prime contractor has a current valid
21 license.

22 Section 847. Section 1013.47, Florida Statutes, is
23 created to read:

24 1013.47 Substance of contract; contractors to give
25 bond; penalties.--Each board shall develop contracts
26 consistent with this chapter and statutes governing public
27 facilities. Such a contract must contain the drawings and
28 specifications of the work to be done and the material to be
29 furnished, the time limit in which the construction is to be
30 completed, the time and method by which payments are to be
31 made upon the contract, and the penalty to be paid by the

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1 contractor for any failure to comply with the terms of the
2 contract. The board may require the contractor to pay a
3 penalty for any failure to comply with the terms of the
4 contract and may provide an incentive for early completion.
5 Upon accepting a satisfactory bid, the board shall enter into
6 a contract with the party or parties whose bid has been
7 accepted. The contractor shall furnish the board with a
8 performance and payment bond as set forth in s. 255.05. A
9 board or other public entity may not require a contractor to
10 secure a surety bond under s. 255.05 from a specific agent or
11 bonding company. Notwithstanding any other provision of this
12 section, if 25 percent or more of the costs of any
13 construction project is paid out of a trust fund established
14 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics
15 employed by contractors or subcontractors on such construction
16 will be paid wages not less than those prevailing on similar
17 construction projects in the locality, as determined by the
18 Secretary of Labor in accordance with the Davis-Bacon Act, as
19 amended. A person, firm, or corporation that constructs any
20 part of any educational plant, or addition thereto, on the
21 basis of any unapproved plans or in violation of any plans
22 approved in accordance with the provisions of this chapter and
23 rules of the State Board of Education relating to building
24 standards or specifications is subject to forfeiture of bond
25 and unpaid compensation in an amount sufficient to reimburse
26 the board for any costs that will need to be incurred in
27 making any changes necessary to assure that all requirements
28 are met and is also guilty of a misdemeanor of the second
29 degree, punishable as provided in s. 775.082 or s. 775.083,
30 for each separate violation.

31 Section 848. Section 1013.48, Florida Statutes, is

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1 created to read:

2 1013.48 Changes in construction requirements after
3 award of contract.--The board may, at its option and by
4 written policy duly adopted and entered in its official
5 minutes, authorize the superintendent or president or other
6 designated individual to approve change orders in the name of
7 the board for preestablished amounts. Approvals shall be for
8 the purpose of expediting the work in progress and shall be
9 reported to the board and entered in its official minutes. For
10 accountability, the school district shall monitor and report
11 the impact of change orders on its district facilities work
12 program pursuant to s. 1013.35.

13 Section 849. Section 1013.49, Florida Statutes, is
14 created to read:

15 1013.49 Toxic substances in construction, repair, or
16 maintenance of educational facilities.--

17 (1) All toxic substances enumerated in the Florida
18 Substance List established pursuant to s. 442.103 that are to
19 be used in the construction, repair, or maintenance of
20 educational facilities have restricted usage provisions.

21 (2) Before any such substance may be used, the
22 contractor shall notify the district school superintendent or
23 public postsecondary institution president in writing at least
24 three working days prior to using the substance. The
25 notification shall contain:

- 26 (a) The name of the substance to be used;
27 (b) Where the substance is to be used; and
28 (c) When the substance is to be used.

29
30 A copy of a material safety data sheet as defined in s.
31 442.102 shall be attached to the notification for each such

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1 substance.

2 Section 850. Section 1013.50, Florida Statutes, is
3 created to read:

4 1013.50 Final payment to contractor.--

5 (1) The final payment to the contractor shall not be
6 made until the construction project has been inspected by the
7 architect or other person designated by the board for that
8 purpose and until he or she has issued a written certificate
9 that the project has been constructed in accordance with the
10 approved plans and specifications and approved change orders
11 and until the board, acting on these recommendations, has
12 accepted the project. After acceptance by the board, a
13 duplicate copy of this written certificate, duly certified as
14 having been accepted by the board, as well as other related
15 data on contract costs and total costs per student station,
16 space inventory update, and other related building information
17 must be filed with the department for budget and cost
18 reporting purposes.

19 (2) Boards shall have full authority and
20 responsibility for all decisions regarding educational and
21 ancillary plant construction contracts, change orders, and
22 payments.

23 Section 851. Section 1013.51, Florida Statutes, is
24 created to read:

25 1013.51 Expenditures authorized for certain
26 infrastructure.--

27 (1)(a) Subject to exemption from the assessment of
28 fees pursuant to s. 1013.37(1), education boards, boards of
29 county commissioners, municipal boards, and other agencies and
30 boards of the state may expend funds, separately or
31 collectively, by contract or agreement, for the placement,

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1 paving, or maintaining of any road, byway, or sidewalk if the
2 road, byway, or sidewalk is contiguous to or runs through the
3 property of any educational plant or for the maintenance or
4 improvement of the property of any educational plant or of any
5 facility on such property. Expenditures may also be made for
6 sanitary sewer, water, stormwater, and utility improvements
7 upon, or contiguous to, and for the installation, operation,
8 and maintenance of traffic control and safety devices upon, or
9 contiguous to, any existing or proposed educational plant.

10 (b) A board may pay its proportionate share of the
11 cost of onsite and offsite system improvements necessitated by
12 the educational facility development, but a board is not
13 required to pay for or install any improvements that exceed
14 those required to meet the onsite and offsite needs of a new
15 public educational facility or an expanded site. Development
16 exactions assessed against school boards or community college
17 districts may not exceed the proportionate share of the cost
18 of system improvements necessitated by the educational
19 facility development and may not address existing facility or
20 service backlogs or deficits.

21 (c) The boards of county commissioners, municipal
22 boards, and other agencies and boards of the state may plant
23 or maintain trees, flowers, shrubbery, and beautifying plants
24 upon the grounds of any educational plant, upon approval of
25 the superintendent or president or the designee of either of
26 them. Payment by a board for any improvement set forth in this
27 section shall be authorized in any amounts agreed to by the
28 board. Any payments so authorized to be made are not mandatory
29 unless the specific improvement and costs have been agreed to
30 prior to the improvement's being made.

31 (2) The provisions of any law, municipal ordinance, or

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1 county ordinance to the contrary notwithstanding, the
2 provisions of this section regulate the levying of assessments
3 for special benefits on school or community college districts
4 and the directing of the payment thereof. Any municipal
5 ordinance or county ordinance making provision to the contrary
6 is void.

7 (3) Notwithstanding any other law, if a board agrees
8 to construct or upgrade water or sewer facilities, or
9 otherwise provide, construct, upgrade, or maintain offsite
10 infrastructure beyond its proportionate share of
11 responsibility, the local government that issues development
12 approvals shall assure that the board is reimbursed for the
13 additional costs incurred, to the extent that other
14 development occurs which demands use of such infrastructure.

15 (4) Expenditure for infrastructure for universities
16 shall be as authorized in s. 1013.30.

17 Section 852. Part III.d. of chapter 1013, Florida
18 Statutes, shall be entitled "Cooperative Development of
19 Educational Facilities" and shall consist of ss.
20 1013.52-1013.54.

21 Section 853. Section 1013.52, Florida Statutes, is
22 created to read:

23 1013.52 Cooperative development and joint use of
24 facilities by two or more boards.--

25 (1) Two or more boards, including district school
26 boards, community college boards of trustees, the Board of
27 Trustees for the Florida School for the Deaf and the Blind,
28 and university boards of trustees, desiring to cooperatively
29 establish a common educational facility to accommodate
30 students shall:

31 (a) Jointly request a formal assessment by the

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1 Commissioner of Education of the academic program need and the
2 need to build new joint-use facilities to house approved
3 programs. Completion of the assessment and approval of the
4 project by the State Board of Education or the Commissioner of
5 Education, as appropriate, should be done prior to conducting
6 an educational facilities survey.

7 (b) Demonstrate the need for construction of new
8 joint-use facilities involving postsecondary institutions by
9 those institutions presenting evidence of the presence of
10 sufficient actual full-time equivalent enrollments in the
11 locale in leased, rented, or borrowed spaces to justify the
12 requested facility for the programs identified in the formal
13 assessment rather than using projected or anticipated future
14 full-time equivalent enrollments as justification. If the
15 decision is made to construct new facilities to meet this
16 demonstrated need, then building plans should consider
17 full-time equivalent enrollment growth facilitated by this new
18 construction and subsequent new program offerings made
19 possible by the existence of the new facilities.

20 (c) Adopt and submit to the commissioner a joint
21 resolution of the participating boards indicating their
22 commitment to the utilization of the requested facility and
23 designating the locale of the proposed facility. The joint
24 resolution shall contain a statement of determination by the
25 participating boards that alternate options, including the use
26 of leased, rented, or borrowed space, were considered and
27 found less appropriate than construction of the proposed
28 facility. The joint resolution shall contain assurance that
29 the development of the proposed facility has been examined in
30 conjunction with the programs offered by neighboring public
31 educational facilities offering instruction at the same level.

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1 The joint resolution also shall contain assurance that each
2 participating board shall provide for continuity of
3 educational progression. All joint resolutions shall be
4 submitted to the commissioner by August 1 for consideration of
5 funding by the subsequent Legislature.

6 (d) Submit requests for funding of joint-use
7 facilities projects involving state universities and community
8 colleges for approval by the Commissioner of Education. The
9 Commissioner of Education shall determine the priority for
10 funding these projects in relation to the priority of all
11 other capital outlay projects under their consideration. To be
12 eligible for funding from the Public Education Capital Outlay
13 and Debt Service Trust Fund under the provisions of this
14 section, projects involving both state universities and
15 community colleges shall appear on the 3-year capital outlay
16 priority lists of community colleges and of universities
17 required by s. 1013.64. Projects involving a state university,
18 community college, and a public school, and in which the
19 larger share of the proposed facility is for the use of the
20 state university or the community college, shall appear on the
21 3-year capital outlay priority lists of the community colleges
22 or of the universities, as applicable.

23 (e) Include in their joint resolution for the
24 joint-use facilities, comprehensive plans for the operation
25 and management of the facility upon completion. Institutional
26 responsibilities for specific functions shall be identified,
27 including designation of one participating board as sole owner
28 of the facility. Operational funding arrangements shall be
29 clearly defined.

30 (2) An educational plant survey must be conducted
31 within 90 days after submission of the joint resolution and

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1 substantiating data describing the benefits to be obtained,
2 the programs to be offered, and the estimated cost of the
3 proposed project. Upon completion of the educational plant
4 survey, the participating boards may include the recommended
5 projects in their plan as provided in s. 1013.31. Upon
6 approval of the project by the commissioner, 25 percent of the
7 total cost of the project, or the pro rata share based on
8 space utilization of 25 percent of the cost, must be included
9 in the department's legislative capital outlay budget request
10 as provided in s. 1013.60 for educational plants. The
11 participating boards must include in their joint resolution a
12 commitment to finance the remaining funds necessary to
13 complete the planning, construction, and equipping of the
14 facility. Funds from the Public Education Capital Outlay and
15 Debt Service Trust Fund may not be expended on any project
16 unless specifically authorized by the Legislature.

17 (3) Included in all proposals for joint-use facilities
18 must be documentation that the proposed new campus or new
19 joint-use facility has been reviewed by the State Board of
20 Education and has been formally requested for authorization by
21 the Legislature.

22 (4) No district school board, community college, or
23 state university shall receive funding for more than one
24 approved joint-use facility per campus in any 3-year period.

25 Section 854. Section 1013.53, Florida Statutes, is
26 created to read:

27 1013.53 Cooperative development of educational
28 facilities in juvenile justice programs.--

29 (1) The Department of Juvenile Justice shall provide
30 early notice to school districts regarding the siting of new
31 juvenile justice facilities. School districts shall include

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1 the projected number of students in the districts' annual
2 estimates. School districts must be consulted regarding the
3 types of students expected to be assigned to commitment
4 facilities for education planning and budgeting purposes.

5 (2) The Department of Juvenile Justice shall notify,
6 in writing, the Department of Education when a request for
7 proposals is issued for the construction or operation of a
8 commitment or detention facility anywhere in the state. The
9 Department of Juvenile Justice shall notify, in writing, the
10 appropriate school district when a request for proposals is
11 issued for the construction or operation of a commitment or
12 detention facility when a county or site is specifically
13 identified.

14 (3) The Department of Juvenile Justice shall also
15 notify the district school superintendent within 30 days
16 after:

17 (a) The award of a contract for the construction or
18 operation of a commitment or detention facility within that
19 school district.

20 (b) Obtaining a permit to begin construction of a new
21 detention or commitment facility within that school district.

22 Section 855. Section 1013.54, Florida Statutes, is
23 created to read:

24 1013.54 Cooperative development and use of satellite
25 facilities by private industry and district school boards.--

26 (1) Each district school board may submit, prior to
27 August 1 of each year, a request to the commissioner for funds
28 from the Public Education Capital Outlay and Debt Service
29 Trust Fund to construct, remodel, or renovate an educational
30 facility within the industrial environment. No district school
31 board may apply for more than one facility per year. Such

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1 request shall contain the following provisions:

2 (a) A detailed description of the satellite site, the
3 site development necessary for new construction, remodeling,
4 or renovation for the accomplishment of the project, and the
5 facility to be constructed. The facility shall be located on a
6 site owned by the business and leased to the district school
7 board at no cost. However, the minimum agreement shall be for
8 a period of at least 5 years. The amounts provided by the
9 state and the district school board shall be considered full
10 consideration for the lease. If the lease agreement is
11 terminated early, the business shall reimburse the district
12 school board an amount determined by multiplying the amounts
13 contributed by the district school board and the state by a
14 fraction the numerator of which is the number of months
15 remaining in the original agreement and the denominator of
16 which is the total number of months of the agreement.

17 (b) A detailed description and analysis of the
18 educational programs to be offered and the benefits that will
19 accrue to the students through the instructional programs upon
20 completion of the facility.

21 (c) The estimated number of full-time students whose
22 regularly scheduled daily instructional program will utilize
23 the facility.

24 (d) The estimated cost of the facility and site
25 development not to exceed the department's average cost of new
26 construction adjusted to the respective county cost index. If
27 a site must be acquired, the estimated cost of the site shall
28 be provided.

29 (e) A resolution or other appropriate indication of
30 intent to participate in the funding and utilization of the
31 educational facility from private industry. Such indication

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1 shall include a commitment by private industry to provide at
2 least one-half of the cost of the facility. The district
3 school board shall provide one-fourth of the cost of the
4 facility and, if approved, the state shall provide one-fourth
5 of the cost of the facility. Funds from the Public Education
6 Capital Outlay and Debt Service Trust Fund may not be expended
7 on any project unless specifically authorized by the
8 Legislature.

9 (f) The designation as to which agency is to assume
10 responsibility for the operation, maintenance, and control of
11 the proposed facility.

12 (g) Documentation by the district school board that a
13 long-term lease for the use of the educational facility for a
14 period of not less than 40 years or the life expectancy of the
15 permanent facility constructed thereon, whichever is longer,
16 has been obtained from private industry.

17 (2) The commissioner shall appoint a review committee
18 to make recommendations and prioritize requests. If the
19 project is approved by the commissioner, the commissioner
20 shall include up to one-fourth of the cost of the project in
21 the legislative capital outlay budget request, as provided in
22 s. 1013.60, for the funding of capital outlay projects
23 involving both educational and private industry. The
24 commissioner shall prioritize any such projects for each
25 fiscal year and, notwithstanding the provisions of s.
26 1013.64(3)(c), limit the recommended state funding amount not
27 to exceed 5 percent off the top of the total funds recommended
28 pursuant to s. 1013.64(2) and (3).

29 (3) Facilities funded pursuant to this section and all
30 existing satellite facilities shall be exempt from ad valorem
31 taxes as long as the facility is used exclusively for public

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1 educational purposes.

2 Section 856. Part IV of chapter 1013, Florida
3 Statutes, shall be entitled "Funding for Educational
4 Facilities" and shall consist of ss. 1013.60-1013.82.

5 Section 857. Section 1013.60, Florida Statutes, is
6 created to read:

7 1013.60 Legislative capital outlay budget request.--

8 (1) The Commissioner of Education shall develop a
9 procedure deemed appropriate in arriving at the amounts
10 required to fund projects as reflected in the integrated,
11 comprehensive budget request required by this section. The
12 official estimates for funds accruing to the Public Education
13 Capital Outlay and Debt Service Trust Fund made by the revenue
14 estimating conference shall be used in determining the budget
15 request pursuant to this section. The commissioner, in
16 consultation with the appropriations committees of the
17 Legislature, shall provide annually an estimate of funds that
18 shall be utilized by community colleges and universities in
19 developing their required 3-year priority lists pursuant to s.
20 1013.64.

21 (2) The commissioner shall submit to the Governor and
22 to the Legislature an integrated, comprehensive budget request
23 for educational facilities construction and fixed capital
24 outlay needs for school districts, community colleges, and
25 universities, pursuant to the provisions of s. 1013.64 and
26 applicable provisions of chapter 216. Each community college
27 board of trustees and each university board of trustees shall
28 submit to the commissioner a 3-year plan and data required in
29 the development of the annual capital outlay budget. No
30 further disbursements shall be made from the Public Education
31 Capital Outlay and Debt Service Trust Fund to a board of

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1 trustees that fails to timely submit the required data until
2 such board of trustees submits the data.

3 (3) The commissioner shall submit an integrated,
4 comprehensive budget request to the Executive Office of the
5 Governor and to the Legislature each fiscal year by the
6 submission date specified in s. 216.023(1). Notwithstanding
7 the provisions of s. 216.043, the integrated, comprehensive
8 budget request shall include:

9 (a) Recommendations for the priority of expenditure of
10 funds in the state system of public education, with reasons
11 for the recommended priorities, and other recommendations
12 which relate to the effectiveness of the educational
13 facilities construction program.

14 (b) All items in s. 1013.64.

15 Section 858. Section 1013.61, Florida Statutes, is
16 created to read:

17 1013.61 Annual capital outlay budget.--Each board
18 shall, each year, adopt a capital outlay budget for the
19 ensuing year in order that the capital outlay needs of the
20 board for the entire year may be well understood by the
21 public. This capital outlay budget shall be a part of the
22 annual budget and shall be based upon and in harmony with the
23 board's capital outlay plan. This budget shall designate the
24 proposed capital outlay expenditures by project for the year
25 from all fund sources. The board may not expend any funds on
26 any project not included in the budget, as amended. Each
27 district school board must prepare its tentative district
28 facilities work program as required by s. 1013.35 before
29 adopting the capital outlay budget.

30 Section 859. Section 1013.62, Florida Statutes, is
31 created to read:

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1 1013.62 Charter schools capital outlay funding.--
2 (1) In each year in which funds are appropriated for
3 charter school capital outlay purposes, the Commissioner of
4 Education shall allocate the funds among eligible charter
5 schools. To be eligible for a funding allocation, a charter
6 school must meet the provisions of subsection (6), must have
7 received final approval from its sponsor pursuant to s.
8 1002.33 for operation during that fiscal year, and must serve
9 students in facilities that are not provided by the charter
10 school's sponsor. Prior to the release of capital outlay funds
11 to a school district on behalf of the charter school, the
12 Department of Education shall ensure that the district school
13 board and the charter school governing board enter into a
14 written agreement that includes provisions for the reversion
15 of any unencumbered funds and all equipment and property
16 purchased with public education funds to the ownership of the
17 district school board, as provided for in subsection (3), in
18 the event that the school terminates operations. Any funds
19 recovered by the state shall be deposited in the General
20 Revenue Fund. A charter school is not eligible for a funding
21 allocation if it was created by the conversion of a public
22 school and operates in facilities provided by the charter
23 school's sponsor for a nominal fee or at no charge or if it is
24 directly or indirectly operated by the school district. Unless
25 otherwise provided in the General Appropriations Act, the
26 funding allocation for each eligible charter school shall be
27 determined by multiplying the school's projected student
28 enrollment by one-fifteenth of the cost-per-student station
29 specified in s. 1013.64(6)(b) for an elementary, middle, or
30 high school, as appropriate. If the funds appropriated are not
31 sufficient, the commissioner shall prorate the available funds

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1 among eligible charter schools. Funds shall be distributed on
2 the basis of the capital outlay full-time equivalent
3 membership by grade level, which shall be calculated by
4 averaging the results of the second and third enrollment
5 surveys. The Department of Education shall distribute capital
6 outlay funds monthly, beginning in the first quarter of the
7 fiscal year, based on one-twelfth of the amount the department
8 reasonably expects the charter school to receive during that
9 fiscal year. The commissioner shall adjust subsequent
10 distributions as necessary to reflect each charter school's
11 actual student enrollment as reflected in the second and third
12 enrollment surveys. The commissioner shall establish the
13 intervals and procedures for determining the projected and
14 actual student enrollment of eligible charter schools.

15 (2) A charter school's governing body may use charter
16 school capital outlay funds for any capital outlay purpose
17 that is directly related to the functioning of the charter
18 school, including the:

19 (a) Purchase of real property.

20 (b) Construction, renovation, repair, and maintenance
21 of school facilities.

22 (c) Purchase, lease-purchase, or lease of permanent or
23 relocatable school facilities.

24 (d) Purchase of vehicles to transport students to and
25 from the charter school.

26 (3) When a charter school is nonrenewed or terminated,
27 any unencumbered funds and all equipment and property
28 purchased with district public funds shall revert to the
29 ownership of the district school board, as provided for in s.
30 1002.33(8)(e) and (f). In the case of a charter lab school,
31 any unencumbered funds and all equipment and property

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1 purchased with university public funds shall revert to the
2 ownership of the state university that issued the charter. The
3 reversion of such equipment, property, and furnishings shall
4 focus on recoverable assets, but not on intangible or
5 irrecoverable costs such as rental or leasing fees, normal
6 maintenance, and limited renovations. The reversion of all
7 property secured with public funds is subject to the complete
8 satisfaction of all lawful liens or encumbrances. If there are
9 additional local issues such as the shared use of facilities
10 or partial ownership of facilities or property, these issues
11 shall be agreed to in the charter contract prior to the
12 expenditure of funds.

13 (4) The Commissioner of Education shall specify
14 procedures for submitting and approving requests for funding
15 under this section and procedures for documenting
16 expenditures.

17 (5) The annual legislative budget request of the
18 Department of Education shall include a request for capital
19 outlay funding for charter schools. The request shall be based
20 on the projected number of students to be served in charter
21 schools who meet the eligibility requirements of this section.

22 (6) Unless authorized otherwise by the Legislature,
23 allocation and proration of charter school capital outlay
24 funds shall be made to eligible charter schools by the
25 Commissioner of Education in an amount and in a manner
26 authorized by subsection (1).

27 Section 860. Section 1013.63, Florida Statutes, is
28 created to read:

29 1013.63 University Concurrency Trust
30 Fund.--Notwithstanding any other provision of law, the general
31 revenue service charge deducted pursuant to s. 215.20 on

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1 revenues raised by any local option motor fuel tax levied
2 pursuant to s. 336.025(1)(b), as created by chapter 93-206,
3 Laws of Florida, shall be deposited in the University
4 Concurrency Trust Fund, which is administered by the State
5 Board of Education. Moneys in such trust fund shall be for the
6 purpose of funding university offsite improvements required to
7 meet concurrency standards adopted under part II of chapter
8 163. In addition, in any year in which campus master plans are
9 updated pursuant to s. 1013.30, but no more frequently than
10 once every 5 years, up to 25 percent of the balance in the
11 trust fund for that year may be used to defray the costs
12 incurred in updating those campus master plans.

13 Section 861. Section 1013.64, Florida Statutes, is
14 created to read:

15 1013.64 Funds for comprehensive educational plant
16 needs; construction cost maximums for school district capital
17 projects.--Allocations from the Public Education Capital
18 Outlay and Debt Service Trust Fund to the various boards for
19 capital outlay projects shall be determined as follows:

20 (1)(a) Funds for remodeling, renovation, maintenance,
21 repairs, and site improvement for existing satisfactory
22 facilities shall be given priority consideration by the
23 Legislature for appropriations allocated to the boards from
24 the total amount of the Public Education Capital Outlay and
25 Debt Service Trust Fund appropriated. These funds shall be
26 calculated pursuant to the following basic formula: the
27 building value times the building age over the sum of the
28 years' digits assuming a 50-year building life. For
29 relocatable facilities, a 20-year life shall be used.

30 "Building value" is calculated by multiplying each building's
31 total assignable square feet times the appropriate

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1 net-to-gross conversion rate found in state board rules and
2 that product times the current average new construction cost.
3 "Building age" is calculated by multiplying the prior year's
4 building age times 1 minus the prior year's sum received from
5 this subsection divided by the prior year's building value. To
6 the net result shall be added the number 1. Each board shall
7 receive the percentage generated by the preceding formula of
8 the total amount appropriated for the purposes of this
9 section.

10 (b) Each board is prohibited from using the funds
11 received pursuant to this section to supplant funds in the
12 current fiscal year approved operating budget, and all
13 budgeted funds shall be expended at a rate not less than would
14 have been expended had the funds under this section not been
15 received.

16 (c) Each remodeling, renovation, maintenance, repair,
17 or site improvement project will expand or upgrade current
18 educational plants to prolong the useful life of the plant.

19 (d) Each board shall maintain fund accounting in a
20 manner which will permit a detailed audit of the funds
21 expended in this program.

22 (e) Remodeling projects shall be based on the
23 recommendations of a survey pursuant to s. 1013.31.

24 (f) At least one-tenth of a board's annual allocation
25 provided under this section shall be spent to correct unsafe,
26 unhealthy, or unsanitary conditions in its educational
27 facilities, as required by s. 1013.12, or a lesser amount
28 sufficient to correct all deficiencies cited in its annual
29 comprehensive safety inspection reports. This paragraph shall
30 not be construed to limit the amount a board may expend to
31 correct such deficiencies.

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1 (g) When an existing educational plant is determined
2 to be unsatisfactory pursuant to the survey conducted under s.
3 1013.31, the board may, by resolution, designate the plant as
4 a historic educational facility and may use funds generated
5 for renovation and remodeling pursuant to this section to
6 restore the facility for use by the board. The board shall
7 agree to pay renovation and remodeling costs in excess of
8 funds which such facility would have generated through the
9 depreciation formula in paragraph (a) had the facility been
10 determined to be satisfactory. The board shall further agree
11 that the plant shall continue to house students. The board may
12 designate a plant as a historic educational facility only if
13 the Division of Historical Resources of the Department of
14 State or the appropriate historic preservation board under
15 chapter 266 certifies that:

16 1. The plant is listed or determined eligible for
17 listing in the National Register of Historic Places pursuant
18 to the National Historic Preservation Act of 1966, as amended,
19 16 U.S.C. s. 470;

20 2. The plant is designated historic within a certified
21 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal
22 Revenue Code; or

23 3. The division or historic preservation board
24 otherwise finds that the plant is historically significant.

25 (h) University boards of trustees may utilize funds
26 appropriated pursuant to this section for replacement of minor
27 facilities provided that such projects do not exceed \$1
28 million in cost or 10,000 gross square feet in size. Minor
29 facilities may not be replaced from funds provided pursuant to
30 this section unless the board determines that the cost of
31 repair or renovation is greater than or equal to the cost of

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1 replacement.

2 (2)(a) The department shall establish, as a part of
3 the Public Education Capital Outlay and Debt Service Trust
4 Fund, a separate account, in an amount determined by the
5 Legislature, to be known as the "Special Facility Construction
6 Account." The Special Facility Construction Account shall be
7 used to provide necessary construction funds to school
8 districts which have urgent construction needs but which lack
9 sufficient resources at present, and cannot reasonably
10 anticipate sufficient resources within the period of the next
11 3 years, for these purposes from currently authorized sources
12 of capital outlay revenue. A school district requesting
13 funding from the Special Facility Construction Account shall
14 submit one specific construction project, not to exceed one
15 complete educational plant, to the Special Facility
16 Construction Committee. No district shall receive funding for
17 more than one approved project in any 3-year period. The first
18 year of the 3-year period shall be the first year a district
19 receives an appropriation. The department shall encourage a
20 construction program that reduces the average size of schools
21 in the district. The request must meet the following criteria
22 to be considered by the committee:

23 1. The project must be deemed a critical need and must
24 be recommended for funding by the Special Facility
25 Construction Committee. Prior to developing plans for the
26 proposed facility, the district school board must request a
27 preapplication review by the Special Facility Construction
28 Committee or a project review subcommittee convened by the
29 committee to include two representatives of the department and
30 two staff from school districts not eligible to participate in
31 the program. Within 60 days after receiving the preapplication

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1 review request, the committee or subcommittee must meet in the
2 school district to review the project proposal and existing
3 facilities. To determine whether the proposed project is a
4 critical need, the committee or subcommittee shall consider,
5 at a minimum, the capacity of all existing facilities within
6 the district as determined by the Florida Inventory of School
7 Houses; the district's pattern of student growth; the
8 district's existing and projected capital outlay full-time
9 equivalent student enrollment as determined by the department;
10 the district's existing satisfactory student stations; the use
11 of all existing district property and facilities; grade level
12 configurations; and any other information that may affect the
13 need for the proposed project.

14 2. The construction project must be recommended in the
15 most recent survey or surveys by the district under the rules
16 of the State Board of Education.

17 3. The construction project must appear on the
18 district's approved project priority list under the rules of
19 the State Board of Education.

20 4. The district must have selected and had approved a
21 site for the construction project in compliance with s.
22 1013.36 and the rules of the State Board of Education.

23 5. The district shall have developed a district school
24 board adopted list of facilities that do not exceed the norm
25 for net square feet occupancy requirements under the State
26 Requirements for Educational Facilities, using all possible
27 programmatic combinations for multiple use of space to obtain
28 maximum daily use of all spaces within the facility under
29 consideration.

30 6. Upon construction, the total cost per student
31 station, including change orders, must not exceed the cost per

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1 student station as provided in subsection (6).

2 7. There shall be an agreement signed by the district
3 school board stating that it will advertise for bids within 30
4 days of receipt of its encumbrance authorization from the
5 department.

6 8. The district shall, at the time of the request and
7 for a continuing period of 3 years, levy the maximum millage
8 against their nonexempt assessed property value as allowed in
9 s. 1011.71(2) or shall raise an equivalent amount of revenue
10 from the school capital outlay surtax authorized under s.
11 212.055(6). Any district with a new or active project, funded
12 under the provisions of this subsection, shall be required to
13 budget no more than the value of 1.5 mills per year to the
14 project to satisfy the annual participation requirement in the
15 Special Facility Construction Account.

16 9. If a contract has not been signed 90 days after the
17 advertising of bids, the funding for the specific project
18 shall revert to the Special Facility New Construction Account
19 to be reallocated to other projects on the list. However, an
20 additional 90 days may be granted by the commissioner.

21 10. The department shall certify the inability of the
22 district to fund the survey-recommended project over a
23 continuous 3-year period using projected capital outlay
24 revenue derived from s. 9(d), Art. XII of the State
25 Constitution, as amended, paragraph (3)(a) of this section,
26 and s. 1011.71(2).

27 11. The district shall have on file with the
28 department an adopted resolution acknowledging its 3-year
29 commitment of all unencumbered and future revenue acquired
30 from s. 9(d), Art. XII of the State Constitution, as amended,
31 paragraph (3)(a) of this section, and s. 1011.71(2).

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1 12. Final phase III plans must be certified by the
2 board as complete and in compliance with the building and life
3 safety codes prior to August 1.

4 (b) The Special Facility Construction Committee shall
5 be composed of the following: two representatives of the
6 Department of Education, a representative from the Governor's
7 office, a representative selected annually by the district
8 school boards, and a representative selected annually by the
9 superintendents.

10 (c) The committee shall review the requests submitted
11 from the districts, evaluate the ability of the project to
12 relieve critical needs, and rank the requests in priority
13 order. This statewide priority list for special facilities
14 construction shall be submitted to the Legislature in the
15 commissioner's annual capital outlay legislative budget
16 request at least 45 days prior to the legislative session.

17 (3)(a) Each district school board shall receive an
18 amount from the Public Education Capital Outlay and Debt
19 Service Trust Fund to be calculated by computing the capital
20 outlay full-time equivalent membership as determined by the
21 department. Such membership must include, but is not limited
22 to:

23 1. K-12 students, except hospital and homebound
24 part-time students; and

25 2. Students who are career and technical education
26 students, and adult disabled students and who are enrolled in
27 school district technical centers. The capital outlay
28 full-time equivalent membership shall be determined for
29 kindergarten through the 12th grade and for technical centers
30 by averaging the unweighted full-time equivalent student
31 membership for the second and third surveys and comparing the

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1 results on a school-by-school basis with the Florida Inventory
2 for School Houses. The capital outlay full-time equivalent
3 membership by grade level organization shall be used in making
4 the following calculations: The capital outlay full-time
5 equivalent membership by grade level organization for the 4th
6 prior year must be used to compute the base-year allocation.
7 The capital outlay full-time equivalent membership by
8 grade-level organization for the prior year must be used to
9 compute the growth over the highest of the 3 years preceding
10 the prior year. From the total amount appropriated by the
11 Legislature pursuant to this subsection, 40 percent shall be
12 allocated among the base capital outlay full-time equivalent
13 membership and 60 percent among the growth capital outlay
14 full-time equivalent membership. The allocation within each of
15 these groups shall be prorated to the districts based upon
16 each district's percentage of base and growth capital outlay
17 full-time membership. The most recent 4-year capital outlay
18 full-time equivalent membership data shall be used in each
19 subsequent year's calculation for the allocation of funds
20 pursuant to this subsection. If a change, correction, or
21 recomputation of data during any year results in a reduction
22 or increase of the calculated amount previously allocated to a
23 district, the allocation to that district shall be adjusted
24 correspondingly. If such recomputation results in an increase
25 or decrease of the calculated amount, such additional or
26 reduced amounts shall be added to or reduced from the
27 district's future appropriations. However, no change,
28 correction, or recomputation of data shall be made subsequent
29 to 2 years following the initial annual allocation.

30 (b) Funds accruing to a district school board from the
31 provisions of this section shall be expended on needed

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1 projects as shown by survey or surveys under the rules of the
2 State Board of Education.

3 (c) A district school board may lease relocatable
4 educational facilities for up to 3 years using nonbonded PECO
5 funds and for any time period using local capital outlay
6 millage.

7 (d) Funds distributed to the district school boards
8 shall be allocated solely based on the provisions of
9 paragraphs (1)(a) and (2)(a) and paragraph (a) of this
10 subsection. No individual school district projects shall be
11 funded off the top of funds allocated to district school
12 boards.

13 (4)(a) Community college boards of trustees and
14 university boards of trustees shall receive funds for projects
15 based on a 3-year priority list, to be updated annually, which
16 is submitted to the Legislature in the legislative budget
17 request at least 90 days prior to the legislative session. The
18 State Board of Education shall submit a 3-year priority list
19 for community colleges and a 3-year priority list for
20 universities. The lists shall reflect decisions by the State
21 Board of Education concerning program priorities that
22 implement the statewide plan for program growth and quality
23 improvement in education. No remodeling or renovation project
24 shall be included on the 3-year priority list unless the
25 project has been recommended pursuant to s. 1013.31 or is for
26 the purpose of correcting health and safety deficiencies. No
27 new construction project shall be included on the first year
28 of the 3-year priority list unless the educational
29 specifications have been approved by the commissioner for a
30 community college or university project, as applicable. The
31 funds requested for a new construction project in the first

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1 year of the 3-year priority list shall be in conformance with
2 the scope of the project as defined in the educational
3 specifications. Any new construction project requested in the
4 first year of the 3-year priority list which is not funded by
5 the Legislature shall be carried forward to be listed first in
6 developing the updated 3-year priority list for the subsequent
7 year's capital outlay budget. Should the order of the priority
8 of the projects change from year to year, a justification for
9 such change shall be included with the updated priority list.

10 (b) Community college boards of trustees and
11 university boards of trustees may lease relocatable
12 educational facilities for up to 3 years using nonbonded PECO
13 funds.

14 (c) Community college boards of trustees and
15 university boards of trustees shall receive funds for
16 remodeling, renovation, maintenance and repairs, and site
17 improvement for existing satisfactory facilities pursuant to
18 subsection (1).

19 (5) District school boards shall identify each fund
20 source and the use of each proportionate to the project cost,
21 as identified in the bid document, to assure compliance with
22 this section. The data shall be submitted to the department,
23 which shall track this information as submitted by the boards.
24 PECO funds shall not be expended as indicated in the
25 following:

26 (a) District school boards shall provide landscaping
27 by local funding sources or initiatives. District school
28 boards are exempt from local landscape ordinances but may
29 comply with the local requirements if such compliance is less
30 costly than compliance with the landscape requirements of the
31 Florida Building Code for public educational facilities.

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1 (b) PECO funds shall not be used for the construction
2 of football fields, bleachers, site lighting for athletic
3 facilities, tennis courts, stadiums, racquetball courts, or
4 any other competition-type facilities not required for
5 physical education curriculum. Regional or intradistrict
6 football stadiums may be constructed with these funds provided
7 a minimum of two high schools and two middle schools are
8 assigned to the facility and the stadiums are survey
9 recommended. Sophisticated auditoria shall be limited to
10 magnet performing arts schools, with all other schools using
11 basic lighting and sound systems as determined by rule. Local
12 funds shall be used for enhancement of athletic and performing
13 arts facilities.

14 (6)(a) Each district school board must meet all
15 educational plant space needs of its elementary, middle, and
16 high schools before spending funds from the Public Education
17 Capital Outlay and Debt Service Trust Fund or the School
18 District and Community College District Capital Outlay and
19 Debt Service Trust Fund for any ancillary plant or any other
20 new construction, renovation, or remodeling of ancillary
21 space. Expenditures to meet such space needs may include
22 expenditures for site acquisition; new construction of
23 educational plants; renovation, remodeling, and maintenance
24 and repair of existing educational plants, including auxiliary
25 facilities; and the directly related costs of such services of
26 school district personnel. It is not the intent of the
27 Legislature to preclude the use of capital outlay funding for
28 the labor costs necessary to accomplish the authorized uses
29 for the capital outlay funding. Day-labor contracts or any
30 other educational facilities contracting and construction
31 techniques pursuant to s. 1013.45 are authorized.

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1 Additionally, if a school district has salaried maintenance
2 staff whose duties consist solely of performing the labor
3 necessary to accomplish the authorized uses for the capital
4 outlay funding, such funding may be used for those salaries;
5 however, if a school district has salaried staff whose duties
6 consist partially of performing the labor necessary to
7 accomplish the authorized uses for the capital outlay funding,
8 the district shall prorate the portion of salary of each such
9 employee that is based on labor for authorized capital outlay
10 funding, and such funding may be used to pay that portion.

11 (b)1. A district school board must not use funds from
12 the Public Education Capital Outlay and Debt Service Trust
13 Fund or the School District and Community College District
14 Capital Outlay and Debt Service Trust Fund for any new
15 construction of educational plant space with a total cost per
16 student station, including change orders, that equals more
17 than:

- 18 a. \$11,600 for an elementary school,
19 b. \$13,300 for a middle school, or
20 c. \$17,600 for a high school,

21
22 (1997) as adjusted annually by the Consumer Price Index.

23 2. A district school board must not use funds from the
24 Public Education Capital Outlay and Debt Service Trust Fund or
25 the School District and Community College District Capital
26 Outlay and Debt Service Trust Fund for any new construction of
27 an ancillary plant that exceeds 70 percent of the average cost
28 per square foot of new construction for all schools.

29 (c) Except as otherwise provided, new construction
30 initiated by a district school board after June 30, 1997, must
31 not exceed the cost per student station as provided in

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1 paragraph (b).

2 (d) The department shall compute for each calendar
3 year the statewide average construction costs for facilities
4 serving each instructional level, for relocatable educational
5 facilities, for administrative facilities, and for other
6 ancillary and auxiliary facilities. The department shall
7 compute the statewide average costs per student station for
8 each instructional level. Cost per student station includes
9 contract costs, legal and administrative costs, fees of
10 architects and engineers, furniture and equipment, and site
11 improvement costs. Cost per student station does not include
12 the cost of purchasing or leasing the site for the
13 construction or the cost of related offsite improvements.

14 (e) The restrictions of this subsection on the cost
15 per student station of new construction do not apply to a
16 project funded entirely from proceeds received by districts
17 through provisions of ss. 212.055 and 1011.73 and s. 9, Art.
18 VII of the State Constitution, if the school board approves
19 the project by majority vote.

20 Section 862. Section 1013.65, Florida Statutes, is
21 created to read:

22 1013.65 Educational and ancillary plant construction
23 funds; Public Education Capital Outlay and Debt Service Trust
24 Fund; allocation of funds.--

25 (1) The commissioner, through the department, shall
26 administer the Public Education Capital Outlay and Debt
27 Service Trust Fund. The commissioner shall allocate or
28 reallocate funds as authorized by the Legislature. Copies of
29 each allocation or reallocation shall be provided to members
30 of the State Board of Education and to the chairs of the House
31 of Representatives and Senate appropriations committees. The

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1 commissioner shall provide for timely encumbrances of funds
2 for duly authorized projects. Encumbrances may include
3 proceeds to be received under a resolution approved by the
4 State Board of Education authorizing the issuance of public
5 education capital outlay bonds pursuant to s. 9(a)(2), Art.
6 XII of the State Constitution, s. 215.61, and other applicable
7 law. The commissioner shall provide for the timely
8 disbursement of moneys necessary to meet the encumbrance
9 authorizations of the boards. Records shall be maintained by
10 the department to identify legislative appropriations,
11 allocations, encumbrance authorizations, disbursements,
12 transfers, investments, sinking funds, and revenue receipts by
13 source. The Department of Education shall pay the
14 administrative costs of the Public Education Capital Outlay
15 and Debt Service Trust Fund from the funds which comprise the
16 trust fund.

17 (2)(a) The Public Education Capital Outlay and Debt
18 Service Trust Fund shall be comprised of the following
19 sources, which are hereby appropriated to the trust fund:

20 1. Proceeds, premiums, and accrued interest from the
21 sale of public education bonds and that portion of the
22 revenues accruing from the gross receipts tax as provided by
23 s. 9(a)(2), Art. XII of the State Constitution, as amended,
24 interest on investments, and federal interest subsidies.

25 2. General revenue funds appropriated to the fund for
26 educational capital outlay purposes.

27 3. All capital outlay funds previously appropriated
28 and certified forward pursuant to s. 216.301.

29 (b) Any funds required by law to be segregated or
30 maintained in separate accounts shall be segregated or
31 maintained in such manner that the relationship between

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1 program and revenue source is retained. Nothing in this
2 subsection shall be construed so as to limit the use by the
3 Public Education Capital Outlay and Debt Service Trust Fund of
4 the resources of funds so segregated or maintained.

5 (3) Upon the request of each board, the department
6 shall distribute to the board an amount sufficient to cover
7 capital outlay disbursements anticipated from encumbrance
8 authorizations for the following month. For projects costing
9 in excess of \$50,000, contracts shall be approved and signed
10 before any disbursements are authorized.

11 (4) The department may authorize each board to enter
12 into contracts for a period exceeding 1 year, within amounts
13 appropriated and budgeted for fixed capital outlay needs; but
14 any contract so made shall be executory only for the value of
15 the services to be rendered, or agreed to be paid for, in
16 succeeding fiscal years. This subsection shall be incorporated
17 verbatim in all executory contracts of a board.

18 (5) No board shall, during any fiscal year, expend any
19 money, incur any liability, or enter into any contract which,
20 by its terms, involves expenditure of money in excess of the
21 amounts appropriated and budgeted or in excess of the cash
22 that will be available to meet the disbursement requirements.
23 Prior to entering into an executory, or any other, contract, a
24 board shall obtain certification from the department that
25 moneys will be available to meet the disbursement
26 requirements. Any contract, verbal or written, made in
27 violation of this subsection shall be null and void, and no
28 payment shall be made thereon.

29 (6) The State Board of Administration is authorized to
30 invest the trust funds of any state-supported retirement
31 system, and any other state funds available for loans, to the

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1 trust fund at a rate of interest that is no less favorable
2 than would have been received had such moneys been invested in
3 accordance with authorized practices.

4 (7) Boards and entities authorized to participate in
5 the trust fund are district school boards, the community
6 college boards of trustees, the Trustees of the Florida School
7 for the Deaf and the Blind, and university boards of trustees
8 and other units of the state system of public education, and
9 other educational entities for which funds are authorized by
10 the Legislature.

11 (8) The department shall make a monthly report, by
12 project, of requests for encumbrance authorization from each
13 agency. Each project shall be tracked in the following manner:

14 (a) The date the request is received;

15 (b) The anticipated encumbrance date requested by the
16 agency;

17 (c) The date the project is eligible for encumbrance
18 authorization; and

19 (d) The date the encumbrance authorization is issued.

20 (9) The department shall make a monthly report:

21 (a) Showing the amount of cash disbursed to the agency
22 from each appropriated allocation and the amount of cash
23 disbursed by the agency to vendors or contractors from each
24 appropriated allocation, by month.

25 (b) Showing updated adjustments to the budget fiscal
26 year forecast for appropriations, encumbrances, disbursements,
27 and cash available for encumbrance status.

28 Section 863. Section 1013.66, Florida Statutes, is
29 created to read:

30 1013.66 Financing of approved capital projects.--

31 (1) Capital projects are to be financed in accordance

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1 with s. 9(a)(2), Art. XII of the State Constitution, as
2 amended, or from other legally available state funds or
3 grants, donations, or matching funds, or by a combination of
4 such funds.

5 (2) The sum designated annually by the Legislature is
6 the maximum sum to be expended from funds accruing under s.
7 9(a)(2), Art. XII of the State Constitution, as amended, and
8 from funds accruing under s. 1013.65(2). However, funds
9 appropriated from this source and remaining unexpended from
10 previously authorized capital projects, along with grants,
11 donations, and matching funds from other sources, may be added
12 to such maximum sums for any item or category.

13 (3) No transfers between appropriations shall be made
14 without prior approval under the provisions of chapter 216.

15 (4) To the extent that appropriations authority for
16 entitlements from previous years was used for advanced
17 funding, that authority is hereby restored to the projects for
18 which appropriations were made by the Legislature in those
19 previous years.

20 Section 864. Section 1013.67, Florida Statutes, is
21 created to read:

22 1013.67 Commissioner to provide for encumbrances of
23 funds.--The Commissioner of Education shall provide for timely
24 encumbrances of funds for duly authorized projects.
25 Encumbrances may include proceeds to be received under a
26 resolution approved by the State Board of Education
27 authorizing the issuance of 1997 school capital outlay bonds
28 pursuant to s. 11(d), Art. VII of the State Constitution, s.
29 1013.70, and other applicable law.

30 Section 865. Section 1013.68, Florida Statutes, is
31 created to read:

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 1013.68 Classrooms First Program; uses.--

2 (1) The Commissioner of Education shall allocate funds
3 appropriated for the Classrooms First Program among the
4 district school boards. It is the intent of the Legislature
5 that this program be administered as nearly as practicable in
6 the same manner as the capital outlay program authorized under
7 s. 9(d), Art. XII of the State Constitution. Each district
8 school board's share of the annual appropriation for the
9 Classrooms First Program must be calculated according to the
10 following formula, but the share of each district shall, at a
11 minimum, be at least equal to the amount required for all
12 payments of the district relating to bonds issued by the state
13 on its behalf:

14 (a) Twenty-five percent of the appropriation shall be
15 prorated to the districts based on each district's percentage
16 of base capital outlay full-time equivalent membership; and 65
17 percent shall be based on each district's percentage of growth
18 capital outlay full-time equivalent membership as specified
19 for the allocation of funds from the Public Education Capital
20 Outlay and Debt Service Trust Fund by s. 1013.64(3).

21 (b) Ten percent of the appropriation must be allocated
22 among district school boards according to the allocation
23 formula in s. 1013.64(1)(a).

24 (2) A district school board shall expend the funds
25 received pursuant to this section only to:

26 (a) Construct, renovate, remodel, repair, or maintain
27 educational facilities; or

28 (b) Pay debt service on bonds issued pursuant to this
29 section, the proceeds of which must be expended for new
30 construction, remodeling, renovation, and major repairs. Bond
31 proceeds shall be expended first for providing permanent

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

Amendment No. (for drafter's use only)

1 classroom facilities. Bond proceeds shall not be expended for
2 any other facilities until all unmet needs for permanent
3 classrooms and auxiliary facilities as defined in s. 1013.01
4 have been satisfied.

5
6 However, if more than 9 percent of a district's total square
7 feet is more than 50 years old, the district must spend at
8 least 25 percent of its allocation on the renovation, major
9 repair, or remodeling of existing schools, except that
10 districts with fewer than 10,000 full-time equivalent students
11 are exempt from this requirement.

12 (3) Each district school board that pledges moneys
13 under paragraph (2)(b) shall notify the Department of
14 Education of its election at a time set by the department. The
15 Department of Education shall review the proposal of each
16 district school board for compliance with this section and
17 shall forward all approved proposals to the Division of Bond
18 Finance with a request to issue bonds on behalf of the
19 approved school districts. The Division of Bond Finance shall
20 pool the pledges from all school districts making the election
21 in that year and shall issue the bonds on behalf of the
22 districts for a period not to exceed the distributions to be
23 received under s. 24.121(2). The bonds must be issued in
24 accordance with s. 11(d), Art. VII of the State Constitution,
25 and each project to be constructed with the proceeds of bonds
26 is hereby approved as provided in s. 11(f), Art. VII of the
27 State Constitution. The bonds shall be issued pursuant to the
28 State Bond Act to the extent not inconsistent with this
29 section.

30 (4) Bonds issued under this section must be validated
31 as prescribed by chapter 75. The complaint for the validation

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Bill No. CS for CS for SB 1564, 1st Eng.

Amendment No. (for drafter's use only)

1 must be filed in the circuit court of the county where the
2 seat of state government is situated; the notice required to
3 be published by s. 75.06 must be published only in the county
4 where the complaint is filed; and the complaint and order of
5 the circuit court must be served only on the state attorney of
6 the circuit in which the action is pending. The state
7 covenants with holders of bonds issued under this section that
8 it will not take any action that will materially and adversely
9 affect the rights of such holders so long as such bonds are
10 outstanding. The state does hereby additionally authorize the
11 establishment of a covenant in connection with the bonds which
12 provides that any additional funds received by the state from
13 new or enhanced lottery programs, video gaming, or other
14 similar activities will first be available for payments
15 relating to bonds pledging revenues available pursuant to s.
16 24.121(2), prior to use for any other purpose.

17 (5) A school district may only receive a distribution
18 for use pursuant to paragraph (2)(a) if the district school
19 board certifies to the Commissioner of Education that the
20 district has no unmet need for permanent classroom facilities
21 in its 5-year capital outlay work plan. If the work plan
22 contains such unmet needs, the district must use its
23 distribution for the payment of bonds pursuant to paragraph
24 (2)(b). If the district does not require its full bonded
25 distribution to eliminate such unmet need, it may bond only
26 that portion of its allocation necessary to meet the needs.

27 Section 866. Section 1013.69, Florida Statutes, is
28 created to read:

29 1013.69 Full bonding required to participate in
30 programs.--Any district with unused bonding capacity in its
31 Capital Outlay and Debt Service Trust Fund allocation that

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 certifies in its district facilities work program that it will
2 not be able to meet all of its need for new student stations
3 within existing revenues must fully bond its Capital Outlay
4 and Debt Service Trust Fund allocation before it may
5 participate in Classrooms First, the School Infrastructure
6 Thrift (SIT) Program, or the Effort Index Grants Program.

7 Section 867. Section 1013.70, Florida Statutes, is
8 created to read:

9 1013.70 The 1997 School Capital Outlay Bond
10 Program.--There is hereby established the 1997 School Capital
11 Outlay Bond Program.

12 (1) The issuance of revenue bonds payable from the
13 first lottery revenues transferred to the Educational
14 Enhancement Trust Fund each fiscal year, as provided by s.
15 24.121(2), is authorized to finance or refinance the
16 construction, acquisition, reconstruction, or renovation of
17 educational facilities. Such bonds shall be issued pursuant to
18 and in compliance with the provisions of s. 11(d), Art. VII of
19 the State Constitution, the provisions of the State Bond Act,
20 ss. 215.57-215.83, as amended, and the provisions of this
21 section. The state does hereby covenant with the holders of
22 such revenue bonds that it will not take any action which will
23 materially and adversely affect the rights of such holders so
24 long as bonds authorized by this section are outstanding. The
25 state does hereby additionally authorize the establishment of
26 a covenant in connection with the bonds which provides that
27 any additional funds received by the state from new or
28 enhanced lottery programs, video gaming, or other similar
29 activities will first be available for payments relating to
30 bonds pledging revenues available pursuant to s. 24.121(2),
31 prior to use for any other purpose.

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Bill No. CS for CS for SB 1564, 1st Eng.

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

1 (2) The bonds shall be issued by the Division of Bond
2 Finance of the State Board of Administration on behalf of the
3 Department of Education in such amount as shall be requested
4 by resolution of the State Board of Education. However, debt
5 service and other amounts payable with respect to the bonds
6 issued pursuant to this section shall not exceed \$35 million
7 in any state fiscal year.

8 (3) Proceeds available from bond sales shall be
9 deposited in the Educational Enhancement Trust Fund within the
10 Department of Education.

11 (4) The facilities to be financed with the proceeds of
12 such bonds are designated as state fixed capital outlay
13 projects for purposes of s. 11(d), Art. VII of the State
14 Constitution and the specific facilities to be financed shall
15 be determined by the Department of Education in accordance
16 with state law and appropriations from the Educational
17 Enhancement Trust Fund. Each educational facility to be
18 financed with the proceeds of the bonds issued pursuant to
19 this section is hereby approved as required by s. 11(f), Art.
20 VII of the State Constitution.

21 (5) Bonds issued pursuant to this section shall be
22 validated in the manner provided by chapter 75. The complaint
23 for such validation shall be filed in the circuit court of the
24 county where the seat of state government is situated, the
25 notice required to be published by s. 75.06 shall be published
26 only in the county where the complaint is filed, and the
27 complaint and order of the circuit court shall be served only
28 on the state attorney of the circuit in which the action is
29 pending.

30 Section 868. Section 1013.71, Florida Statutes, is
31 created to read:

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 1013.71 Lottery Capital Outlay and Debt Service Trust
2 Fund.--

3 (1)(a) The Lottery Capital Outlay and Debt Service
4 Trust Fund is hereby created, to be administered by the
5 Department of Education. Funds shall be credited to the trust
6 fund from legislative appropriations and interest earnings.
7 The purpose of the trust fund is to maintain and account for
8 lottery funds appropriated for fixed capital outlay and debt
9 service separately from lottery funds appropriated for current
10 operations.

11 (b) Notwithstanding the provisions of s. 216.301 and
12 pursuant to s. 216.351, any balance in the trust fund at the
13 end of any fiscal year shall remain in the trust fund and
14 shall be available for carrying out the purposes of the trust
15 fund.

16 (2) Lottery funds appropriated for fixed capital
17 outlay and debt service, along with any interest earned
18 thereon, shall be transferred from the Educational Enhancement
19 Trust Fund to the Lottery Capital Outlay and Debt Service
20 Trust Fund.

21 (3) Pursuant to the provisions of s. 19(f)(3), Art.
22 III of the State Constitution, the trust fund is not subject
23 to termination under s. 19(f)(2), Art. III of the State
24 Constitution.

25 Section 869. Section 1013.72, Florida Statutes, is
26 created to read:

27 1013.72 SIT Program award eligibility; maximum cost
28 per student station of educational facilities; frugality
29 incentives; recognition awards.--

30 (1) It is the intent of the Legislature that district
31 school boards that seek awards of SIT Program funds use due

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 diligence and sound business practices in the design,
2 construction, and use of educational facilities.

3 (2) A school district may seek an award from the SIT
4 Program, pursuant to this section and s. 1013.42, based on the
5 district's new construction of educational facilities if the
6 cost per student station is less than:

7 (a) \$11,600 for an elementary school,

8 (b) \$13,300 for a middle school, or

9 (c) \$17,600 for a high school,

10

11 (1997) as adjusted annually by the Consumer Price Index. The

12 award shall be up to 50 percent of such savings, as

13 recommended by the Office of Educational Facilities and SMART

14 Schools Clearinghouse.

15 (3) A school district may seek a SMART school of the

16 year recognition award for building the highest quality

17 functional, frugal school. The commissioner may present a

18 trophy or plaque and a cash award to the school recommended by

19 the Office of Educational Facilities and SMART Schools

20 Clearinghouse for a SMART school of the year recognition

21 award.

22 Section 870. Section 1013.73, Florida Statutes, is

23 created to read:

24 1013.73 Effort index grants for school district

25 facilities.--

26 (1) The Legislature hereby allocates for effort index

27 grants the sum of \$300 million from the funds appropriated

28 from the Educational Enhancement Trust Fund by s. 46, chapter

29 97-384, Laws of Florida, contingent upon the sale of school

30 capital outlay bonds. From these funds, the Commissioner of

31 Education shall allocate to the four school districts deemed

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

1 eligible for an effort index grant by the SMART Schools
2 Clearinghouse the sums of \$7,442,890 to the Clay County School
3 District, \$62,755,920 to the Dade County School District,
4 \$1,628,590 to the Hendry County School District, and \$414,950
5 to the Madison County School District. The remaining funds
6 shall be allocated among the remaining district school boards
7 that qualify for an effort index grant by meeting the local
8 capital outlay effort criteria in paragraph (a) or paragraph
9 (b).

10 (a) Between July 1, 1995, and June 30, 1999, the
11 school district received direct proceeds from the
12 one-half-cent sales surtax for public school capital outlay
13 authorized by s. 212.055(6) or from the local government
14 infrastructure sales surtax authorized by s. 212.055(2).

15 (b) The school district met two of the following
16 criteria:

17 1. Levied the full 2 mills of nonvoted discretionary
18 capital outlay authorized by s. 1011.71(2) during 1995-1996,
19 1996-1997, 1997-1998, and 1998-1999.

20 2. Levied a cumulative voted millage for capital
21 outlay and debt service equal to 2.5 mills for fiscal years
22 1995 through 1999.

23 3. Received proceeds of school impact fees greater
24 than \$500 per dwelling unit which were in effect on July 1,
25 1998.

26 4. Received direct proceeds from either the
27 one-half-cent sales surtax for public school capital outlay
28 authorized by s. 212.055(6) or from the local government
29 infrastructure sales surtax authorized by s. 212.055(2).

30 (2) It is the intent of the Legislature that this
31 program be administered as nearly as is practicable in the

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Bill No. CS for CS for SB 1564, 1st Eng.

Amendment No. (for drafter's use only)

1 same manner as the capital outlay program authorized under s.
2 9(d), Art. XII of the State Constitution. Each district school
3 board's share of the appropriation for the effort index grants
4 must be calculated according to the following formula using
5 the same basis as the Classrooms First allocation formula, but
6 the share of each district shall, at a minimum, be at least
7 equal to the amount required for all payments of the district
8 relating to bonds issued by the state on its behalf:

9 (a) Twenty-five percent of the appropriation shall be
10 prorated to the districts based on each district's percentage
11 of base capital outlay full-time-equivalent membership; and 65
12 percent shall be based on each district's percentage of growth
13 capital outlay full-time-equivalent membership as specified
14 for the allocation of funds from the Public Education Capital
15 Outlay and Debt Service Trust Fund by s. 1013.64(3).

16 (b) Ten percent of the appropriation must be allocated
17 among district school boards according to the allocation
18 formula in s. 1013.64(1)(a).

19 (3) A district school board shall expend the funds
20 received under this section only to:

21 (a) Construct, renovate, remodel, repair, or maintain
22 educational facilities; or

23 (b) Pay debt service on bonds issued under this
24 section, the proceeds of which must be expended for new
25 construction, remodeling, renovation, and major repairs. Bond
26 proceeds shall be expended first for providing permanent
27 classroom facilities and related auxiliary facilities. Bond
28 proceeds may not be expended for any other facilities until
29 all unmet needs for permanent classrooms and auxiliary
30 facilities as defined in s. 1013.01 have been satisfied.

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 However, if more than 9 percent of a district's total square
2 feet is more than 50 years old, the district must spend at
3 least 25 percent of its allocation on the renovation, major
4 repair, or remodeling of existing schools, except that
5 districts having fewer than 10,000 full-time equivalent
6 students are exempt from this requirement.

7 (4) Each district school board that pledges moneys
8 under paragraph (3)(b) shall notify the Department of
9 Education of its election at a time set by the department. The
10 Department of Education shall review the proposal of each
11 district school board for compliance with this section and
12 shall forward all approved proposals to the Division of Bond
13 Finance with a request to issue bonds on behalf of the
14 approved school districts.

15 (5) A district school board that chooses to pledge
16 allocations from the Classrooms First Program for the issuance
17 of bonds must encumber those bond proceeds before pledging
18 funds for the payment of debt service on bonds issued pursuant
19 to this section.

20 (6) A school district may receive a distribution for
21 use pursuant to paragraph (3)(a) only if the district school
22 board certifies to the Commissioner of Education that the
23 district has no unmet need for permanent classroom facilities
24 in its 5-year capital outlay work plan. If the work plan
25 contains such unmet needs, the district must use its
26 distribution for the payment of bonds under paragraph (2)(b).
27 If the district does not require its full bonded distribution
28 to eliminate such unmet needs, it may bond only that portion
29 of its allocation necessary to meet the needs.

30 Section 871. Section 1013.74, Florida Statutes, is
31 created to read:

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 1013.74 University authorization for fixed capital
2 outlay projects.--

3 (1) Notwithstanding the provisions of chapter 216,
4 including s. 216.351, a university may accomplish fixed
5 capital outlay projects consistent with the provisions of this
6 section. Projects authorized by this section shall not require
7 educational plant survey approval as prescribed in chapter
8 235.

9 (2) The following types of projects may be
10 accomplished pursuant to this section:

11 (a) Construction of any new buildings, or remodeling
12 of existing buildings, when funded from nonstate sources such
13 as federal grant funds, private gifts, grants, or lease
14 arrangements if such grants or gifts are given for the
15 specific purpose of construction;

16 (b) The replacement of any buildings destroyed by fire
17 or other calamity;

18 (c) Construction of projects financed as provided in
19 ss. 1010.60-1010.619 or 1013.71;

20 (d) Construction of new facilities or remodeling of
21 existing facilities to meet needs for research, provided that
22 such projects are financed pursuant to s. 1004.22; or

23 (e) Construction of facilities or remodeling of
24 existing facilities to meet needs as determined by the
25 university, provided that the amount of funds for any such
26 project does not exceed \$1 million, and the trust funds, other
27 than the funds used to accomplish projects contemplated in
28 this subsection, are authorized and available for such
29 purposes.

30 (3) Other than those projects currently authorized, no
31 project proposed by a university which is to be funded from

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 Capital Improvement Trust Fund fees or building fees shall be
2 submitted to the State Board of Education for approval without
3 prior consultation with the student government association of
4 that university. The State Board of Education shall promulgate
5 rules which are consistent with this requirement.

6 (4) The university board of trustees shall, in
7 consultation with local and state emergency management
8 agencies, assess existing facilities to identify the extent to
9 which each campus has public hurricane evacuation shelter
10 space. The board shall submit to the Governor and the
11 Legislature by August 1 of each year a 5-year capital
12 improvements program that identifies new or retrofitted
13 facilities that will incorporate enhanced hurricane resistance
14 standards and that can be used as public hurricane evacuation
15 shelters. Enhanced hurricane resistance standards include
16 fixed passive protection for window and door applications to
17 provide mitigation protection, security protection with
18 egress, and energy efficiencies that meet standards required
19 in the 130-mile-per-hour wind zone areas. The board must also
20 submit proposed facility retrofit projects to the Department
21 of Community Affairs for assessment and inclusion in the
22 annual report prepared in accordance with s. 252.385(3). Until
23 a regional planning council region in which a campus is
24 located has sufficient public hurricane evacuation shelter
25 space, any campus building for which a design contract is
26 entered into subsequent to July 1, 2001, and which has been
27 identified by the board, with the concurrence of the local
28 emergency management agency or the Department of Community
29 Affairs, to be appropriate for use as a public hurricane
30 evacuation shelter, must be constructed in accordance with
31 public shelter standards.

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 Section 872. Section 1013.75, Florida Statutes, is
2 created to read:

3 1013.75 Cooperative funding of career and technical
4 educational facilities.--

5 (1) Each district school board operating a designated
6 technical center may submit, prior to August 1 of each year, a
7 request to the commissioner for funds from the Public
8 Education Capital Outlay and Debt Service Trust Fund to plan,
9 construct, and equip a career and technical educational
10 facility identified as being critical to the economic
11 development and the workforce needs of the school district.

12 Prior to submitting a request, each school district shall:

13 (a) Adopt and submit to the commissioner a resolution
14 indicating its commitment to fund the planning, construction,
15 and equipping of the proposed facility at 40 percent of the
16 requested project amount. The resolution shall also designate
17 the locale of the proposed facility. If funds from a private
18 or noneducational public entity are to be committed to the
19 project, then a joint resolution shall be required.

20 (b) Except as provided in paragraph (5)(b), levy the
21 maximum millage against the nonexempt assessed property value
22 as provided in s. 1011.71(2).

23 (c) Certify to the Office of Workforce and Economic
24 Development that the project has been survey recommended.

25 (d) Certify to the Office of Workforce and Economic
26 Development that final phase III construction documents comply
27 with applicable building codes and life safety codes.

28 (e) Sign an agreement that the district school board
29 shall advertise for bids within 90 days of receiving an
30 encumbrance authorization from the department.

31 (f) If a construction contract has not been signed 90

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Bill No. CS for CS for SB 1564, 1st Eng.

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

1 days after the advertising of bids, certify to the Office of
2 Workforce and Economic Development and the department the
3 cause for delay. Upon request, an additional 90 days may be
4 granted by the commissioner.

5 (2) The Office of Workforce and Economic Development
6 shall establish the need for additional career and technical
7 education programs and the continuation of existing programs
8 before facility construction or renovation related to career
9 and technical education can be included in the educational
10 plant survey. Information used by the Office of Workforce and
11 Economic Development to establish facility needs shall
12 include, but not be limited to, labor market needs analysis
13 and information submitted by the school districts.

14 (3) The total cost of the proposed facility shall be
15 determined by the district school board using established
16 state board averages for determining new construction cost.

17 (4)(a) A career and technical education construction
18 committee shall be composed of the following: three
19 representatives from the Department of Education and one
20 representative from the Executive Office of the Governor.

21 (b) The committee shall review and evaluate the
22 requests submitted from the school districts and rank the
23 requests in priority order in accordance with statewide
24 critical needs. This statewide priority list shall be
25 submitted to the commissioner.

26 (c) The commissioner's legislative capital outlay
27 budget request may include up to 2 percent of the new
28 construction allocation to public schools for career and
29 technical capital outlay projects recommended by the career
30 and technical education construction committee.

31 (5)(a) Upon approval of a project, the commissioner

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Bill No. CS for CS for SB 1564, 1st Eng.

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

1 shall include up to 60 percent of the total cost of the
2 project in the legislative capital outlay budget request as
3 provided in s. 1013.60 for educational plants. The
4 participating district school board shall provide 40 percent
5 of the total cost of the project. When practical, the district
6 school board shall solicit and encourage a private or
7 noneducational public entity to commit to finance a portion of
8 the funds to complete the planning, construction, and
9 equipping of the facility. If a site does not exist, the
10 purchase price or, if donated, the assessed value of a site
11 may be included in meeting the funding requirements of the
12 district school board, a private or noneducational public
13 entity, or the educational agency. The value of existing
14 sites, intended to satisfy any portion of the funding
15 requirement of a private or noneducational public entity,
16 shall be determined by an independent appraiser under contract
17 with the board. The size of the site to adequately provide for
18 the implementation of the proposed educational programs shall
19 be determined by the board. Funds from the Public Education
20 Capital Outlay and Debt Service Trust Fund may not be expended
21 on any project unless specifically authorized by the
22 Legislature.

23 (b) In the event that a school district is not levying
24 the maximum millage against the nonexempt assessed property
25 value pursuant to paragraph (1)(b), state and school district
26 funding pursuant to paragraph (a) shall be reduced by the same
27 proportion as the millage actually being levied bears to the
28 maximum allowable millage.

29 Section 873. Section 1013.76, Florida Statutes, is
30 created to read:

31 1013.76 Multiyear capital improvement contracts.--Any

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Bill No. CS for CS for SB 1564, 1st Eng.

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

1 provision of chapters 1010 and 1011 to the contrary
2 notwithstanding, school districts are authorized to award
3 capital improvement contracts involving expenditures to be
4 incurred for a period of more than 1 year on the basis of
5 voter-authorized and unissued general obligation bonding
6 authority, provided that sufficient funds are available to,
7 and budgeted by, the school district to pay actual
8 disbursements during any fiscal year.

9 Section 874. Section 1013.78, Florida Statutes, is
10 created to read:

11 1013.78 Approval required for certain
12 university-related facility acquisitions.--

13 (1) No university or university direct-support
14 organization shall construct, accept, or purchase facilities
15 for which the state will be asked for operating funds unless
16 there has been prior approval for construction or acquisition
17 granted by the Legislature.

18 (2) Legislative approval shall not be required for
19 renovations, remodeling, replacement of existing facilities or
20 construction of minor projects as defined in s. 1013.64.

21 Section 875. Section 1013.79, Florida Statutes, is
22 created to read:

23 1013.79 University Facility Enhancement Challenge
24 Grant Program.--

25 (1) The Legislature recognizes that the universities
26 do not have sufficient physical facilities to meet the current
27 demands of their instructional and research programs. It
28 further recognizes that, to strengthen and enhance
29 universities, it is necessary to provide facilities in
30 addition to those currently available from existing revenue
31 sources. It further recognizes that there are sources of

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1 private support that, if matched with state support, can
2 assist in constructing much-needed facilities and strengthen
3 the commitment of citizens and organizations in promoting
4 excellence throughout the state universities. Therefore, it is
5 the intent of the Legislature to establish a trust fund to
6 provide the opportunity for each university to receive and
7 match challenge grants for instructional and research-related
8 capital facilities within the university.

9 (2) There is hereby established the Alec P. Courtelis
10 University Facility Enhancement Challenge Grant Program for
11 the purpose of assisting universities build high priority
12 instructional and research-related capital facilities,
13 including common areas connecting such facilities. The
14 associated foundations that serve the universities shall
15 solicit gifts from private sources to provide matching funds
16 for capital facilities. For the purposes of this act, private
17 sources of funds shall not include any federal, state, or
18 local government funds that a university may receive.

19 (3) There is established the Alec P. Courtelis Capital
20 Facilities Matching Trust Fund for the purpose of providing
21 matching funds from private contributions for the development
22 of high priority instructional and research-related capital
23 facilities, including common areas connecting such facilities,
24 within a university. The Legislature shall appropriate funds
25 to be transferred to the trust fund. The Public Education
26 Capital Outlay and Debt Service Trust Fund, Capital
27 Improvement Trust Fund, Division of Sponsored Research Trust
28 Fund, and Contracts and Grants Trust Fund shall not be used as
29 the source of the state match for private contributions. All
30 appropriated funds deposited into the trust fund shall be
31 invested pursuant to the provisions of s. 18.125. Interest

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1 income accruing to that portion of the trust fund shall
2 increase the total funds available for the challenge grant
3 program. Interest income accruing from the private donations
4 shall be returned to the participating foundation upon
5 completion of the project. The State Board of Education shall
6 administer the trust fund and all related construction
7 activities.

8 (4) No project shall be initiated unless all private
9 funds for planning, construction, and equipping the facility
10 have been received and deposited in the trust fund and the
11 state's share for the minimum amount of funds needed to begin
12 the project has been appropriated by the Legislature. The
13 Legislature may appropriate the state's matching funds in one
14 or more fiscal years for the planning, construction, and
15 equipping of an eligible facility. However, these requirements
16 shall not preclude the university from expending available
17 funds from private sources to develop a prospectus, including
18 preliminary architectural schematics and/or models, for use in
19 its efforts to raise private funds for a facility.
20 Additionally, any private sources of funds expended for this
21 purpose are eligible for state matching funds should the
22 project materialize as provided for in this section.

23 (5) To be eligible to participate in the Alec P.
24 Courtelis Capital Facilities Matching Trust Fund, a university
25 shall raise a contribution equal to one-half of the total cost
26 of a facilities construction project from private
27 nongovernmental sources which shall be matched by a state
28 appropriation equal to the amount raised for a facilities
29 construction project subject to the General Appropriations
30 Act.

31 (6) If the state's share of the required match is

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1 insufficient to meet the requirements of subsection (5), the
2 university shall renegotiate the terms of the contribution
3 with the donors. If the project is terminated, each private
4 donation, plus accrued interest, reverts to the foundation for
5 remittance to the donor.

6 (7) By September 1 of each year, the State Board of
7 Education shall transmit to the Legislature a list of projects
8 which meet all eligibility requirements to participate in the
9 Alec P. Courtelis Capital Facilities Matching Trust Fund and a
10 budget request which includes the recommended schedule
11 necessary to complete each project.

12 (8) In order for a project to be eligible under this
13 program, it must be included in the university 5-year Capital
14 Improvement Plan and must receive prior approval from the
15 State Board of Education and the Legislature.

16 (9) No university's project shall be removed from the
17 approved 3-year PECO priority list because of its successful
18 participation in this program until approved by the
19 Legislature and provided for in the General Appropriations
20 Act. When such a project is completed and removed from the
21 list, all other projects shall move up on the 3-year PECO
22 priority list. A university shall not use PECO funds,
23 including the Capital Improvement Trust Fund fee and the
24 building fee, to complete a project under this section.

25 (10) Any project funds that are unexpended after a
26 project is completed shall revert to the Capital Facilities
27 Matching Trust Fund. Fifty percent of such unexpended funds
28 shall be reserved for the university which originally received
29 the private contribution for the purpose of providing private
30 matching funds for future facility construction projects as
31 provided in this section. The balance of such unexpended funds

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1 shall be available to any state university for future facility
2 construction projects conducted pursuant to this section.

3 (11) The surveys, architectural plans, facility, and
4 equipment shall be the property of the State of Florida. A
5 facility constructed pursuant to this section may be named in
6 honor of a donor at the option of the university and the State
7 Board of Education. No facility shall be named after a living
8 person without prior approval by the Legislature.

9 Section 876. Section 1013.81, Florida Statutes, is
10 created to read:

11 1013.81 Community college indebtedness; bonds and tax
12 anticipation certificates; payment.--

13 (1) The indebtedness incurred for the benefit of
14 community colleges and represented by bonds or motor vehicle
15 tax anticipation certificates issued from time to time by the
16 State Board of Education, hereinafter called "state board,"
17 pursuant to s. 18, Art. XII of the State Constitution of 1885
18 on behalf of the several former county boards of public
19 instruction shall not be considered by the state board in
20 determining the amount of bonds or motor vehicle tax
21 anticipation certificates which the state board may issue from
22 time to time on behalf of the several school districts under
23 the provisions of s. 9(d), Art. XII of the State Constitution,
24 as amended at the general election held on November 7, 1972,
25 hereinafter called "school capital outlay amendment." Such
26 indebtedness incurred on behalf of community colleges, as
27 described above, shall be considered by the state board in
28 determining the amount of bonds or motor vehicle tax
29 anticipation certificates which the state board may issue from
30 time to time on behalf of the several community college
31 districts under the provisions of the school capital outlay

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1 amendment.

2 (2) The debt service requirements on the indebtedness
3 incurred for the benefit of community colleges and represented
4 by bonds or motor vehicle tax anticipation certificates issued
5 from time to time by the state board on behalf of the several
6 former county boards of public instruction, as described in
7 subsection (1), shall be paid from funds distributable
8 pursuant to the school capital outlay amendment to the credit
9 of the several community college districts, and not from funds
10 distributable pursuant to the school capital outlay amendment
11 to the credit of the several school districts.

12 (3) Nothing herein shall be construed to authorize the
13 state board to affect adversely or impair the contractual
14 rights created and vested by reason of the prior issuance of
15 bonds or motor vehicle tax anticipation certificates by the
16 state board.

17 Section 877. Section 1013.82, Florida Statutes, is
18 created to read:

19 1013.82 Contracts of institutions for supplies,
20 utility services, and building construction exempt from
21 operation of county or municipal ordinance or charter.--

22 (1) University boards of trustees are authorized to
23 contract for supplies, utility services, and building
24 construction without regulation or restriction by municipal or
25 county charter or ordinance. Contractual arrangements shall be
26 in the best interests of the state and shall give
27 consideration to rates, adequacy of service, and the
28 dependability of the contractor.

29 (2) Any municipal or county charter, ordinance, or
30 regulation that serves to restrict or prohibit the intent of
31 subsection (1) shall be inoperative.

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1 Section 878. Section 11.061, Florida Statutes, is
2 amended to read:

3 11.061 State, state university, and community college
4 employee lobbyists; registration; recording attendance;
5 penalty; exemptions.--

6 (1) Any person employed by any executive, judicial, or
7 quasi-judicial department of the state or community college or
8 state university ~~of the state~~ who seeks to encourage the
9 passage, defeat, or modification of any legislation by
10 personal appearance or attendance before the House of
11 Representatives or the Senate, or any committee thereof,
12 shall, prior thereto, register as a lobbyist with the joint
13 legislative office on a form to be provided by the joint
14 legislative office in the same manner as any other lobbyist is
15 required to register, whether by rule of either house or
16 otherwise. This shall not preclude any person from contacting
17 her or his legislator regarding any matter during hours other
18 than the established business hours of the person's respective
19 agency, state university, or community college.

20 (2)(a) Each state, state university, or community
21 college employee ~~or employee of a community college~~ registered
22 pursuant to the provisions of this section shall:

23 1. Record with the chair of the committee any
24 attendance before any committee during established business
25 hours of the agency, state university, or community college
26 employing the person.

27 2. Record with the joint legislative office any
28 attendance in the legislative chambers, committee rooms,
29 legislative offices, legislative hallways, and other areas in
30 the immediate vicinity during the established business hours
31 of the agency, state university, or community college

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1 employing the person.

2 (b) Any person who appears before a committee or
3 subcommittee of the House of Representatives or the Senate at
4 the request of the committee or subcommittee chair as a
5 witness or for informational purposes shall be exempt from the
6 provisions of this subsection.

7 (3) Any state, state university, or community college
8 ~~employee or employee of a community college~~ who violates any
9 provision of this section by not registering with the joint
10 legislative office as a lobbyist or by failing to record hours
11 spent as a lobbyist in areas and activities as set forth in
12 this section during the established business hours of the
13 agency, state university, or community college employing the
14 person shall have deducted from her or his salary an amount
15 equivalent to her or his hourly wage times the number of hours
16 that she or he was in violation of this section.

17 (4) Any person employed by any executive, judicial, or
18 quasi-judicial department of the state or by any community
19 college or state university ~~of the state~~ whose position is
20 designated in that department's budget as being used during
21 all, or a portion of, the fiscal year for lobbying shall
22 comply with the provisions of subsection (1), but shall be
23 exempt from the provisions of subsections (2) and (3).

24 Section 879. Paragraph (c) of subsection (5) of
25 section 11.40, Florida Statutes, is amended to read:

26 11.40 Legislative Auditing Committee.--

27 (5) Following notification by the Auditor General, the
28 Department of Banking and Finance, or the Division of Bond
29 Finance of the State Board of Administration of the failure of
30 a local governmental entity, district school board, charter
31 school, or charter technical career center to comply with the

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1 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
2 s. 218.38, the Legislative Auditing Committee may schedule a
3 hearing. If a hearing is scheduled, the committee shall
4 determine if the entity should be subject to further state
5 action. If the committee determines that the entity should be
6 subject to further state action, the committee shall:

7 (c) In the case of a charter school or charter
8 technical career center, notify the appropriate sponsoring
9 entity, which may terminate the charter pursuant to ss.
10 1002.33 228.056 and 1002.34 228.505.

11 Section 880. Paragraph (a) of subsection (3) and
12 subsection (8) of section 11.45, Florida Statutes, are amended
13 to read:

14 11.45 Definitions; duties; authorities; reports;
15 rules.--

16 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

17 (a) The Auditor General may, pursuant to his or her
18 own authority, or at the direction of the Legislative Auditing
19 Committee, conduct audits or other engagements as determined
20 appropriate by the Auditor General of:

21 1. The accounts and records of any governmental entity
22 created or established by law.

23 2. The information technology programs, activities,
24 functions, or systems of any governmental entity created or
25 established by law.

26 3. The accounts and records of any charter school
27 created or established by law.

28 4. The accounts and records of any direct-support
29 organization or citizen support organization created or
30 established by law. The Auditor General is authorized to
31 require and receive any records from the direct-support

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1 organization or citizen support organization, or from its
2 independent auditor.

3 5. The public records associated with any
4 appropriation made by the General Appropriations Act to a
5 nongovernmental agency, corporation, or person. All records of
6 a nongovernmental agency, corporation, or person with respect
7 to the receipt and expenditure of such an appropriation shall
8 be public records and shall be treated in the same manner as
9 other public records are under general law.

10 6. State financial assistance provided to any nonstate
11 entity.

12 7. The Tobacco Settlement Financing Corporation
13 created pursuant to s. 215.56005.

14 8. The Florida On-Line High School created pursuant to
15 s. 1002.37 ~~228.082~~.

16 9. Any purchases of federal surplus lands for use as
17 sites for correctional facilities as described in s. 253.037.

18 10. Enterprise Florida, Inc., including any of its
19 boards, advisory committees, or similar groups created by
20 Enterprise Florida, Inc., and programs. The audit report may
21 not reveal the identity of any person who has anonymously made
22 a donation to Enterprise Florida, Inc., pursuant to this
23 subparagraph. The identity of a donor or prospective donor to
24 Enterprise Florida, Inc., who desires to remain anonymous and
25 all information identifying such donor or prospective donor
26 are confidential and exempt from the provisions of s.
27 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
28 anonymity shall be maintained in the auditor's report.

29 11. The Florida Development Finance Corporation or the
30 capital development board or the programs or entities created
31 by the board. The audit or report may not reveal the identity

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1 of any person who has anonymously made a donation to the board
2 pursuant to this subparagraph. The identity of a donor or
3 prospective donor to the board who desires to remain anonymous
4 and all information identifying such donor or prospective
5 donor are confidential and exempt from the provisions of s.
6 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
7 anonymity shall be maintained in the auditor's report.

8 12. The records pertaining to the use of funds from
9 voluntary contributions on a motor vehicle registration
10 application or on a driver's license application authorized
11 pursuant to ss. 320.023 and 322.081.

12 13. The records pertaining to the use of funds from
13 the sale of specialty license plates described in chapter 320.

14 14. The transportation corporations under contract
15 with the Department of Transportation that are acting on
16 behalf of the state to secure and obtain rights-of-way for
17 urgently needed transportation systems and to assist in the
18 planning and design of such systems pursuant to ss.
19 339.401-339.421.

20 15. The acquisitions and divestitures related to the
21 Florida Communities Trust Program created pursuant to chapter
22 380.

23 16. The Florida Water Pollution Control Financing
24 Corporation created pursuant to s. 403.1837.

25 17. The Florida Partnership for School Readiness
26 created pursuant to s. 411.01.

27 18. The Occupational Access and Opportunity Commission
28 created pursuant to s. 413.83.

29 19. The Florida Special Disability Trust Fund
30 Financing Corporation created pursuant to s. 440.49.

31 20. Workforce Florida, Inc., or the programs or

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1 entities created by Workforce Florida, Inc., created pursuant
2 to s. 445.004.

3 21. The corporation defined in s. 455.32 that is under
4 contract with the Department of Business and Professional
5 Regulation to provide administrative, investigative,
6 examination, licensing, and prosecutorial support services in
7 accordance with the provisions of s. 455.32 and the practice
8 act of the relevant profession.

9 22. The Florida Engineers Management Corporation
10 created pursuant to chapter 471.

11 23. The Investment Fraud Restoration Financing
12 Corporation created pursuant to chapter 517.

13 24. The books and records of any permitholder that
14 conducts race meetings or jai alai exhibitions under chapter
15 550.

16 25. The corporation defined in part II of chapter 946,
17 known as the Prison Rehabilitative Industries and Diversified
18 Enterprises, Inc., or PRIDE Enterprises.

19 (8) RULES OF THE AUDITOR GENERAL.--The Auditor
20 General, in consultation with the Board of Accountancy, shall
21 adopt rules for the form and conduct of all financial audits
22 performed by independent certified public accountants pursuant
23 to ss. 215.981, 218.39, 1004.28, 1004.70, and 1013.77-237.40,
24 ~~240.299, and 240.331~~. The rules for audits of local
25 governmental entities and district school boards must include,
26 but are not limited to, requirements for the reporting of
27 information necessary to carry out the purposes of the Local
28 Government Financial Emergencies Act as stated in s. 218.501.

29 Section 881. Notwithstanding subsection (7) of section
30 3 of chapter 2000-321, Laws of Florida, section 20.15, Florida
31 Statutes, shall not stand repealed on January 7, 2003, as

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1 scheduled by that act, but is reenacted and amended to read:

2 20.15 Department of Education.--There is created a
3 Department of Education.

4 (1) STATE BOARD OF EDUCATION.--In accordance with s.
5 2, Art. IX of the State Constitution, the State Board of
6 Education is a body corporate and must supervise the system of
7 free public education as is provided by law. The State Board
8 of Education is the head of the Department of Education the
9 ~~chief policymaking body of public education in the state as~~
10 ~~specified in chapter 229. The Governor is chair of the board,~~
11 ~~and the Commissioner of Education is the secretary and~~
12 ~~executive officer and in the absence of the Governor shall~~
13 ~~serve as chair.~~

14 (2) COMMISSIONER OF EDUCATION.--The Commissioner of
15 Education is appointed by the State Board of Education and
16 serves as the Executive Director of the Department of
17 Education ~~head of the Department of Education is the~~
18 ~~Commissioner of Education who shall be elected by vote of the~~
19 ~~qualified electors of the state pursuant to s. 5, Art. IV of~~
20 ~~the State Constitution.~~

21 ~~(a) The Commissioner of Education shall appoint a~~
22 ~~Deputy Commissioner for Educational Programs who has such~~
23 ~~powers, duties, responsibilities, and functions as are~~
24 ~~necessary to ensure the greatest possible coordination,~~
25 ~~efficiency, and effectiveness of kindergarten through~~
26 ~~12th grade education and vocational and continuing education~~
27 ~~programs, including workforce development.~~

28 ~~(b) The Commissioner of Education shall appoint a~~
29 ~~Deputy Commissioner for Planning, Budgeting, and Management~~
30 ~~who has such powers, duties, responsibilities, and functions~~
31 ~~as are necessary to ensure the greatest possible coordination~~

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1 ~~of policies, programs, and procedures for the statewide system~~
2 ~~of education and the department.~~

3 ~~(c) The Commissioner of Education shall appoint a~~
4 ~~Deputy Commissioner for Technology and Administration who has~~
5 ~~such powers, duties, responsibilities, and functions as are~~
6 ~~necessary to ensure the greatest possible coordination and~~
7 ~~development of technological supports for the education system~~
8 ~~and efficient administration of the department.~~

9 (3) DIVISIONS.--The following divisions of the
10 Department of Education are established:

11 (a) Division of Community Colleges.

12 (b) Division of Public Schools ~~and Community~~
13 ~~Education.~~

14 (c) Division of Colleges and Universities.

15 (d) Division of Vocational Rehabilitation Workforce
16 ~~Development.~~

17 ~~(e) Division of Professional Educators.~~

18 ~~(f) Division of Administration.~~

19 ~~(g) Division of Financial Services.~~

20 ~~(h) Division of Support Services.~~

21 ~~(i) Division of Technology.~~

22 ~~(e)(j)~~ Division of Blind Services.

23 (4) DIRECTORS.--~~The Board of Regents is the director~~
24 ~~of the Division of Universities, and the State Board of~~
25 ~~Community Colleges is the director of the Division of~~
26 ~~Community Colleges, pursuant to chapter 240. The directors of~~
27 ~~all other~~ divisions shall be appointed by the commissioner
28 subject to approval by the state board.

29 (5) POWERS AND DUTIES.--The State Board of Education
30 and the Commissioner of Education+

31 ~~(a)~~ shall assign to the divisions ~~Division of Public~~

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1 ~~Schools and Community Education~~ such powers, duties,
2 responsibilities, and functions as are necessary to ensure the
3 greatest possible coordination, efficiency, and effectiveness
4 of education for students in K-20 education ~~prekindergarten~~
5 ~~through 12th grade, for secondary school vocational education,~~
6 ~~and for community education.~~

7 ~~(b) Shall assign to the Division of Workforce~~
8 ~~Development such powers, duties, responsibilities, and~~
9 ~~functions as are necessary to ensure the greatest possible~~
10 ~~coordination, efficiency, and effectiveness of workforce~~
11 ~~development education.~~

12 ~~(c) Shall assign to the State Board of Community~~
13 ~~Colleges such powers, duties, responsibilities, and functions~~
14 ~~as are necessary to ensure the coordination, efficiency, and~~
15 ~~effectiveness of community colleges, except those duties~~
16 ~~specifically assigned to the Commissioner of Education in ss.~~
17 ~~229.512 and 229.551, the duties concerning physical facilities~~
18 ~~in chapter 235, and the duties assigned to the Division of~~
19 ~~Workforce Development in chapter 239.~~

20 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
21 contained in law to the contrary, the commissioner of
22 ~~Education~~ shall appoint all members of all councils and
23 committees of the Department of Education, except the
24 Commission for Independent Education and Board of Regents, the
25 ~~State Board of Community Colleges, the community college~~
26 ~~district boards of trustees, the Postsecondary Education~~
27 ~~Planning Commission, the Education Practices Commission, the~~
28 ~~Education Standards Commission, the State Board of Independent~~
29 ~~Colleges and Universities, and the State Board of Nonpublic~~
30 ~~Career Education.~~

31 (7) BOARDS.--Notwithstanding anything contained in law

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1 to the contrary, all members of the university ~~Board of~~
2 ~~Regents, the State Board of Community Colleges,~~ and the
3 community college ~~district~~ boards of trustees must be
4 appointed according to chapter 1001 240.

5 Section 882. Paragraphs (a) and (b) of subsection (1),
6 paragraph (d) of subsection (3), and paragraph (a) of
7 subsection (5) of section 23.1225, Florida Statutes, are
8 amended to read:

9 23.1225 Mutual aid agreements.--

10 (1) The term "mutual aid agreement," as used in this
11 part, refers to one of the following types of agreement:

12 (a) A voluntary cooperation written agreement between
13 two or more law enforcement agencies, or between one or more
14 law enforcement agencies and either a school board that
15 employs school safety officers or a state university that
16 employs or appoints university police officers in accordance
17 with s. 1012.97 240-268, which agreement permits voluntary
18 cooperation and assistance of a routine law enforcement nature
19 across jurisdictional lines. The agreement must specify the
20 nature of the law enforcement assistance to be rendered, the
21 agency or entity that shall bear any liability arising from
22 acts undertaken under the agreement, the procedures for
23 requesting and for authorizing assistance, the agency or
24 entity that has command and supervisory responsibility, a time
25 limit for the agreement, the amount of any compensation or
26 reimbursement to the assisting agency or entity, and any other
27 terms and conditions necessary to give it effect. Examples of
28 law enforcement activities that may be addressed in a
29 voluntary cooperation written agreement include, but are not
30 limited to, establishing a joint city-county task force on
31 narcotics smuggling, authorizing school safety officers to

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1 enforce laws in an area within 1,000 feet of a school or
2 school board property, or establishing a joint city-county
3 traffic enforcement task force.

4 (b) A requested operational assistance written
5 agreement between two or more law enforcement agencies, or
6 between one or more law enforcement agencies and either a
7 school board that employs school safety officers or a state
8 university that employs or appoints university police officers
9 in accordance with s. 1012.97 ~~240.268~~, which agreement is for
10 the rendering of assistance in a law enforcement emergency.
11 The agreement must specify the nature of the law enforcement
12 assistance to be rendered, the agency or entity that shall
13 bear any liability arising from acts undertaken under the
14 agreement, the procedures for requesting and for authorizing
15 assistance, the agency or entity that has command and
16 supervisory responsibility, a time limit for the agreement,
17 the amount of any compensation or reimbursement to the
18 assisting agency or entity, and any other terms and conditions
19 necessary to give it effect. An example of the use of a
20 requested operational assistance written agreement is to meet
21 a request for assistance due to a civil disturbance or other
22 emergency as defined in s. 252.34.

23 (3) A mutual aid agreement may be entered into by:

24 (d) A state university that employs or appoints
25 university police officers in accordance with s. 1012.97
26 ~~240.268~~.

27 (5) In the event of a disaster or emergency such that
28 a state of emergency is declared by the Governor pursuant to
29 chapter 252, the requirement that a requested operational
30 assistance agreement be a written agreement for rendering of
31 assistance in a law enforcement emergency may be waived by the

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1 participating agencies for a period of up to 90 days from the
2 declaration of the disaster.

3 (a) When a law enforcement agency, a school board
4 employing school safety officers, or a state university
5 employing or appointing university police officers in
6 accordance with s. 1012.97 ~~240-268~~ lends assistance pursuant
7 to this subsection, all powers, privileges, and immunities
8 listed in s. 23.127, except with regard to interstate mutual
9 aid agreements, apply to the agency or entity, provided that
10 the law enforcement, school board, or university employees
11 rendering services are being requested and coordinated by the
12 affected local law enforcement executive in charge of law
13 enforcement operations.

14 Section 883. Subsection (2) and paragraphs (c) and (d)
15 of subsection (5) of section 24.121, Florida Statutes, are
16 amended to read:

17 24.121 Allocation of revenues and expenditure of funds
18 for public education.--

19 (2) Each fiscal year, at least 38 percent of the gross
20 revenue from the sale of lottery tickets and other earned
21 revenue, excluding application processing fees, shall be
22 deposited in the Educational Enhancement Trust Fund, which is
23 hereby created in the State Treasury to be administered by the
24 Department of Education. The Department of the Lottery shall
25 transfer moneys to the Educational Enhancement Trust Fund at
26 least once each quarter. Funds in the Educational Enhancement
27 Trust Fund shall be used to the benefit of public education in
28 accordance with the provisions of this act. Notwithstanding
29 any other provision of law, a maximum of \$180 million of
30 lottery revenues transferred to the Educational Enhancement
31 Trust Fund in fiscal year 1997-1998 and for 30 years

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1 thereafter shall be reserved as needed and used to meet the
2 requirements of the documents authorizing the bonds issued by
3 the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70
4 ~~235.2195~~ or distributed to school districts for the Classrooms
5 First Program as provided in s. 1013.68 ~~235.187~~. Such lottery
6 revenues are hereby pledged to the payment of debt service on
7 bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s.
8 1013.70 ~~235.2195~~. Debt service payable on bonds issued by the
9 state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~
10 shall be payable from the first lottery revenues transferred
11 to the Educational Enhancement Trust Fund in each fiscal year.
12 Amounts distributable to school districts that request the
13 issuance of bonds pursuant to s. 1013.68(3) ~~235.187(3)~~ are
14 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of
15 the State Constitution. The amounts distributed through the
16 Classrooms First Program shall equal \$145 million in each
17 fiscal year. These funds are intended to provide up to \$2.5
18 billion for public school facilities.

19 (5)

20 (c) A portion of such net revenues, as determined
21 annually by the Legislature, shall be distributed to each
22 school district and shall be made available to each public
23 school in the district for enhancing school performance
24 through development and implementation of a school improvement
25 plan pursuant to s. 1001.42(16) ~~230.23(16)~~. A portion of these
26 moneys, as determined annually in the General Appropriations
27 Act, must be allocated to each school in an equal amount for
28 each student enrolled. These moneys may be expended only on
29 programs or projects selected by the school advisory council
30 or by a parent advisory committee created pursuant to this
31 paragraph. If a school does not have a school advisory

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

14 (d) No funds shall be released for any purpose from
15 the Educational Enhancement Trust Fund to any school district
16 in which one or more schools do not have an approved school
17 improvement plan pursuant to s. 1001.42(16) ~~230.23(16)~~ or do
18 not comply with school advisory council membership composition
19 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
20 the Commissioner of Education shall withhold disbursements
21 from the trust fund to any school district that fails to adopt
22 the performance-based salary schedule required by s.
23 1012.22(1) ~~230.23(5)~~.

24 Section 884. Paragraph (a) of subsection (5) of
25 section 39.0015, Florida Statutes, is amended to read:

26 39.0015 Child abuse prevention training in the
27 district school system.--

28 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION
29 PROCESS; MONITORING AND EVALUATION.--

30 (a) Each training center shall perform the following
31 functions:

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1 1. Act as a clearinghouse to provide information on
2 prevention curricula which meet the requirements of this
3 section and the requirements of s. ss. 39.001 ~~and 231.17.~~

4 2. Assist the local school district in selecting a
5 prevention program model which meets the needs of the local
6 community.

7 3. At the request of the local school district, design
8 and administer training sessions to develop or expand local
9 primary prevention and training programs.

10 4. Provide assistance to local school districts,
11 including, but not limited to, all of the following:
12 administration, management, program development, multicultural
13 staffing, and community education, in order to better meet the
14 requirements of this section and of s. ss. 39.001 ~~and 231.17.~~

15 5. At the request of the department or the local
16 school district, provide ongoing program development and
17 training to achieve all of the following:

18 a. Meet the special needs of children, including, but
19 not limited to, the needs of disabled and high-risk children.

20 b. Conduct an outreach program to inform the
21 surrounding communities of the existence of primary prevention
22 and training programs and of funds to conduct such programs.

23 6. Serve as a resource to the Department of Children
24 and Family Services and its districts.

25 Section 885. Paragraph (c) of subsection (3) of
26 section 39.407, Florida Statutes, is amended to read:

27 39.407 Medical, psychiatric, and psychological
28 examination and treatment of child; physical or mental
29 examination of parent or person requesting custody of child.--

30 (3)

31 (c) The judge may also order such child to be

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1 evaluated by a district school board educational needs
2 assessment team. The educational needs assessment provided by
3 the district school board educational needs assessment team
4 shall include, but not be limited to, reports of intelligence
5 and achievement tests, screening for learning disabilities and
6 other handicaps, and screening for the need for alternative
7 education as defined in s. 1001.42 ~~230-23~~.

8 Section 886. Subsection (1) of section 61.13015,
9 Florida Statutes, is amended to read:

10 61.13015 Petition for suspension or denial of
11 professional licenses and certificates.--

12 (1) An obligee may petition the court which entered
13 the support order or the court which is enforcing the support
14 order for an order to suspend or deny the license or
15 certificate issued pursuant to chapters ~~231~~, 409, 455, 456,
16 ~~and~~ 559, and 1012 of any obligor with a delinquent support
17 obligation. However, no petition may be filed until the
18 obligee has exhausted all other available remedies. The
19 purpose of this section is to promote the public policy of s.
20 409.2551.

21 Section 887. Subsection (2) of section 105.061,
22 Florida Statutes, is amended to read:

23 105.061 Electors qualified to vote.--

24 (2) The election of members of a school board shall be
25 by vote of the qualified electors as prescribed in chapter
26 1001 ~~230~~.

27 Section 888. Paragraph (a) of subsection (1) of
28 section 110.1228, Florida Statutes, is amended to read:

29 110.1228 Participation by small counties, small
30 municipalities, and district school boards located in small
31 counties.--

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1 (1) As used in this section, the term:

2 (a) "District school board" means a district school
3 board located in a small county or a district school board
4 that receives funding pursuant to s. 1011.62(6) ~~236.081(6)~~.

5 Section 889. Paragraphs (b), (c), (f), (g), and (h) of
6 subsection (2) of section 110.123, Florida Statutes, are
7 amended to read:

8 110.123 State group insurance program.--

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

10 (b) "Enrollee" means all state officers and employees,
11 retired state officers and employees, surviving spouses of
12 deceased state officers and employees, and terminated
13 employees or individuals with continuation coverage who are
14 enrolled in an insurance plan offered by the state group
15 insurance program. "Enrollee" includes all state university
16 officers and employees, retired state university officers and
17 employees, surviving spouses of deceased state university
18 officers and employees, and terminated state university
19 employees or individuals with continuation coverage who are
20 enrolled in an insurance plan offered by the state group
21 insurance program.

22 (c) "Full-time state employees" includes all full-time
23 employees of all branches or agencies of state government
24 holding salaried positions and paid by state warrant or from
25 agency funds, and employees paid from regular salary
26 appropriations for 8 months' employment, including university
27 personnel on academic contracts, but in no case shall "state
28 employee" or "salaried position" include persons paid from
29 other-personal-services (OPS) funds. "Full-time employees"
30 includes all full-time employees of the state universities.

31 (f) "Part-time state employee" means any employee of

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1 any branch or agency of state government paid by state warrant
2 from salary appropriations or from agency funds, and who is
3 employed for less than the normal full-time workweek
4 established by the department or, if on academic contract or
5 seasonal or other type of employment which is less than
6 year-round, is employed for less than 8 months during any
7 12-month period, but in no case shall "part-time" employee
8 include a person paid from other-personal-services (OPS)
9 funds. "Part-time state employee" includes any part-time
10 employee of the state universities.

11 (g) "Retired state officer or employee" or "retiree"
12 means any state or state university officer or ~~state~~ employee
13 who retires under a state retirement system or a state
14 optional annuity or retirement program or is placed on
15 disability retirement, and who was insured under the state
16 group insurance program at the time of retirement, and who
17 begins receiving retirement benefits immediately after
18 retirement from state or state university office or
19 employment.

20 (h) "State agency" or "agency" means any branch,
21 department, or agency of state government. "State agency" or
22 "agency" includes any state university for purposes of this
23 section only.

24 Section 890. Subsection (1) of section 110.151,
25 Florida Statutes, is amended to read:

26 110.151 State officers' and employees' child care
27 services.--

28 (1) The Department of Management Services shall
29 approve, administer, and coordinate child care services for
30 state officers' and employees' children or dependents. Duties
31 shall include, but not be limited to, reviewing and approving

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1 requests from state agencies for child care services;
2 providing technical assistance on child care program startup
3 and operation; and assisting other agencies in conducting
4 needs assessments, designing centers, and selecting service
5 providers. Primary emphasis for child care services shall be
6 given to children who are not subject to compulsory school
7 attendance pursuant to part II of chapter 1003 ~~chapter 232~~,
8 and, to the extent possible, emphasis shall be placed on child
9 care for children aged 2 and under.

10 Section 891. Subsection (5) of section 110.181,
11 Florida Statutes, is amended to read:

12 110.181 Florida State Employees' Charitable
13 Campaign.--

14 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each
15 university may elect to participate in the Florida State
16 Employees' Charitable Campaign, upon timely notice to the
17 department. Each university may also conduct annual
18 charitable fundraising drives for employees under the
19 authority granted in s. 1001.74(19) ~~240.209(3)(f)~~.

20 Section 892. Paragraph (d) of subsection (2) of
21 section 110.205, Florida Statutes, is amended to read:

22 110.205 Career service; exemptions.--

23 (2) EXEMPT POSITIONS.--The exempt positions that are
24 not covered by this part include the following:

25 (d) All officers and employees of the state
26 universities ~~University System~~ and the Correctional Education
27 Program within the Department of Corrections, and the academic
28 personnel and academic administrative personnel of the Florida
29 School for the Deaf and the Blind. In accordance with the
30 provisions of s. 1002.36 ~~chapter 242~~, the salaries for
31 academic personnel and academic administrative personnel of

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1 the Florida School for the Deaf and the Blind shall be set by
2 the board of trustees for the school, subject only to the
3 approval of the State Board of Education. The salaries for all
4 instructional personnel and all administrative and
5 noninstructional personnel of the Correctional Education
6 Program shall be set by the Department of Corrections, subject
7 to the approval of the Department of Management Services.

8 Section 893. Paragraphs (b) and (c) of subsection (1)
9 of section 112.1915, Florida Statutes, are amended to read:

10 112.1915 Teachers and school administrators; death
11 benefits.--Any other provision of law to the contrary
12 notwithstanding:

13 (1) As used in this section, the term:

14 (b) "Teacher" means any instructional staff personnel
15 as described in s. 1012.01(2) ~~228.041(9)~~.

16 (c) "School administrator" means any school
17 administrator as described in s. 1012.01(3) ~~228.041(10)(c)~~.

18 Section 894. Paragraph (h) of subsection (12) of
19 section 112.313, Florida Statutes, is amended to read:

20 112.313 Standards of conduct for public officers,
21 employees of agencies, and local government attorneys.--

22 (12) EXEMPTION.--The requirements of subsections (3)
23 and (7) as they pertain to persons serving on advisory boards
24 may be waived in a particular instance by the body which
25 appointed the person to the advisory board, upon a full
26 disclosure of the transaction or relationship to the
27 appointing body prior to the waiver and an affirmative vote in
28 favor of waiver by two-thirds vote of that body. In instances
29 in which appointment to the advisory board is made by an
30 individual, waiver may be effected, after public hearing, by a
31 determination by the appointing person and full disclosure of

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1 the transaction or relationship by the appointee to the
2 appointing person. In addition, no person shall be held in
3 violation of subsection (3) or subsection (7) if:

4 (h) The transaction is made pursuant to s. 1004.22
5 ~~240.229~~ or s. 1004.23 ~~240.241~~ and is specifically approved by
6 the president and the chair of the university board of
7 trustees Chancellor. The chair of the university board of
8 trustees Chancellor shall submit to the Governor and the
9 Legislature by March 1 of each year a report of the
10 transactions approved pursuant to this paragraph during the
11 preceding year.

12 Section 895. Subsection (6) of section 120.52, Florida
13 Statutes, is amended to read:

14 120.52 Definitions.--As used in this act:

15 (6) "Educational unit" means a local school district,
16 a community college district, the Florida School for the Deaf
17 and the Blind, or a state university unit of the State
18 ~~University System other than the Board of Regents~~.

19 Section 896. Paragraph (a) of subsection (1) of
20 section 120.55, Florida Statutes, is amended to read:

21 120.55 Publication.--

22 (1) The Department of State shall:

23 (a)1. Publish in a permanent compilation entitled
24 "Florida Administrative Code" all rules adopted by each
25 agency, citing the specific rulemaking authority pursuant to
26 which each rule was adopted, all history notes as authorized
27 in s. 120.545(9), and complete indexes to all rules contained
28 in the code. Supplementation shall be made as often as
29 practicable, but at least monthly. The department may
30 contract with a publishing firm for the publication, in a
31 timely and useful form, of the Florida Administrative Code;

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1 | however, the department shall retain responsibility for the
2 | code as provided in this section. This publication shall be
3 | the official compilation of the administrative rules of this
4 | state. The Department of State shall retain the copyright
5 | over the Florida Administrative Code.

6 | 2. Rules general in form but applicable to only one
7 | school district, community college district, or county, or a
8 | part thereof, or state university rules relating to internal
9 | personnel or business and finance shall not be published in
10 | the Florida Administrative Code. Exclusion from publication in
11 | the Florida Administrative Code shall not affect the validity
12 | or effectiveness of such rules.

13 | 3. At the beginning of the section of the code dealing
14 | with an agency that files copies of its rules with the
15 | department, the department shall publish the address and
16 | telephone number of the executive offices of each agency, the
17 | manner by which the agency indexes its rules, a listing of all
18 | rules of that agency excluded from publication in the code,
19 | and a statement as to where those rules may be inspected.

20 | 4. Forms shall not be published in the Florida
21 | Administrative Code; but any form which an agency uses in its
22 | dealings with the public, along with any accompanying
23 | instructions, shall be filed with the committee before it is
24 | used. Any form or instruction which meets the definition of
25 | "rule" provided in s. 120.52 shall be incorporated by
26 | reference into the appropriate rule. The reference shall
27 | specifically state that the form is being incorporated by
28 | reference and shall include the number, title, and effective
29 | date of the form and an explanation of how the form may be
30 | obtained.

31 | Section 897. Paragraphs (a), (c), (e), (g), (i), and

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1 (j) of subsection (1) of section 120.81, Florida Statutes, are
2 amended to read:

3 120.81 Exceptions and special requirements; general
4 areas.--

5 (1) EDUCATIONAL UNITS.--

6 (a) Notwithstanding s. 120.536(1) and the flush left
7 provisions of s. 120.52(8), district school boards may adopt
8 rules to implement their general powers under s. 1001.41
9 ~~230.22~~.

10 (c) Notwithstanding s. 120.52(15), any tests, test
11 scoring criteria, or testing procedures relating to student
12 assessment which are developed or administered by the
13 Department of Education pursuant to s. 1003.43 ~~229.57~~, s.
14 1003.438, s. 1008.22 ~~232.245~~, or s. 1008.25 ~~232.246~~, ~~or s.~~
15 ~~232.247~~, or any other statewide educational tests required by
16 law, are not rules.

17 (e) Educational units, other than the state
18 ~~universities units of the State University System~~ and the
19 Florida School for the Deaf and the Blind, shall not be
20 required to make filings with the committee of the documents
21 required to be filed by s. 120.54 or s. 120.55(1)(a)4.

22 (g) Sections 120.569 and 120.57 do not apply to any
23 proceeding in which the substantial interests of a student are
24 determined by a state university ~~the State University System~~
25 or a community college district. ~~The Board of Regents shall~~
26 ~~establish a committee, at least half of whom shall be~~
27 ~~appointed by the Council of Student Body Presidents, which~~
28 ~~shall establish rules and guidelines ensuring fairness and due~~
29 ~~process in judicial proceedings involving students in the~~
30 ~~State University System.~~

31 (i) For purposes of s. 120.68, a district school board

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1 whose decision is reviewed under the provisions of s. 1012.33
2 ~~231.36~~ and whose final action is modified by a superior
3 administrative decision shall be a party entitled to judicial
4 review of the final action.

5 (j) Notwithstanding s. 120.525(2), the agenda for a
6 special meeting of a district school board under authority of
7 s. 1001.372(1) ~~230.16~~ shall be prepared upon the calling of
8 the meeting, but not less than 48 hours prior to the meeting.

9 Section 898. Paragraph (c) of subsection (2) of
10 section 121.051, Florida Statutes, is amended to read:

11 121.051 Participation in the system.--

12 (2) OPTIONAL PARTICIPATION.--

13 (c) Employees of ~~members of the Florida~~ community
14 ~~colleges College System~~ or charter technical career centers
15 sponsored by members of the ~~Florida~~ community ~~colleges College~~
16 ~~System~~, as designated in s. 1000.21(3) ~~240.3031~~, who are
17 members of the Regular Class of the Florida Retirement System
18 and who comply with the criteria set forth in this paragraph
19 and in s. 1012.875 ~~240.3195~~ may elect, in lieu of
20 participating in the Florida Retirement System, to withdraw
21 from the Florida Retirement System altogether and participate
22 in a lifetime monthly annuity program, to be known as the
23 State Community College System Optional Retirement Program,
24 which may be provided by the employing agency under s.
25 1012.875 ~~240.3195~~. Pursuant thereto:

26 1. Through June 30, 2001, the cost to the employer for
27 such annuity shall equal the normal cost portion of the
28 employer retirement contribution which would be required if
29 the employee were a member of the Regular Class defined
30 benefit program, plus the portion of the contribution rate
31 required by s. 112.363(8) that would otherwise be assigned to

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1 the Retiree Health Insurance Subsidy Trust Fund. Effective
2 July 1, 2001, each employer shall contribute on behalf of each
3 participant in the optional program an amount equal to 10.43
4 percent of the participant's gross monthly compensation. The
5 employer shall deduct an amount to provide for the
6 administration of the optional retirement program. The
7 employer providing such annuity shall contribute an additional
8 amount to the Florida Retirement System Trust Fund equal to
9 the unfunded actuarial accrued liability portion of the
10 Regular Class contribution rate.

11 2. The decision to participate in such an optional
12 retirement program shall be irrevocable for as long as the
13 employee holds a position eligible for participation. Any
14 service creditable under the Florida Retirement System shall
15 be retained after the member withdraws from the Florida
16 Retirement System; however, additional service credit in the
17 Florida Retirement System shall not be earned while a member
18 of the optional retirement program.

19 3. Participation in an optional annuity program shall
20 be limited to those employees who satisfy the following
21 eligibility criteria:

22 a. The employee must be otherwise eligible for
23 membership in the Regular Class of the Florida Retirement
24 System, as provided in s. 121.021(11) and (12).

25 b. The employee must be employed in a full-time
26 position classified in the Accounting Manual for Florida's
27 Public Community Colleges as:

28 (I) Instructional; or

29 (II) Executive Management, Instructional Management,
30 or Institutional Management, if a community college determines
31 that recruiting to fill a vacancy in the position is to be

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1 conducted in the national or regional market, and:

2 (A) The duties and responsibilities of the position
3 include either the formulation, interpretation, or
4 implementation of policies; or

5 (B) The duties and responsibilities of the position
6 include the performance of functions that are unique or
7 specialized within higher education and that frequently
8 involve the support of the mission of the community college.

9 c. The employee must be employed in a position not
10 included in the Senior Management Service Class of the Florida
11 Retirement System, as described in s. 121.055.

12 4. Participants in the program are subject to the same
13 reemployment limitations, renewed membership provisions, and
14 forfeiture provisions as are applicable to regular members of
15 the Florida Retirement System under ss. 121.091(9), 121.122,
16 and 121.091(5), respectively.

17 5. Eligible community college employees shall be
18 compulsory members of the Florida Retirement System until,
19 pursuant to the procedures set forth in s. ~~1012.875~~ ~~240.3195~~,
20 the first day of the next full calendar month following the
21 filing of both a written election to withdraw and a completed
22 application for an individual contract or certificate with the
23 program administrator and receipt of such election by the
24 division.

25 Section 899. Paragraph (a) of subsection (13) of
26 section 121.091, Florida Statutes, is amended to read:

27 121.091 Benefits payable under the system.--Benefits
28 may not be paid under this section unless the member has
29 terminated employment as provided in s. 121.021(39)(a) or
30 begun participation in the Deferred Retirement Option Program
31 as provided in subsection (13), and a proper application has

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1 | been filed in the manner prescribed by the department. The
2 | department may cancel an application for retirement benefits
3 | when the member or beneficiary fails to timely provide the
4 | information and documents required by this chapter and the
5 | department's rules. The department shall adopt rules
6 | establishing procedures for application for retirement
7 | benefits and for the cancellation of such application when the
8 | required information or documents are not received.

9 | (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
10 | and subject to the provisions of this section, the Deferred
11 | Retirement Option Program, hereinafter referred to as the
12 | DROP, is a program under which an eligible member of the
13 | Florida Retirement System may elect to participate, deferring
14 | receipt of retirement benefits while continuing employment
15 | with his or her Florida Retirement System employer. The
16 | deferred monthly benefits shall accrue in the System Trust
17 | Fund on behalf of the participant, plus interest compounded
18 | monthly, for the specified period of the DROP participation,
19 | as provided in paragraph (c). Upon termination of employment,
20 | the participant shall receive the total DROP benefits and
21 | begin to receive the previously determined normal retirement
22 | benefits. Participation in the DROP does not guarantee
23 | employment for the specified period of DROP.

24 | (a) Eligibility of member to participate in the
25 | DROP.--All active Florida Retirement System members in a
26 | regularly established position, and all active members of
27 | either the Teachers' Retirement System established in chapter
28 | 238 or the State and County Officers' and Employees'
29 | Retirement System established in chapter 122 which systems are
30 | consolidated within the Florida Retirement System under s.
31 | 121.011, are eligible to elect participation in the DROP

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1 provided that:

2 1. The member is not a renewed member of the Florida
3 Retirement System under s. 121.122, or a member of the State
4 Community College System Optional Retirement Program under s.
5 121.051, the Senior Management Service Optional Annuity
6 Program under s. 121.055, or the optional retirement program
7 for the State University System under s. 121.35.

8 2. Except as provided in subparagraph 6., election to
9 participate is made within 12 months immediately following the
10 date on which the member first reaches normal retirement date,
11 or, for a member who reaches normal retirement date based on
12 service before he or she reaches age 62, or age 55 for Special
13 Risk Class members, election to participate may be deferred to
14 the 12 months immediately following the date the member
15 attains 57, or age 52 for Special Risk Class members. For a
16 member who first reached normal retirement date or the
17 deferred eligibility date described above prior to the
18 effective date of this section, election to participate shall
19 be made within 12 months after the effective date of this
20 section. A member who fails to make an election within such
21 12-month limitation period shall forfeit all rights to
22 participate in the DROP. The member shall advise his or her
23 employer and the division in writing of the date on which the
24 DROP shall begin. Such beginning date may be subsequent to the
25 12-month election period, but must be within the 60-month
26 limitation period as provided in subparagraph (b)1. When
27 establishing eligibility of the member to participate in the
28 DROP for the 60-month maximum participation period, the member
29 may elect to include or exclude any optional service credit
30 purchased by the member from the total service used to
31 establish the normal retirement date. A member with dual

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1 normal retirement dates shall be eligible to elect to
2 participate in DROP within 12 months after attaining normal
3 retirement date in either class.

4 3. The employer of a member electing to participate in
5 the DROP, or employers if dually employed, shall acknowledge
6 in writing to the division the date the member's participation
7 in the DROP begins and the date the member's employment and
8 DROP participation will terminate.

9 4. Simultaneous employment of a participant by
10 additional Florida Retirement System employers subsequent to
11 the commencement of participation in the DROP shall be
12 permissible provided such employers acknowledge in writing a
13 DROP termination date no later than the participant's existing
14 termination date or the 60-month limitation period as provided
15 in subparagraph (b)1.

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

18 a. A change of employment must take place without a
19 break in service so that the member receives salary for each
20 month of continuous DROP participation. If a member receives
21 no salary during a month, DROP participation shall cease
22 unless the employer verifies a continuation of the employment
23 relationship for such participant pursuant to s.
24 121.021(39)(b).

25 b. Such participant and new employer shall notify the
26 division on forms required by the division as to the identity
27 of the new employer.

28 c. The new employer shall acknowledge, in writing, the
29 participant's DROP termination date, which may be extended but
30 not beyond the original 60-month period provided in
31 subparagraph (b)1., shall acknowledge liability for any

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1 additional retirement contributions and interest required if
2 the participant fails to timely terminate employment, and
3 shall be subject to the adjustment required in
4 sub-subparagraph (c)5.d.

5 6. Effective July 1, 2001, for instructional personnel
6 as defined in s. 1012.01(2) ~~228.041(9)(a)-(d)~~, election to
7 participate in the DROP shall be made at any time following
8 the date on which the member first reaches normal retirement
9 date. The member shall advise his or her employer and the
10 division in writing of the date on which the Deferred
11 Retirement Option Program shall begin. When establishing
12 eligibility of the member to participate in the DROP for the
13 60-month maximum participation period, as provided in
14 subparagraph (b)1., the member may elect to include or exclude
15 any optional service credit purchased by the member from the
16 total service used to establish the normal retirement date. A
17 member with dual normal retirement dates shall be eligible to
18 elect to participate in either class.

19 Section 900. Subsection (2) of section 145.131,
20 Florida Statutes, is amended to read:

21 145.131 Repeal of other laws relating to compensation;
22 exceptions.--

23 (2) The compensation of any official whose salary is
24 fixed by this chapter shall be the subject of general law
25 only, except that the compensation of certain school
26 superintendents may be set by school boards in accordance with
27 the provisions of s. 1001.47 ~~230.303~~.

28 Section 901. Subsection (2) of section 145.19, Florida
29 Statutes, is amended to read:

30 145.19 Annual percentage increases based on increase
31 for state career service employees; limitation.--

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1 (2) Each fiscal year, the salaries of all officials
2 listed in this chapter and ss. 1001.395 ~~230.202~~ and 1001.47
3 ~~230.303~~ shall be adjusted by the annual factor. The Department
4 of Management Services shall certify the annual factor and the
5 cumulative annual factors. The adjusted salary rate shall be
6 the product, rounded to the nearest dollar, of the salary rate
7 granted by the appropriate section of this chapter multiplied
8 first by the initial factor, then by the cumulative annual
9 factor, and finally by the annual factor. Any special
10 qualification salary received under this chapter shall be
11 added to such adjusted salary rate, which special
12 qualification salary shall be \$2,000, but shall not exceed
13 \$2,000.

14 Section 902. Section 153.77, Florida Statutes, is
15 amended to read:

16 153.77 District bonds as securities for public
17 bodies.--All revenue bonds, general obligation bonds, or
18 assessment bonds issued pursuant to this law shall be and
19 constitute legal investments for state, county, municipal, and
20 all other public funds and for banks, savings banks, insurance
21 companies, executors, administrators, trustees, and all other
22 fiduciaries and shall also be and constitute securities
23 eligible as collateral security for all state, county,
24 municipal, or other public funds, subject to the restrictions
25 and limitations of chapters 18, 136, ~~237~~, 518, 655, 657, 658,
26 ~~and~~ 660-665, and 1011.

27 Section 903. Subsection (22) of section 159.27,
28 Florida Statutes, is amended to read:

29 159.27 Definitions.--The following words and terms,
30 unless the context clearly indicates a different meaning,
31 shall have the following meanings:

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1 (22) "Educational facility" means:

2 (a) Property, limited to a structure suitable for use
3 as a dormitory or other housing facility or a dining facility,
4 that is operated in the public sector and used for or useful
5 in connection with the operation of an institution for higher
6 education, as defined in s. 243.20(8), which offers the
7 baccalaureate or a higher degree and that is constructed in
8 compliance with applicable codes as determined by appropriate
9 state agencies.

10 (b) Property that comprises the buildings and
11 equipment, structures, and special education use areas that
12 are built, installed, or established to serve primarily the
13 educational purposes of operating any nonprofit private
14 preschool, kindergarten, elementary school, middle school, or
15 high school that is established under chapter 617 or chapter
16 623, or that is owned or operated by an organization described
17 in s. 501(c)(3) of the United States Internal Revenue Code, or
18 operating any preschool, kindergarten, elementary school,
19 middle school, or high school that is owned or operated as
20 part of the state's system of public education, including, but
21 not limited to, a charter school or a developmental research
22 school operated under chapter 1002 ~~228~~. The requirements of
23 this part for the financing of projects through local agencies
24 shall also apply to such schools. Bonds issued under the
25 provisions of this part for such schools shall not be deemed
26 to constitute a debt, liability, or obligation of the state or
27 any political subdivision thereof, or a pledge of the faith
28 and credit of the state or of any such political subdivision,
29 but shall be payable solely from the revenues provided
30 therefor.

31 Section 904. Paragraph (h) of subsection (6) and

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1 paragraph (a) of subsection (12) of section 163.3177, Florida
2 Statutes, are amended to read:

3 163.3177 Required and optional elements of
4 comprehensive plan; studies and surveys.--

5 (6) In addition to the requirements of subsections
6 (1)-(5), the comprehensive plan shall include the following
7 elements:

8 (h)1. An intergovernmental coordination element
9 showing relationships and stating principles and guidelines to
10 be used in the accomplishment of coordination of the adopted
11 comprehensive plan with the plans of school boards and other
12 units of local government providing services but not having
13 regulatory authority over the use of land, with the
14 comprehensive plans of adjacent municipalities, the county,
15 adjacent counties, or the region, and with the state
16 comprehensive plan, as the case may require and as such
17 adopted plans or plans in preparation may exist. This element
18 of the local comprehensive plan shall demonstrate
19 consideration of the particular effects of the local plan,
20 when adopted, upon the development of adjacent municipalities,
21 the county, adjacent counties, or the region, or upon the
22 state comprehensive plan, as the case may require.

23 a. The intergovernmental coordination element shall
24 provide for procedures to identify and implement joint
25 planning areas, especially for the purpose of annexation,
26 municipal incorporation, and joint infrastructure service
27 areas.

28 b. The intergovernmental coordination element shall
29 provide for recognition of campus master plans prepared
30 pursuant to s. 1013.30 ~~240-155~~.

31 c. The intergovernmental coordination element may

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1 provide for a voluntary dispute resolution process as
2 established pursuant to s. 186.509 for bringing to closure in
3 a timely manner intergovernmental disputes. A local
4 government may develop and use an alternative local dispute
5 resolution process for this purpose.

6 2. The intergovernmental coordination element shall
7 further state principles and guidelines to be used in the
8 accomplishment of coordination of the adopted comprehensive
9 plan with the plans of school boards and other units of local
10 government providing facilities and services but not having
11 regulatory authority over the use of land. In addition, the
12 intergovernmental coordination element shall describe joint
13 processes for collaborative planning and decisionmaking on
14 population projections and public school siting, the location
15 and extension of public facilities subject to concurrency, and
16 siting facilities with countywide significance, including
17 locally unwanted land uses whose nature and identity are
18 established in an agreement. Within 1 year of adopting their
19 intergovernmental coordination elements, each county, all the
20 municipalities within that county, the district school board,
21 and any unit of local government service providers in that
22 county shall establish by interlocal or other formal agreement
23 executed by all affected entities, the joint processes
24 described in this subparagraph consistent with their adopted
25 intergovernmental coordination elements.

26 3. To foster coordination between special districts
27 and local general-purpose governments as local general-purpose
28 governments implement local comprehensive plans, each
29 independent special district must submit a public facilities
30 report to the appropriate local government as required by s.
31 189.415.

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1 4. The state land planning agency shall establish a
2 schedule for phased completion and transmittal of plan
3 amendments to implement subparagraphs 1., 2., and 3. from all
4 jurisdictions so as to accomplish their adoption by December
5 31, 1999. A local government may complete and transmit its
6 plan amendments to carry out these provisions prior to the
7 scheduled date established by the state land planning agency.
8 The plan amendments are exempt from the provisions of s.
9 163.3187(1).

10 (12) A public school facilities element adopted to
11 implement a school concurrency program shall meet the
12 requirements of this subsection.

13 (a) A public school facilities element shall be based
14 upon data and analyses that address, among other items, how
15 level-of-service standards will be achieved and maintained.
16 Such data and analyses must include, at a minimum, such items
17 as: the 5-year school district facilities work program adopted
18 pursuant to s. 1013.35 ~~235.185~~; the educational plant survey
19 and an existing educational and ancillary plant map or map
20 series; information on existing development and development
21 anticipated for the next 5 years and the long-term planning
22 period; an analysis of problems and opportunities for existing
23 schools and schools anticipated in the future; an analysis of
24 opportunities to collocate future schools with other public
25 facilities such as parks, libraries, and community centers; an
26 analysis of the need for supporting public facilities for
27 existing and future schools; an analysis of opportunities to
28 locate schools to serve as community focal points; projected
29 future population and associated demographics, including
30 development patterns year by year for the upcoming 5-year and
31 long-term planning periods; and anticipated educational and

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1 ancillary plants with land area requirements.

2 Section 905. Paragraph (k) of subsection (2) of
3 section 163.3191, Florida Statutes, is amended to read:

4 163.3191 Evaluation and appraisal of comprehensive
5 plan.--

6 (2) The report shall present an evaluation and
7 assessment of the comprehensive plan and shall contain
8 appropriate statements to update the comprehensive plan,
9 including, but not limited to, words, maps, illustrations, or
10 other media, related to:

11 (k) The coordination of the comprehensive plan with
12 existing public schools and those identified in the applicable
13 5-year school district facilities work program adopted
14 pursuant to s. 1013.35 ~~235.185~~. The assessment shall address,
15 where relevant, the success or failure of the coordination of
16 the future land use map and associated planned residential
17 development with public schools and their capacities, as well
18 as the joint decisionmaking processes engaged in by the local
19 government and the school board in regard to establishing
20 appropriate population projections and the planning and siting
21 of public school facilities. If the issues are not relevant,
22 the local government shall demonstrate that they are not
23 relevant.

24 Section 906. Paragraph (b) of subsection (3) of
25 section 195.096, Florida Statutes, is amended to read:

26 195.096 Review of assessment rolls.--

27 (3)

28 (b) When necessary for compliance with s. 1011.62
29 ~~236.081~~, and for those counties not being studied in the
30 current year, the department shall project value-weighted mean
31 levels of assessment for each county. The department shall

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1 make its projection based upon the best information available,
2 utilizing professionally accepted methodology, and shall
3 separately allocate changes in total assessed value to:
4 1. New construction, additions, and deletions.
5 2. Changes in the value of the dollar.
6 3. Changes in the market value of property other than
7 those attributable to changes in the value of the dollar.
8 4. Changes in the level of assessment.

9
10 In lieu of the statistical and analytical measures published
11 pursuant to paragraph (a), the department shall publish
12 details concerning the computation of estimated assessment
13 levels and the allocation of changes in assessed value for
14 those counties not subject to an in-depth review.

15 Section 907. Subsection (5) of section 196.012,
16 Florida Statutes, is amended to read:

17 196.012 Definitions.--For the purpose of this chapter,
18 the following terms are defined as follows, except where the
19 context clearly indicates otherwise:

20 (5) "Educational institution" means a federal, state,
21 parochial, church, or private school, college, or university
22 conducting regular classes and courses of study required for
23 eligibility to certification by, accreditation to, or
24 membership in the State Department of Education of Florida,
25 Southern Association of Colleges and Schools, or the Florida
26 Council of Independent Schools; a nonprofit private school the
27 principal activity of which is conducting regular classes and
28 courses of study accepted for continuing postgraduate dental
29 education credit by a board of the Division of Medical Quality
30 Assurance; educational direct-support organizations created
31 pursuant to ss. 1001.24, 1004.28, and 1004.70 ~~229.8021,~~

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1 ~~240.299, and 240.331~~; facilities located on the property of
2 eligible entities which will become owned by those entities on
3 a date certain; and institutions of higher education, as
4 defined under and participating in the Higher Educational
5 Facilities Financing Act.

6 Section 908. Subsection (4) of section 196.031,
7 Florida Statutes, is amended to read:

8 196.031 Exemption of homesteads.--

9 (4) The property appraisers of the various counties
10 shall each year compile a list of taxable property and its
11 value removed from the assessment rolls of each school
12 district as a result of the excess of exempt value above that
13 amount allowed for nonschool levies as provided in subsections
14 (1) and (3), as well as a statement of the loss of tax revenue
15 to each school district from levies other than the minimum
16 financial effort required pursuant to s. 1011.60(6) ~~236.02(6)~~,
17 and shall deliver a copy thereof to the Department of Revenue
18 upon certification of the assessment roll to the tax
19 collector.

20 Section 909. Section 196.1983, Florida Statutes, is
21 amended to read:

22 196.1983 Charter school exemption from ad valorem
23 taxes.--Any facility, or portion thereof, used to house a
24 charter school whose charter has been approved by the sponsor
25 and the governing board pursuant to s. 1002.33(9) ~~228.056(9)~~
26 shall be exempt from ad valorem taxes. For leasehold
27 properties, the landlord must certify by affidavit to the
28 charter school that the lease payments shall be reduced to the
29 extent of the exemption received. The owner of the property
30 shall disclose to a charter school the full amount of the
31 benefit derived from the exemption and the method for ensuring

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1 that the charter school receives such benefit. The charter
2 school shall receive the full benefit derived from the
3 exemption through either an annual or monthly credit to the
4 charter school's lease payments.

5 Section 910. Paragraphs (a), (b), and (d) of
6 subsection (3) of section 200.001, Florida Statutes, are
7 amended to read:

8 200.001 Millages; definitions and general
9 provisions.--

10 (3) School millages shall be composed of five
11 categories of millage rates, as follows:

12 (a) Nonvoted required school operating millage, which
13 shall be that nonvoted millage rate set by the county school
14 board for current operating purposes and imposed pursuant to
15 s. 1011.60(6) ~~236.02(6)~~.

16 (b) Nonvoted discretionary school operating millage,
17 which shall be that nonvoted millage rate set by the county
18 school board for operating purposes other than the rate
19 imposed pursuant to s. 1011.60(6) ~~236.02(6)~~ and other than the
20 rate authorized in s. 1011.71(2) ~~236.25(2)~~.

21 (d) Nonvoted district school capital improvement
22 millage, which shall be that millage rate set by the district
23 school board for capital improvements as authorized in s.
24 1011.71(2) ~~236.25(2)~~.

25 Section 911. Paragraph (a) of subsection (2),
26 paragraphs (c) and (d) of subsection (3), paragraph (a) of
27 subsection (9), subsection (10), and paragraph (b) of
28 subsection (12) of section 200.065, Florida Statutes, are
29 amended to read:

30 200.065 Method of fixing millage.--

31 (2) No millage shall be levied until a resolution or

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1 ordinance has been approved by the governing board of the
2 taxing authority which resolution or ordinance must be
3 approved by the taxing authority according to the following
4 procedure:

5 (a)1. Upon preparation of a tentative budget, but
6 prior to adoption thereof, each taxing authority shall compute
7 a proposed millage rate necessary to fund the tentative budget
8 other than the portion of the budget to be funded from sources
9 other than ad valorem taxes. In computing proposed or final
10 millage rates, each taxing authority shall utilize not less
11 than 95 percent of the taxable value certified pursuant to
12 subsection (1).

13 2. The tentative budget of the county commission shall
14 be prepared and submitted in accordance with s. 129.03.

15 3. The tentative budget of the school district shall
16 be prepared and submitted in accordance with chapter 1011 237,
17 provided that the date of submission shall not be later than
18 24 days after certification of value pursuant to subsection
19 (1).

20 4. Taxing authorities other than the county and school
21 district shall prepare and consider tentative and final
22 budgets in accordance with this section and applicable
23 provisions of law, including budget procedures applicable to
24 the taxing authority, provided such procedures do not conflict
25 with general law.

26 (3) The advertisement shall be no less than
27 one-quarter page in size of a standard size or a tabloid size
28 newspaper, and the headline in the advertisement shall be in a
29 type no smaller than 18 point. The advertisement shall not be
30 placed in that portion of the newspaper where legal notices
31 and classified advertisements appear. The advertisement shall

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1 be published in a newspaper of general paid circulation in the
 2 county or in a geographically limited insert of such
 3 newspaper. The geographic boundaries in which such insert is
 4 circulated shall include the geographic boundaries of the
 5 taxing authority. It is the legislative intent that, whenever
 6 possible, the advertisement appear in a newspaper that is
 7 published at least 5 days a week unless the only newspaper in
 8 the county is published less than 5 days a week, or that the
 9 advertisement appear in a geographically limited insert of
 10 such newspaper which insert is published throughout the taxing
 11 authority's jurisdiction at least twice each week. It is
 12 further the legislative intent that the newspaper selected be
 13 one of general interest and readership in the community and
 14 not one of limited subject matter, pursuant to chapter 50.

15 (c) For school districts which have proposed a millage
 16 rate in excess of 100 percent of the rolled-back rate computed
 17 pursuant to subsection (1) and which propose to levy nonvoted
 18 millage in excess of the minimum amount required pursuant to
 19 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be in the
 20 following form:

NOTICE OF PROPOSED TAX INCREASE

21
 22
 23
 24 The ...(name of school district)... will soon consider
 25 a measure to increase its property tax levy.

26 Last year's property tax levy:

- 27 A. Initially proposed tax levy.....\$XX,XXX,XXX
- 28 B. Less tax reductions due to Value Adjustment Board
- 29 and other assessment changes.....(\$XX,XXX,XXX)
- 30 C. Actual property tax levy.....\$XX,XXX,XXX
- 31 This year's proposed tax levy.....\$XX,XXX,XXX

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1 A portion of the tax levy is required under state law
2 in order for the school board to receive \$...(amount A)... in
3 state education grants. The required portion has ...(increased
4 or decreased)... by ...(amount B)... percent and represents
5 approximately ...(amount C)... of the total proposed taxes.

6 The remainder of the taxes is proposed solely at the
7 discretion of the school board.

8 All concerned citizens are invited to a public hearing
9 on the tax increase to be held on ...(date and time)... at
10 ...(meeting place)....

11 A DECISION on the proposed tax increase and the budget
12 will be made at this hearing.

13

14 1. AMOUNT A shall be an estimate, provided by the
15 Department of Education, of the amount to be received in the
16 current fiscal year by the district from state appropriations
17 for the Florida Education Finance Program.

18 2. AMOUNT B shall be the percent increase over the
19 rolled-back rate necessary to levy only the required local
20 effort in the current fiscal year, computed as though in the
21 preceding fiscal year only the required local effort was
22 levied.

23 3. AMOUNT C shall be the quotient of required
24 local-effort millage divided by the total proposed nonvoted
25 millage, rounded to the nearest tenth and stated in words;
26 however, the stated amount shall not exceed nine-tenths.

27

28 (d) For school districts which have proposed a millage
29 rate in excess of 100 percent of the rolled-back rate computed
30 pursuant to subsection (1) and which propose to levy as
31 nonvoted millage only the minimum amount required pursuant to

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1 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be the same
2 as provided in paragraph (c), except that the second and third
3 paragraphs shall be replaced with the following paragraph:

4

5 This increase is required under state law in order for
6 the school board to receive \$...(amount A)... in state
7 education grants.

8

9 (9)(a) In addition to the notice required in
10 subsection (3), a district school board shall publish a second
11 notice of intent to levy additional taxes under s. 1011.71(2)
12 ~~236.25(2)~~. Such notice shall specify the projects or number
13 of school buses anticipated to be funded by such additional
14 taxes and shall be published in the size, within the time
15 periods, adjacent to, and in substantial conformity with the
16 advertisement required under subsection (3). The projects
17 shall be listed in priority within each category as follows:
18 construction and remodeling; maintenance, renovation, and
19 repair; motor vehicle purchases; new and replacement
20 equipment; payments for educational facilities and sites due
21 under a lease-purchase agreement; payments for renting and
22 leasing educational facilities and sites; payments of loans
23 approved pursuant to ss. 1011.14 ~~237.161~~ and 1011.15 ~~237.162~~;
24 payment of costs of compliance with environmental statutes and
25 regulations; and payment of costs of leasing relocatable
26 educational facilities. The additional notice shall be in the
27 following form, except that if the district school board is
28 proposing to levy the same millage under s. 1011.71(2)
29 ~~236.25(2)~~ which it levied in the prior year, the words
30 "continue to" shall be inserted before the word "impose" in
31 the first sentence, and except that the second sentence of the

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1 second paragraph shall be deleted if the district is
2 advertising pursuant to paragraph (3)(e):

4 NOTICE OF TAX FOR SCHOOL

5 CAPITAL OUTLAY

6
7 The ...(name of school district)... will soon consider
8 a measure to impose a ...(number)... mill property tax for the
9 capital outlay projects listed herein.

10 This tax is in addition to the school board's proposed
11 tax of ...(number)... mills for operating expenses and is
12 proposed solely at the discretion of the school board. THE
13 PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING
14 EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

15 The capital outlay tax will generate approximately
16 \$...(amount)..., to be used for the following projects:

17
18 ...(list of capital outlay projects)...

19
20 All concerned citizens are invited to a public hearing
21 to be held on ...(date and time)... at ...(meeting place)....

22 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
23 made at this hearing.

24
25 (10) Notwithstanding the provisions of paragraph
26 (2)(b) and s. 200.069(4)(c) to the contrary, the proposed
27 millage rates provided to the property appraiser by the taxing
28 authority, except for millage rates adopted by referendum, for
29 rates authorized by s. 1011.71 ~~236.25~~, and for rates required
30 by law to be in a specified millage amount, shall be adjusted
31 in the event that a review notice is issued pursuant to s.

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1 193.1142(4) and the taxable value on the approved roll is at
2 variance with the taxable value certified pursuant to
3 subsection (1). The adjustment shall be made by the property
4 appraiser, who shall notify the taxing authorities affected by
5 the adjustment within 5 days of the date the roll is approved
6 pursuant to s. 193.1142(4). The adjustment shall be such as
7 to provide for no change in the dollar amount of taxes levied
8 from that initially proposed by the taxing authority.

9 (12)

10 (b) Within 30 days of the deadline for certification
11 of compliance required by s. 200.068, the department shall
12 notify any taxing authority in violation of this section that
13 it is subject to paragraph (c). Except for revenues from voted
14 levies or levies imposed pursuant to s. 1011.60(6) ~~236.02(6)~~,
15 the revenues of any taxing authority in violation of this
16 section collected in excess of the rolled-back rate shall be
17 held in escrow until the process required by paragraph (c) is
18 completed and approved by the department. The department shall
19 direct the tax collector to so hold such funds.

20 Section 912. Subsection (3) and paragraph (a) of
21 subsection (4) of section 200.069, Florida Statutes, are
22 amended to read:

23 200.069 Notice of proposed property taxes and non-ad
24 valorem assessments.--Pursuant to s. 200.065(2)(b), the
25 property appraiser, in the name of the taxing authorities and
26 local governing boards levying non-ad valorem assessments
27 within his or her jurisdiction and at the expense of the
28 county, shall prepare and deliver by first-class mail to each
29 taxpayer to be listed on the current year's assessment roll a
30 notice of proposed property taxes, which notice shall be in
31 substantially the following form. Notwithstanding the

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1 provisions of s. 195.022, no county officer shall use a form
2 other than that provided by the department for this purpose,
3 except as provided in s. 200.065(13).

4 (3) There shall be under each column heading an entry
5 for the county; the school district levy required pursuant to
6 s. 1011.60(6) ~~236.02(6)~~; other operating school levies; the
7 municipality or municipal service taxing unit or units in
8 which the parcel lies, if any; the water management district
9 levying pursuant to s. 373.503; the independent special
10 districts in which the parcel lies, if any; and for all voted
11 levies for debt service applicable to the parcel, if any.

12 (4) For each entry listed in subsection (3), there
13 shall appear on the notice the following:

14 (a) In the first column, a brief, commonly used name
15 for the taxing authority or its governing body. The entry in
16 the first column for the levy required pursuant to s.
17 1011.60(6) ~~236.02(6)~~ shall be "By State Law." The entry for
18 other operating school district levies shall be "By Local
19 Board." Both school levy entries shall be indented and
20 preceded by the notation "Public Schools:". For each voted
21 levy for debt service, the entry shall be "Voter Approved Debt
22 Payments."

23 Section 913. Subsection (2) of section 201.24, Florida
24 Statutes, is amended to read:

25 201.24 Obligations of municipalities, political
26 subdivisions, and agencies of the state.--There shall be
27 exempt from all taxes imposed by this chapter:

28 (2) Any assignment, transfer, or other disposition, or
29 any document, which arises out of a rental, lease, or
30 lease-purchase for real property agreement entered pursuant to
31 s. 1013.15(2) or (4) ~~235.056(2) or (3)~~.

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1 Section 914. Paragraph (b) of subsection (2) of
2 section 210.20, Florida Statutes, is amended to read:

3 210.20 Employees and assistants; distribution of
4 funds.--

5 (2) As collections are received by the division from
6 such cigarette taxes, it shall pay the same into a trust fund
7 in the State Treasury designated "Cigarette Tax Collection
8 Trust Fund" which shall be paid and distributed as follows:

9 (b) Beginning January 1, 1999, and continuing for 10
10 years thereafter, the division shall from month to month
11 certify to the Comptroller the amount derived from the
12 cigarette tax imposed by s. 210.02, less the service charges
13 provided for in s. 215.20 and less 0.9 percent of the amount
14 derived from the cigarette tax imposed by s. 210.02 which
15 shall be deposited into the Alcoholic Beverage and Tobacco
16 Trust Fund, specifying an amount equal to 2.59 percent of the
17 net collections, and that amount shall be paid to the Board of
18 Directors of the H. Lee Moffitt Cancer Center and Research
19 Institute, established under s. 1004.43 ~~240.512~~, by warrant
20 drawn by the Comptroller upon the State Treasury. These funds
21 are hereby appropriated monthly out of the Cigarette Tax
22 Collection Trust Fund, to be used for the purpose of
23 constructing, furnishing, and equipping a cancer research
24 facility at the University of South Florida adjacent to the H.
25 Lee Moffitt Cancer Center and Research Institute. In fiscal
26 years 1999-2000 and thereafter with the exception of fiscal
27 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer
28 Center and Research Institute authorized by this paragraph
29 shall not be less than the amount which would have been paid
30 to the H. Lee Moffitt Cancer Center and Research Institute for
31 fiscal year 1998-1999 had payments been made for the entire

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1 fiscal year rather than for a 6-month period thereof.

2 Section 915. Paragraph (a) of subsection (2) of
3 section 212.04, Florida Statutes, is amended to read:

4 212.04 Admissions tax; rate, procedure, enforcement.--

5 (2)(a)1. No tax shall be levied on admissions to
6 athletic or other events sponsored by elementary schools,
7 junior high schools, middle schools, high schools, community
8 colleges, public or private colleges and universities, deaf
9 and blind schools, facilities of the youth services programs
10 of the Department of Children and Family Services, and state
11 correctional institutions when only student, faculty, or
12 inmate talent is used. However, this exemption shall not apply
13 to admission to athletic events sponsored by ~~a an institution~~
14 ~~within the~~ state university System, and the proceeds of the
15 tax collected on such admissions shall be retained and used by
16 each institution to support women's athletics as provided in
17 s. 1006.71(2)(c) ~~240.533(3)(c)~~.

18 2.a. No tax shall be levied on dues, membership fees,
19 and admission charges imposed by not-for-profit sponsoring
20 organizations. To receive this exemption, the sponsoring
21 organization must qualify as a not-for-profit entity under the
22 provisions of s. 501(c)(3) of the Internal Revenue Code of
23 1954, as amended.

24 b. No tax shall be levied on admission charges to an
25 event sponsored by a governmental entity, sports authority, or
26 sports commission when held in a convention hall, exhibition
27 hall, auditorium, stadium, theater, arena, civic center,
28 performing arts center, or publicly owned recreational
29 facility and when 100 percent of the risk of success or
30 failure lies with the sponsor of the event and 100 percent of
31 the funds at risk for the event belong to the sponsor, and

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1 student or faculty talent is not exclusively used. As used in
2 this sub-subparagraph, the terms "sports authority" and
3 "sports commission" mean a nonprofit organization that is
4 exempt from federal income tax under s. 501(c)(3) of the
5 Internal Revenue Code and that contracts with a county or
6 municipal government for the purpose of promoting and
7 attracting sports-tourism events to the community with which
8 it contracts.

9 3. No tax shall be levied on an admission paid by a
10 student, or on the student's behalf, to any required place of
11 sport or recreation if the student's participation in the
12 sport or recreational activity is required as a part of a
13 program or activity sponsored by, and under the jurisdiction
14 of, the student's educational institution, provided his or her
15 attendance is as a participant and not as a spectator.

16 4. No tax shall be levied on admissions to the
17 National Football League championship game, on admissions to
18 any semifinal game or championship game of a national
19 collegiate tournament, or on admissions to a Major League
20 Baseball all-star game.

21 5. A participation fee or sponsorship fee imposed by a
22 governmental entity as described in s. 212.08(6) for an
23 athletic or recreational program is exempt when the
24 governmental entity by itself, or in conjunction with an
25 organization exempt under s. 501(c)(3) of the Internal Revenue
26 Code of 1954, as amended, sponsors, administers, plans,
27 supervises, directs, and controls the athletic or recreational
28 program.

29 6. Also exempt from the tax imposed by this section to
30 the extent provided in this subparagraph are admissions to
31 live theater, live opera, or live ballet productions in this

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1 state which are sponsored by an organization that has received
2 a determination from the Internal Revenue Service that the
3 organization is exempt from federal income tax under s.
4 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
5 the organization actively participates in planning and
6 conducting the event, is responsible for the safety and
7 success of the event, is organized for the purpose of
8 sponsoring live theater, live opera, or live ballet
9 productions in this state, has more than 10,000 subscribing
10 members and has among the stated purposes in its charter the
11 promotion of arts education in the communities which it
12 serves, and will receive at least 20 percent of the net
13 profits, if any, of the events which the organization sponsors
14 and will bear the risk of at least 20 percent of the losses,
15 if any, from the events which it sponsors if the organization
16 employs other persons as agents to provide services in
17 connection with a sponsored event. Prior to March 1 of each
18 year, such organization may apply to the department for a
19 certificate of exemption for admissions to such events
20 sponsored in this state by the organization during the
21 immediately following state fiscal year. The application shall
22 state the total dollar amount of admissions receipts collected
23 by the organization or its agents from such events in this
24 state sponsored by the organization or its agents in the year
25 immediately preceding the year in which the organization
26 applies for the exemption. Such organization shall receive the
27 exemption only to the extent of \$1.5 million multiplied by the
28 ratio that such receipts bear to the total of such receipts of
29 all organizations applying for the exemption in such year;
30 however, in no event shall such exemption granted to any
31 organization exceed 6 percent of such admissions receipts

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1 collected by the organization or its agents in the year
2 immediately preceding the year in which the organization
3 applies for the exemption. Each organization receiving the
4 exemption shall report each month to the department the total
5 admissions receipts collected from such events sponsored by
6 the organization during the preceding month and shall remit to
7 the department an amount equal to 6 percent of such receipts
8 reduced by any amount remaining under the exemption. Tickets
9 for such events sold by such organizations shall not reflect
10 the tax otherwise imposed under this section.

11 7. Also exempt from the tax imposed by this section
12 are entry fees for participation in freshwater fishing
13 tournaments.

14 8. Also exempt from the tax imposed by this section
15 are participation or entry fees charged to participants in a
16 game, race, or other sport or recreational event if spectators
17 are charged a taxable admission to such event.

18 9. No tax shall be levied on admissions to any
19 postseason collegiate football game sanctioned by the National
20 Collegiate Athletic Association.

21 Section 916. Effective July 1, 2003, paragraph (a) of
22 subsection (2) of section 212.04, Florida Statutes, as amended
23 by section 4 of chapter 2000-345, Laws of Florida, is amended
24 to read:

25 212.04 Admissions tax; rate, procedure, enforcement.--

26 (2)(a)1. No tax shall be levied on admissions to
27 athletic or other events sponsored by elementary schools,
28 junior high schools, middle schools, high schools, community
29 colleges, public or private colleges and universities, deaf
30 and blind schools, facilities of the youth services programs
31 of the Department of Children and Family Services, and state

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1 correctional institutions when only student, faculty, or
2 inmate talent is used. However, this exemption shall not apply
3 to admission to athletic events sponsored by ~~a an institution~~
4 ~~within the~~ state university System, and the proceeds of the
5 tax collected on such admissions shall be retained and used by
6 each institution to support women's athletics as provided in
7 s. 1006.71(2)(c) ~~240.533(3)(c)~~.

8 2. No tax shall be levied on dues, membership fees,
9 and admission charges imposed by not-for-profit sponsoring
10 organizations. To receive this exemption, the sponsoring
11 organization must qualify as a not-for-profit entity under the
12 provisions of s. 501(c)(3) of the Internal Revenue Code of
13 1954, as amended.

14 3. No tax shall be levied on an admission paid by a
15 student, or on the student's behalf, to any required place of
16 sport or recreation if the student's participation in the
17 sport or recreational activity is required as a part of a
18 program or activity sponsored by, and under the jurisdiction
19 of, the student's educational institution, provided his or her
20 attendance is as a participant and not as a spectator.

21 4. No tax shall be levied on admissions to the
22 National Football League championship game, on admissions to
23 any semifinal game or championship game of a national
24 collegiate tournament, or on admissions to a Major League
25 Baseball all-star game.

26 5. A participation fee or sponsorship fee imposed by a
27 governmental entity as described in s. 212.08(6) for an
28 athletic or recreational program is exempt when the
29 governmental entity by itself, or in conjunction with an
30 organization exempt under s. 501(c)(3) of the Internal Revenue
31 Code of 1954, as amended, sponsors, administers, plans,

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1 supervises, directs, and controls the athletic or recreational
2 program.
3 6. Also exempt from the tax imposed by this section to
4 the extent provided in this subparagraph are admissions to
5 live theater, live opera, or live ballet productions in this
6 state which are sponsored by an organization that has received
7 a determination from the Internal Revenue Service that the
8 organization is exempt from federal income tax under s.
9 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
10 the organization actively participates in planning and
11 conducting the event, is responsible for the safety and
12 success of the event, is organized for the purpose of
13 sponsoring live theater, live opera, or live ballet
14 productions in this state, has more than 10,000 subscribing
15 members and has among the stated purposes in its charter the
16 promotion of arts education in the communities which it
17 serves, and will receive at least 20 percent of the net
18 profits, if any, of the events which the organization sponsors
19 and will bear the risk of at least 20 percent of the losses,
20 if any, from the events which it sponsors if the organization
21 employs other persons as agents to provide services in
22 connection with a sponsored event. Prior to March 1 of each
23 year, such organization may apply to the department for a
24 certificate of exemption for admissions to such events
25 sponsored in this state by the organization during the
26 immediately following state fiscal year. The application shall
27 state the total dollar amount of admissions receipts collected
28 by the organization or its agents from such events in this
29 state sponsored by the organization or its agents in the year
30 immediately preceding the year in which the organization
31 applies for the exemption. Such organization shall receive the

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1 exemption only to the extent of \$1.5 million multiplied by the
2 ratio that such receipts bear to the total of such receipts of
3 all organizations applying for the exemption in such year;
4 however, in no event shall such exemption granted to any
5 organization exceed 6 percent of such admissions receipts
6 collected by the organization or its agents in the year
7 immediately preceding the year in which the organization
8 applies for the exemption. Each organization receiving the
9 exemption shall report each month to the department the total
10 admissions receipts collected from such events sponsored by
11 the organization during the preceding month and shall remit to
12 the department an amount equal to 6 percent of such receipts
13 reduced by any amount remaining under the exemption. Tickets
14 for such events sold by such organizations shall not reflect
15 the tax otherwise imposed under this section.

16 7. Also exempt from the tax imposed by this section
17 are entry fees for participation in freshwater fishing
18 tournaments.

19 8. Also exempt from the tax imposed by this section
20 are participation or entry fees charged to participants in a
21 game, race, or other sport or recreational event if spectators
22 are charged a taxable admission to such event.

23 9. No tax shall be levied on admissions to any
24 postseason collegiate football game sanctioned by the National
25 Collegiate Athletic Association.

26 Section 917. Section 212.0602, Florida Statutes, is
27 amended to read:

28 212.0602 Education; limited exemption.--To facilitate
29 investment in education and job training, there is also exempt
30 from the taxes levied under this chapter, subject to the
31 provisions of this section, the purchase or lease of

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1 materials, equipment, and other items or the license in or
2 lease of real property by any entity, institution, or
3 organization that is primarily engaged in teaching students to
4 perform any of the activities or services described in s.
5 212.031(1)(a)9., that conducts classes at a fixed location
6 located in this state, that is licensed under chapter 1005
7 ~~246~~, and that has at least 500 enrolled students. Any entity,
8 institution, or organization meeting the requirements of this
9 section shall be deemed to qualify for the exemptions in ss.
10 212.031(1)(a)9. and 212.08(5)(f) and (12), and to qualify for
11 an exemption for its purchase or lease of materials,
12 equipment, and other items used for education or demonstration
13 of the school's curriculum, including supporting operations.
14 Nothing in this section shall preclude an entity described in
15 this section from qualifying for any other exemption provided
16 for in this chapter.

17 Section 918. Paragraph (q) of subsection (5) of
18 section 212.08, Florida Statutes, is amended to read:

19 212.08 Sales, rental, use, consumption, distribution,
20 and storage tax; specified exemptions.--The sale at retail,
21 the rental, the use, the consumption, the distribution, and
22 the storage to be used or consumed in this state of the
23 following are hereby specifically exempt from the tax imposed
24 by this chapter.

25 (5) EXEMPTIONS; ACCOUNT OF USE.--

26 (q) Community contribution tax credit for donations.--

27 1. Authorization.--Beginning July 1, 2001, persons who
28 are registered with the department under s. 212.18 to collect
29 or remit sales or use tax and who make donations to eligible
30 sponsors are eligible for tax credits against their state
31 sales and use tax liabilities as provided in this paragraph:

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- 1 a. The credit shall be computed as 50 percent of the
2 person's approved annual community contribution;
- 3 b. The credit shall be granted as a refund against
4 state sales and use taxes reported on returns and remitted in
5 the 12 months preceding the date of application to the
6 department for the credit as required in sub-subparagraph 3.c.
7 If the annual credit is not fully used through such refund
8 because of insufficient tax payments during the applicable
9 12-month period, the unused amount may be included in an
10 application for a refund made pursuant to sub-subparagraph
11 3.c. in subsequent years against the total tax payments made
12 for such year. Carryover credits may be applied for a 3-year
13 period without regard to any time limitation that would
14 otherwise apply under s. 215.26;
- 15 c. No person shall receive more than \$200,000 in
16 annual tax credits for all approved community contributions
17 made in any one year;
- 18 d. All proposals for the granting of the tax credit
19 shall require the prior approval of the Office of Tourism,
20 Trade, and Economic Development;
- 21 e. The total amount of tax credits which may be
22 granted for all programs approved under this paragraph, s.
23 220.183, and s. 624.5105 is \$10 million annually; and
- 24 f. A person who is eligible to receive the credit
25 provided for in this paragraph, s. 220.183, or s. 624.5105 may
26 receive the credit only under the one section of the person's
27 choice.
- 28 2. Eligibility requirements.--
- 29 a. A community contribution by a person must be in the
30 following form:
- 31 (I) Cash or other liquid assets;

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1 (II) Real property;
2 (III) Goods or inventory; or
3 (IV) Other physical resources as identified by the
4 Office of Tourism, Trade, and Economic Development.
5 b. All community contributions must be reserved
6 exclusively for use in a project. As used in this
7 sub-subparagraph, the term "project" means any activity
8 undertaken by an eligible sponsor which is designed to
9 construct, improve, or substantially rehabilitate housing that
10 is affordable to low-income or very-low-income households as
11 defined in s. 420.9071(19) and (28); designed to provide
12 commercial, industrial, or public resources and facilities; or
13 designed to improve entrepreneurial and job-development
14 opportunities for low-income persons. A project may be the
15 investment necessary to increase access to high-speed
16 broadband capability in rural communities with enterprise
17 zones, including projects that result in improvements to
18 communications assets that are owned by a business. A project
19 may include the provision of museum educational programs and
20 materials that are directly related to any project approved
21 between January 1, 1996, and December 31, 1999, and located in
22 an enterprise zone as referenced in s. 290.00675. This
23 paragraph does not preclude projects that propose to construct
24 or rehabilitate housing for low-income or very-low-income
25 households on scattered sites. The Office of Tourism, Trade,
26 and Economic Development may reserve up to 50 percent of the
27 available annual tax credits for housing for very-low-income
28 households pursuant to s. 420.9071(28) for the first 6 months
29 of the fiscal year. With respect to housing, contributions may
30 be used to pay the following eligible low-income and
31 very-low-income housing-related activities:

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1 (I) Project development impact and management fees for
2 low-income or very-low-income housing projects;

3 (II) Down payment and closing costs for eligible
4 persons, as defined in s. 420.9071(19) and (28);

5 (III) Administrative costs, including housing
6 counseling and marketing fees, not to exceed 10 percent of the
7 community contribution, directly related to low-income or
8 very-low-income projects; and

9 (IV) Removal of liens recorded against residential
10 property by municipal, county, or special district local
11 governments when satisfaction of the lien is a necessary
12 precedent to the transfer of the property to an eligible
13 person, as defined in s. 420.9071(19) and (28), for the
14 purpose of promoting home ownership. Contributions for lien
15 removal must be received from a nonrelated third party.

16 c. The project must be undertaken by an "eligible
17 sponsor," which includes:

18 (I) A community action program;

19 (II) A nonprofit community-based development
20 organization whose mission is the provision of housing for
21 low-income or very-low-income households or increasing
22 entrepreneurial and job-development opportunities for
23 low-income persons;

24 (III) A neighborhood housing services corporation;

25 (IV) A local housing authority created under chapter
26 421;

27 (V) A community redevelopment agency created under s.
28 163.356;

29 (VI) The Florida Industrial Development Corporation;

30 (VII) A historic preservation district agency or
31 organization;

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1 (VIII) A regional workforce board;

2 (IX) A direct-support organization as provided in s.
3 1009.983 ~~240.551~~;

4 (X) An enterprise zone development agency created
5 under s. 290.0056;

6 (XI) A community-based organization incorporated under
7 chapter 617 which is recognized as educational, charitable, or
8 scientific pursuant to s. 501(c)(3) of the Internal Revenue
9 Code and whose bylaws and articles of incorporation include
10 affordable housing, economic development, or community
11 development as the primary mission of the corporation;

12 (XII) Units of local government;

13 (XIII) Units of state government; or

14 (XIV) Any other agency that the Office of Tourism,
15 Trade, and Economic Development designates by rule.

16

17 In no event may a contributing person have a financial
18 interest in the eligible sponsor.

19 d. The project must be located in an area designated
20 an enterprise zone or a Front Porch Florida Community pursuant
21 to s. 14.2015(9)(b), unless the project increases access to
22 high-speed broadband capability for rural communities with
23 enterprise zones but is physically located outside the
24 designated rural zone boundaries. Any project designed to
25 construct or rehabilitate housing for low-income or
26 very-low-income households as defined in s. 420.0971(19) and
27 (28) is exempt from the area requirement of this
28 sub-subparagraph.

29 3. Application requirements.--

30 a. Any eligible sponsor seeking to participate in this
31 program must submit a proposal to the Office of Tourism,

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1 Trade, and Economic Development which sets forth the name of
2 the sponsor, a description of the project, and the area in
3 which the project is located, together with such supporting
4 information as is prescribed by rule. The proposal must also
5 contain a resolution from the local governmental unit in which
6 the project is located certifying that the project is
7 consistent with local plans and regulations.

8 b. Any person seeking to participate in this program
9 must submit an application for tax credit to the Office of
10 Tourism, Trade, and Economic Development which sets forth the
11 name of the sponsor, a description of the project, and the
12 type, value, and purpose of the contribution. The sponsor
13 shall verify the terms of the application and indicate its
14 receipt of the contribution, which verification must be in
15 writing and accompany the application for tax credit. The
16 person must submit a separate tax credit application to the
17 office for each individual contribution that it makes to each
18 individual project.

19 c. Any person who has received notification from the
20 Office of Tourism, Trade, and Economic Development that a tax
21 credit has been approved must apply to the department to
22 receive the refund. Application must be made on the form
23 prescribed for claiming refunds of sales and use taxes and be
24 accompanied by a copy of the notification. A person may submit
25 only one application for refund to the department within any
26 12-month period.

27 4. Administration.--

28 a. The Office of Tourism, Trade, and Economic
29 Development may adopt rules pursuant to ss. 120.536(1) and
30 120.54 necessary to administer this paragraph, including rules
31 for the approval or disapproval of proposals by a person.

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1 b. The decision of the Office of Tourism, Trade, and
2 Economic Development must be in writing, and, if approved, the
3 notification shall state the maximum credit allowable to the
4 person. Upon approval, the office shall transmit a copy of the
5 decision to the Department of Revenue.

6 c. The Office of Tourism, Trade, and Economic
7 Development shall periodically monitor all projects in a
8 manner consistent with available resources to ensure that
9 resources are used in accordance with this paragraph; however,
10 each project must be reviewed at least once every 2 years.

11 d. The Office of Tourism, Trade, and Economic
12 Development shall, in consultation with the Department of
13 Community Affairs, the Florida Housing Finance Corporation,
14 and the statewide and regional housing and financial
15 intermediaries, market the availability of the community
16 contribution tax credit program to community-based
17 organizations.

18 5. Expiration.--This paragraph expires June 30, 2005;
19 however, any accrued credit carryover that is unused on that
20 date may be used until the expiration of the 3-year carryover
21 period for such credit.

22 Section 919. Subsection (6) of section 213.053,
23 Florida Statutes, is amended to read:

24 213.053 Confidentiality and information sharing.--

25 (6) Any information received by the Department of
26 Revenue in connection with the administration of taxes,
27 including, but not limited to, information contained in
28 returns, reports, accounts, or declarations filed by persons
29 subject to tax, shall be made available by the department to
30 the Auditor General or his or her authorized agent, the
31 director of the Office of Program Policy Analysis and

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1 Government Accountability or his or her authorized agent, the
2 Comptroller or his or her authorized agent, the Insurance
3 Commissioner or his or her authorized agent, the Treasurer or
4 his or her authorized agent, or a property appraiser or tax
5 collector or their authorized agents pursuant to s.
6 195.084(1), in the performance of their official duties, or to
7 designated employees of the Department of Education solely for
8 determination of each school district's price level index
9 pursuant to s. 1011.62(2) ~~236.081(2)~~; however, no information
10 shall be disclosed to the Auditor General or his or her
11 authorized agent, the director of the Office of Program Policy
12 Analysis and Government Accountability or his or her
13 authorized agent, the Comptroller or his or her authorized
14 agent, the Insurance Commissioner or his or her authorized
15 agent, the Treasurer or his or her authorized agent, or to a
16 property appraiser or tax collector or their authorized
17 agents, or to designated employees of the Department of
18 Education if such disclosure is prohibited by federal law. The
19 Auditor General or his or her authorized agent, the director
20 of the Office of Program Policy Analysis and Government
21 Accountability or his or her authorized agent, the Comptroller
22 or his or her authorized agent, the Treasurer or his or her
23 authorized agent, and the property appraiser or tax collector
24 and their authorized agents, or designated employees of the
25 Department of Education shall be subject to the same
26 requirements of confidentiality and the same penalties for
27 violation of the requirements as the department. For the
28 purpose of this subsection, "designated employees of the
29 Department of Education" means only those employees directly
30 responsible for calculation of price level indices pursuant to
31 s. 1011.62(2) ~~236.081(2)~~. It does not include the supervisors

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1 of such employees or any other employees or elected officials
2 within the Department of Education.

3 Section 920. Paragraph (j) of subsection (4) of
4 section 215.20, Florida Statutes, is amended to read:

5 215.20 Certain income and certain trust funds to
6 contribute to the General Revenue Fund.--

7 (4) The income of a revenue nature deposited in the
8 following described trust funds, by whatever name designated,
9 is that from which the deductions authorized by subsection (3)
10 shall be made:

11 (j) The Educational Certification and Service Trust
12 Fund created by s. 1012.59 ~~231.30~~.

13

14 The enumeration of the foregoing moneys or trust funds shall
15 not prohibit the applicability thereto of s. 215.24 should the
16 Governor determine that for the reasons mentioned in s. 215.24
17 the money or trust funds should be exempt herefrom, as it is
18 the purpose of this law to exempt income from its force and
19 effect when, by the operation of this law, federal matching
20 funds or contributions or private grants to any trust fund
21 would be lost to the state.

22 Section 921. Subsection (2) of section 215.82, Florida
23 Statutes, is amended to read:

24 215.82 Validation; when required.--

25 (2) Any bonds issued pursuant to this act which are
26 validated shall be validated in the manner provided by chapter
27 75. In actions to validate bonds to be issued in the name of
28 the State Board of Education under s. 9(a) and (d), Art. XII
29 of the State Constitution and bonds to be issued pursuant to
30 chapter 259, the Land Conservation Act of 1972, the complaint
31 shall be filed in the circuit court of the county where the

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1 seat of state government is situated, the notice required to
2 be published by s. 75.06 shall be published only in the county
3 where the complaint is filed, and the complaint and order of
4 the circuit court shall be served only on the state attorney
5 of the circuit in which the action is pending. In any action
6 to validate bonds issued pursuant to ss. 1010.61-1010.619 ~~part~~
7 ~~of chapter 243~~ or issued pursuant to s. 9(a)(1), Art. XII of
8 the State Constitution or issued pursuant to s. 215.605 or s.
9 338.227, the complaint shall be filed in the circuit court of
10 the county where the seat of state government is situated, the
11 notice required to be published by s. 75.06 shall be published
12 in a newspaper of general circulation in the county where the
13 complaint is filed and in two other newspapers of general
14 circulation in the state, and the complaint and order of the
15 circuit court shall be served only on the state attorney of
16 the circuit in which the action is pending; provided, however,
17 that if publication of notice pursuant to this section would
18 require publication in more newspapers than would publication
19 pursuant to s. 75.06, such publication shall be made pursuant
20 to s. 75.06.

21 Section 922. Subsection (7) of section 216.181,
22 Florida Statutes, is amended to read:

23 216.181 Approved budgets for operations and fixed
24 capital outlay.--

25 (7) The Executive Office of the Governor may, for the
26 purpose of improved contract administration, authorize the
27 consolidation of two or more fixed capital outlay
28 appropriations for an agency, and the Chief Justice of the
29 Supreme Court for the judicial branch, except for projects
30 authorized under chapter 1013 ~~235~~, provided the original scope
31 and purpose of each project are not changed.

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1 Section 923. Subsection (3) of section 216.301,
2 Florida Statutes, is amended to read:

3 216.301 Appropriations; undisbursed balances.--

4 (3) Notwithstanding the provisions of subsection (2),
5 the unexpended balance of any appropriation for fixed capital
6 outlay subject to but not under the terms of a binding
7 contract or a general construction contract prior to February
8 1 of the second fiscal year, or the third fiscal year if it is
9 for an educational facility as defined in chapter 1013 ~~235~~ or
10 a construction project of the Board of Regents, of the
11 appropriation shall revert on February 1 of such year to the
12 fund from which appropriated and shall be available for
13 reappropriation. The Executive Office of the Governor shall,
14 not later than February 20 of each year, furnish the
15 Comptroller, the legislative appropriations committees, and
16 the Auditor General a report listing in detail the items and
17 amounts reverting under the authority of this subsection,
18 including the fund to which reverted and the agency affected.

19 Section 924. Paragraphs (e) and (f) of subsection (1)
20 of section 218.39, Florida Statutes, are amended to read:

21 218.39 Annual financial audit reports.--

22 (1) If, by the first day in any fiscal year, a local
23 governmental entity, district school board, charter school, or
24 charter technical career center has not been notified that a
25 financial audit for that fiscal year will be performed by the
26 Auditor General, each of the following entities shall have an
27 annual financial audit of its accounts and records completed
28 within 12 months after the end of its fiscal year by an
29 independent certified public accountant retained by it and
30 paid from its public funds:

31 (e) Each charter school established under s. 1002.33

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1 ~~228.056.~~

2 (f) Each charter technical center established under s.
3 ~~1002.34 228.505.~~

4 Section 925. Paragraph (c) of subsection (2) of
5 section 220.183, Florida Statutes, is amended to read:

6 220.183 Community contribution tax credit.--

7 (2) ELIGIBILITY REQUIREMENTS.--

8 (c) The project must be undertaken by an "eligible
9 sponsor," defined here as:

10 1. A community action program;

11 2. A nonprofit community-based development

12 organization whose mission is the provision of housing for
13 low-income or very-low-income households or increasing
14 entrepreneurial and job-development opportunities for
15 low-income persons;

16 3. A neighborhood housing services corporation;

17 4. A local housing authority, created pursuant to
18 chapter 421;

19 5. A community redevelopment agency, created pursuant
20 to s. 163.356;

21 6. The Florida Industrial Development Corporation;

22 7. An historic preservation district agency or
23 organization;

24 8. A regional workforce board;

25 9. A direct-support organization as provided in s.
26 ~~1009.983 240.551;~~

27 10. An enterprise zone development agency created
28 pursuant to s. 290.0056;

29 11. A community-based organization incorporated under
30 chapter 617 which is recognized as educational, charitable, or
31 scientific pursuant to s. 501(c)(3) of the Internal Revenue

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1 Code and whose bylaws and articles of incorporation include
2 affordable housing, economic development, or community
3 development as the primary mission of the corporation;

4 12. Units of local government;

5 13. Units of state government; or

6 14. Such other agency as the Office of Tourism, Trade,
7 and Economic Development may, from time to time, designate by
8 rule.

9

10 In no event shall a contributing business firm have a
11 financial interest in the eligible sponsor.

12 Section 926. Subsection (1) of section 222.22, Florida
13 Statutes, is amended to read:

14 222.22 Exemption of moneys in the Prepaid College
15 Trust Fund or in a Medical Savings Account from legal
16 process.--

17 (1)(a) Moneys paid into or out of the Florida Prepaid
18 College Trust Fund by or on behalf of a purchaser or qualified
19 beneficiary pursuant to an advance payment contract made under
20 part IV of chapter 1009 s. 240.551, which contract has not
21 been terminated, are not liable to attachment, garnishment, or
22 legal process in the state in favor of any creditor of the
23 purchaser or beneficiary of such advance payment contract.

24 (b) Moneys paid into or out of the Prepaid College
25 Trust Fund by or on behalf of a benefactor or designated
26 beneficiary pursuant to a participation agreement made under
27 s. 1009.981 240.553, which agreement has not been terminated,
28 are not liable to attachment, garnishment, or legal process in
29 the state in favor of any creditor of the purchaser or
30 beneficiary of such participation agreement.

31 Section 927. Subsection (4) of section 250.115,

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1 Florida Statutes, is amended to read:

2 250.115 Department of Military Affairs direct-support
3 organization.--

4 (4) ACTIVITIES; RESTRICTIONS.--Any transaction or
5 agreement between the direct-support organization organized
6 pursuant to this section and another direct-support
7 organization or center of technology innovation designated
8 under s. 1004.77 ~~240.3335~~ must be approved by the Adjutant
9 General.

10 Section 928. Section 255.0515, Florida Statutes, is
11 amended to read:

12 255.0515 Bids for state contracts; substitution of
13 subcontractors.--With respect to state contracts let pursuant
14 to competitive bidding, whether under chapter 1013 ~~235~~,
15 relating to educational facilities, or this chapter, relating
16 to public buildings, the contractor shall not remove or
17 replace subcontractors listed in the bid subsequent to the
18 lists being made public at the bid opening, except upon good
19 cause shown.

20 Section 929. Section 255.0516, Florida Statutes, is
21 amended to read:

22 255.0516 Bid protests by educational boards.--With
23 respect to state contracts and bids pursuant to competitive
24 bidding, whether under chapter 1013 ~~235~~, relating to
25 educational facilities, or under this chapter, relating to
26 public buildings, if a school board, a community college board
27 of trustees, or a state university board of trustees ~~the Board~~
28 ~~of Regents~~ uses procedures pursuant to chapter 120 for bid
29 protests, the board may require the protestor to post a bond
30 amounting to:

31 (1) Twenty-five thousand dollars or 2 percent of the

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1 lowest accepted bid, whichever is greater, for projects valued
2 over \$500,000; and

3 (2) Five percent of the lowest accepted bid for all
4 other projects,

5
6 conditioned upon payment of all costs and fees which may be
7 adjudged against the protestor in the administrative hearing.
8 If at the hearing the agency prevails, it shall recover all
9 costs and attorney's fees from the protestor; if the protestor
10 prevails, the protestor shall recover from the agency all
11 costs and attorney's fees.

12 Section 930. Paragraph (e) of subsection (1) of
13 section 265.2861, Florida Statutes, is amended to read:

14 265.2861 Cultural Institutions Program; trust fund.--

15 (1) CULTURAL INSTITUTIONS TRUST FUND.--There is
16 created a Cultural Institutions Trust Fund to be administered
17 by the Department of State for the purposes set forth in this
18 section and to support the following programs as follows:

19 (e)1. For the officially designated Art Museum of the
20 State of Florida described in s. 1004.45 ~~240.711~~, \$2.2
21 million, and for state-owned cultural facilities assigned to
22 the Department of State, which receive a portion of any
23 operating funds from the Department of State and one of the
24 primary purposes of which is the presentation of fine arts or
25 performing arts, \$500,000.

26 2. For fiscal year 2001-2002 only, the provisions of
27 subparagraph 1. relating to state-owned cultural facilities
28 shall not be applicable. This subparagraph expires July 1,
29 2002.

30
31 The trust fund shall consist of moneys appropriated by the

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1 Legislature, moneys deposited pursuant to s. 607.1901(2), and
2 moneys contributed to the fund from any other source.

3 Section 931. Paragraph (d) of subsection (5) of
4 section 265.603, Florida Statutes, is amended to read:

5 265.603 Definitions relating to Cultural Endowment
6 Program.--The following terms and phrases when used in ss.
7 265.601-265.607 shall have the meaning ascribed to them in
8 this section, except where the context clearly indicates a
9 different meaning:

10 (5) "Sponsoring organization" means a cultural
11 organization which:

12 (d) Is primarily and directly responsible for
13 conducting, creating, producing, presenting, staging, or
14 sponsoring a cultural exhibit, performance, or event. This
15 provision includes museums owned and operated by political
16 subdivisions of the state, except those constituted pursuant
17 to s. 1004.67 ~~240.317~~.

18 Section 932. Subsection (8) of section 267.173,
19 Florida Statutes, is amended to read:

20 267.173 Historic preservation in West Florida; goals;
21 contracts for historic preservation; powers and duties.--

22 (8) Notwithstanding any other provision of law, the
23 University of West Florida and its direct-support organization
24 are eligible to match state funds in the Trust Fund for Major
25 Gifts established pursuant to s. 1011.94 ~~240.2605~~.

26 Section 933. Subsections (4), (5), (7), and (9) of
27 section 267.1732, Florida Statutes, are amended to read:

28 267.1732 Direct-support organization.--

29 (4) The university may authorize a direct-support
30 organization to use its property (except money), facilities,
31 and personal services, subject to the provisions of this

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1 section and s. 1004.28 ~~240.299~~. A direct-support organization
2 that does not provide equal employment opportunities to all
3 persons regardless of race, color, religion, sex, age, or
4 national origin may not use the property, facilities, or
5 personal services of the university. For the purposes of this
6 subsection, the term "personal services" includes full-time
7 personnel and part-time personnel as well as payroll
8 processing.

9 (5) The university shall establish policies and may
10 adopt rules pursuant to s. 1004.28 ~~240.299~~ prescribing the
11 procedures by which the direct-support organization is
12 governed and any conditions with which a direct-support
13 organization must comply to use property, facilities, or
14 personal services of the university.

15 (7) The direct-support organization shall provide for
16 an annual financial ~~and compliance~~ audit in accordance with s.
17 1004.28 ~~of its financial accounts and records by an~~
18 ~~independent certified public accountant in accordance with s.~~
19 ~~251.981 and generally accepted accounting standards. The~~
20 ~~annual audit report must be submitted to the university for~~
21 ~~review and approval. The university, the Auditor General, and~~
22 ~~others authorized in s. 240.299 shall have the authority to~~
23 ~~require and receive from the direct support organization, or~~
24 ~~from its independent auditor, any detail or supplemental data~~
25 ~~relative to the operation of the organization. Upon approval,~~
26 ~~the university shall certify the audit report to the Auditor~~
27 ~~General for review.~~

28 (9) Provisions governing direct-support organizations
29 in s. 1004.28 ~~240.99~~ and not provided in this section shall
30 apply to the direct-support organization.

31 Section 934. Subsection (9) of section 282.005,

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1 Florida Statutes, is amended to read:

2 282.005 Legislative findings and intent.--The
3 Legislature finds that:

4 (9) To ensure the best management of the state's
5 information technology and notwithstanding other provisions of
6 law to the contrary, the functions of information technology
7 are ~~hereby~~ assigned to the university boards of trustees Board
8 ~~of Regents as the agency responsible~~ for the development and
9 implementation of ~~policy,~~ planning, management, rulemaking,
10 standards, and guidelines for the state universities State
11 ~~University System;~~ to the community college boards of trustees
12 ~~State Board of Community Colleges as the agency responsible~~
13 for establishing and developing rules ~~and policies~~ for the
14 community colleges Florida Community College System; to the
15 Supreme Court, for the judicial branch; to each state attorney
16 and public defender; and to the State Technology Office for
17 the executive branch of state government.

18 Section 935. Subsections (1) and (3) of section
19 282.103, Florida Statutes, are amended to read:

20 282.103 SUNCOM Network; exemptions from the required
21 use.--

22 (1) There is created within the State Technology
23 Office the SUNCOM Network which shall be developed to serve as
24 the state communications system for providing local and
25 long-distance communications services to state agencies,
26 political subdivisions of the state, municipalities, state
27 universities, and nonprofit corporations pursuant to ss.

28 282.101-282.111. The SUNCOM Network shall be developed to
29 transmit all types of communications signals, including, but
30 not limited to, voice, data, video, image, and radio. State
31 agencies shall cooperate and assist in the development and

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1 joint use of communications systems and services.

2 (3) All state agencies and state universities are
3 required to use the SUNCOM Network for agency and state
4 university communications services as the services become
5 available; however, no agency or university is relieved of
6 responsibility for maintaining communications services
7 necessary for effective management of its programs and
8 functions. If a SUNCOM Network service does not meet the
9 communications requirements of an agency or university, the
10 agency or university shall notify the State Technology Office
11 in writing and detail the requirements for that communications
12 service. If the office is unable to meet an agency's or
13 university's requirements by enhancing SUNCOM Network service,
14 the office may grant the agency or university an exemption
15 from the required use of specified SUNCOM Network services.

16 Section 936. Subsection (4) of section 282.105,
17 Florida Statutes, is amended to read:

18 282.105 Use of state SUNCOM Network by nonprofit
19 corporations.--

20 (4) Institutions qualified to participate in the
21 William L. Boyd, IV, Florida Resident Access Grant Program
22 pursuant to s. 1009.89 ~~240.605~~ shall be eligible to use the
23 state SUNCOM Network, subject to the terms and conditions of
24 the office. Such entities shall not be required to satisfy the
25 other criteria of this section.

26 Section 937. Section 282.106, Florida Statutes, is
27 amended to read:

28 282.106 Use of SUNCOM Network by libraries.--The State
29 Technology Office may provide SUNCOM Network services to any
30 library in the state, including libraries in public schools,
31 community colleges, state universities ~~the State University~~

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1 ~~System~~, and nonprofit private postsecondary educational
2 institutions, and libraries owned and operated by
3 municipalities and political subdivisions.

4 Section 938. Section 282.3031, Florida Statutes, is
5 amended to read:

6 282.3031 Assignment of information resources
7 management responsibilities.--For purposes of ss.
8 282.303-282.322, to ensure the best management of state
9 information technology resources, and notwithstanding other
10 provisions of law to the contrary, the functions of
11 information resources management are ~~hereby~~ assigned to the
12 university boards of trustees ~~Board of Regents as the agency~~
13 ~~responsible~~ for the development and implementation of ~~policy,~~
14 planning, management, rulemaking, standards, and guidelines
15 for the state universities ~~State University System~~; to the
16 community college boards of trustees ~~State Board of Community~~
17 ~~Colleges as the agency responsible~~ for establishing and
18 developing rules ~~and policies~~ for the community colleges
19 ~~Florida Community College System~~; to the Supreme Court for the
20 judicial branch; to each state attorney and public defender;
21 and to the State Technology Office for the agencies within the
22 executive branch of state government.

23 Section 939. Subsection (1) of section 282.3063,
24 Florida Statutes, is amended to read:

25 282.3063 Agency Annual Enterprise Resource Planning
26 and Management Report.--

27 (1) By September 1 of each year, ~~and for the State~~
28 ~~University System within 90 days after completion of the~~
29 ~~expenditure analysis developed pursuant to s. 240.271(4)~~, each
30 Agency Chief Information Officer shall prepare and submit to
31 the State Technology Office an Agency Annual Enterprise

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CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 Resource Planning and Management Report. Following
2 consultation with the State Technology Office and the Agency
3 Chief Information Officers Council, the Executive Office of
4 the Governor and the fiscal committees of the Legislature
5 shall jointly develop and issue instructions for the format
6 and contents of the report.

7 Section 940. Subsection (2) of section 282.310,
8 Florida Statutes, is amended to read:

9 282.310 State Annual Report on Enterprise Resource
10 Planning and Management.--

11 (2) The State Annual Report on Enterprise Resource
12 Planning and Management shall contain, at a minimum, the
13 following:

14 (a) The state vision for enterprise resource planning
15 and management.

16 (b) A forecast of the state enterprise resource
17 planning and management priorities and initiatives for the
18 ensuing 2 years.

19 (c) A summary of major statewide policies recommended
20 by the State Technology Office for enterprise resource
21 planning and management.

22 (d) A summary of memoranda issued by the Executive
23 Office of the Governor.

24 (e) An assessment of the overall progress toward an
25 integrated electronic system for deploying government
26 products, services, and information to individuals and
27 businesses and state enterprise resource planning and
28 management initiatives and priorities for the past fiscal
29 year.

30 (f) A summary of major statewide issues related to
31 improving enterprise resource planning and management by the

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1 state.

2 (g) An inventory list, by major categories, of state
3 information technology resources.

4 (h) A summary of the total agency expenditures or
5 descriptions of agreements, contracts, or partnerships for
6 enterprise resource planning and management and of
7 enterprise-wide procurements done by the office on behalf of
8 the state.

9 (i) A summary of the opportunities for government
10 agencies or entities to share enterprise resource planning and
11 management projects or initiatives with other governmental or
12 private sector entities.

13

14 The state annual report shall also include enterprise resource
15 planning and management information from the annual reports
16 prepared by the state universities and the community colleges
17 ~~Board of Regents for the State University System, from the~~
18 ~~State Board of Community Colleges for the Florida Community~~
19 ~~College System~~, from the Supreme Court for the judicial
20 branch, and from the Justice Administrative Commission on
21 behalf of the state attorneys and public defenders.

22 Expenditure information shall be taken from each agency's
23 annual report as well as the annual reports of the state
24 universities and the community colleges ~~Board of Regents, the~~
25 ~~State Board of Community Colleges~~, the Supreme Court, and the
26 Justice Administrative Commission.

27 Section 941. Section 284.34, Florida Statutes, is
28 amended to read:

29 284.34 Professional medical liability of the
30 university boards of trustees ~~Board of Regents~~ and nuclear
31 energy liability excluded.--Unless specifically authorized by

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1 the Department of Insurance, no coverages shall be provided by
2 this fund for professional medical liability insurance for the
3 university boards of trustees ~~Board of Regents~~ or the
4 physicians, officers, employees, or agents of any ~~the~~ board or
5 for liability related to nuclear energy which is ordinarily
6 subject to the standard nuclear energy liability exclusion of
7 conventional liability insurance policies. This section does
8 ~~shall not affect~~ ~~be construed as affecting~~ the self-insurance
9 programs of the university boards of trustees ~~Board of Regents~~
10 established pursuant to s. 1004.24 ~~240.213~~.

11 Section 942. Paragraph (b) of subsection (2) of
12 section 285.18, Florida Statutes, is amended to read:

13 285.18 Tribal council as governing body; powers and
14 duties.--

15 (2) The governing bodies of the special improvement
16 districts shall have the duty and power:

17 (b) To contract with the district school board of any
18 district adjoining the local school district, when deemed
19 necessary by the tribal council, to provide public education
20 and educational programs for their members, notwithstanding
21 the provisions of s. 1001.42 ~~230.23~~ that authorize school
22 boards to establish attendance areas for their districts or
23 approve plans for attendance in other districts.

24 Section 943. Paragraph (a) of subsection (2) of
25 section 287.042, Florida Statutes, is amended to read:

26 287.042 Powers, duties, and functions.--The department
27 shall have the following powers, duties, and functions:

28 (2)(a) To plan and coordinate purchases in volume and
29 to negotiate and execute purchasing agreements and contracts
30 for commodities and contractual services under which state
31 agencies shall make purchases pursuant to s. 287.056, and

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1 under which a federal, county, municipality, institutions
2 qualified to participate in the William L. Boyd, IV, Florida
3 Resident Access Grant Program pursuant to s. 1009.89 ~~240.605~~,
4 private nonprofit community transportation coordinator
5 designated pursuant to chapter 427, while conducting business
6 related solely to the Commission for the Transportation
7 Disadvantaged, or other local public agency may make
8 purchases. The department may restrict purchases from some
9 term contracts to state agencies only for those term contracts
10 where the inclusion of other governmental entities will have
11 an adverse effect on competition or to those federal
12 facilities located in this state. In such planning or
13 purchasing the Office of Supplier Diversity may monitor to
14 ensure that opportunities are afforded for contracting with
15 minority business enterprises. The department, for state term
16 contracts, and all agencies, for multiyear contractual
17 services or term contracts, shall explore reasonable and
18 economical means to utilize certified minority business
19 enterprises. Purchases by any county, municipality, private
20 nonprofit community transportation coordinator designated
21 pursuant to chapter 427, while conducting business related
22 solely to the Commission for the Transportation Disadvantaged,
23 or other local public agency under the provisions in the state
24 purchasing contracts, and purchases, from the corporation
25 operating the correctional work programs, of products or
26 services that are subject to paragraph (1)(f), are exempt from
27 the competitive sealed bid requirements otherwise applying to
28 their purchases.

29 Section 944. Paragraph (c) of subsection (9) and
30 subsections (10) and (11) of section 287.055, Florida
31 Statutes, are amended to read:

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1 287.055 Acquisition of professional architectural,
2 engineering, landscape architectural, or surveying and mapping
3 services; definitions; procedures; contingent fees prohibited;
4 penalties.--

5 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

6 (c) Except as otherwise provided in ~~s. 240.209(3)~~ or
7 s. 337.11(7), the Department of Management Services shall
8 adopt rules for the award of design-build contracts to be
9 followed by state agencies. Each other agency must adopt
10 rules or ordinances for the award of design-build contracts.
11 Municipalities, political subdivisions, school districts, and
12 school boards shall award design-build contracts by the use of
13 a competitive proposal selection process as described in this
14 subsection, or by the use of a qualifications-based selection
15 process pursuant to subsections (3), (4), and (5) for entering
16 into a contract whereby the selected firm will subsequently
17 establish a guaranteed maximum price and guaranteed completion
18 date. If the procuring agency elects the option of
19 qualifications-based selection, during the selection of the
20 design-build firm the procuring agency shall employ or retain
21 a licensed design professional appropriate to the project to
22 serve as the agency's representative. Procedures for the use
23 of a competitive proposal selection process must include as a
24 minimum the following:

25 1. The preparation of a design criteria package for
26 the design and construction of the public construction
27 project.

28 2. The qualification and selection of no fewer than
29 three design-build firms as the most qualified, based on the
30 qualifications, availability, and past work of the firms,
31 including the partners or members thereof.

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1 3. The criteria, procedures, and standards for the
2 evaluation of design-build contract proposals or bids, based
3 on price, technical, and design aspects of the public
4 construction project, weighted for the project.

5 4. The solicitation of competitive proposals, pursuant
6 to a design criteria package, from those qualified
7 design-build firms and the evaluation of the responses or bids
8 submitted by those firms based on the evaluation criteria and
9 procedures established prior to the solicitation of
10 competitive proposals.

11 5. For consultation with the employed or retained
12 design criteria professional concerning the evaluation of the
13 responses or bids submitted by the design-build firms, the
14 supervision or approval by the agency of the detailed working
15 drawings of the project; and for evaluation of the compliance
16 of the project construction with the design criteria package
17 by the design criteria professional.

18 6. In the case of public emergencies, for the agency
19 head to declare an emergency and authorize negotiations with
20 the best qualified design-build firm available at that time.

21 (10) REUSE OF EXISTING PLANS.--Notwithstanding any
22 other provision of this section, there shall be no public
23 notice requirement or utilization of the selection process as
24 provided in this section for projects in which the agency is
25 able to reuse existing plans from a prior project of the
26 agency, or, in the case of a board as defined in s. 1013.01
27 ~~chapter 235~~, a prior project of that or any other board.
28 Except for plans of a board as defined in s. 1013.01 ~~chapter~~
29 ~~235~~, public notice for any plans that are intended to be
30 reused at some future time must contain a statement that
31 provides that the plans are subject to reuse in accordance

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1 with the provisions of this subsection.

2 (11) CONSTRUCTION OF LAW.--Nothing in the amendment of
3 this section by chapter 75-281, Laws of Florida, is intended
4 to supersede the provisions of ss. 1013.45 and 1013.46 ~~235.211~~
5 ~~and 235.31~~.

6 Section 945. Subsection (1) of section 287.064,
7 Florida Statutes, is amended to read:

8 287.064 Consolidated financing of deferred-payment
9 purchases.--

10 (1) The Division of Bond Finance of the State Board of
11 Administration and the Comptroller shall plan and coordinate
12 deferred-payment purchases made by or on behalf of the state
13 or its agencies or by or on behalf of state community colleges
14 participating under this section pursuant to s. 1001.64(26)
15 ~~240.319(4)(p)~~. The Division of Bond Finance shall negotiate
16 and the Comptroller shall execute agreements and contracts to
17 establish master equipment financing agreements for
18 consolidated financing of deferred-payment, installment sale,
19 or lease purchases with a financial institution or a
20 consortium of financial institutions. As used in this act, the
21 term "deferred-payment" includes installment sale and
22 lease-purchase.

23 (a) The period during which equipment may be acquired
24 under any one master equipment financing agreement shall be
25 limited to not more than 3 years.

26 (b) Repayment of the whole or a part of the funds
27 drawn pursuant to the master equipment financing agreement may
28 continue beyond the period established pursuant to paragraph
29 (a).

30 (c) The interest rate component of any master
31 equipment financing agreement shall be deemed to comply with

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1 the interest rate limitation imposed in s. 287.063 so long as
2 the interest rate component of every interagency or community
3 college agreement entered into under such master equipment
4 financing agreement complies with the interest rate limitation
5 imposed in s. 287.063. Such interest rate limitation does not
6 apply when the payment obligation under the master equipment
7 financing agreement is rated by a nationally recognized rating
8 service in any one of the three highest classifications, which
9 rating services and classifications are determined pursuant to
10 rules adopted by the Comptroller.

11 Section 946. Paragraph (f) of subsection (1) of
12 section 288.039, Florida Statutes, is amended to read:

13 288.039 Employing and Training our Youths (ENTRY).--

14 (1) DEFINITIONS.--As used in this section:

15 (f) "Public school" shall have the same meaning as in
16 s. 1000.04(1) ~~228.041(1)(a)~~.

17 Section 947. Subsection (6) of section 288.8175,
18 Florida Statutes, is amended to read:

19 288.8175 Linkage institutes between postsecondary
20 institutions in this state and foreign countries.--

21 (6) Each institute is allowed to exempt from s.
22 1009.21 ~~240.1201~~ up to 25 full-time equivalent students per
23 year from the respective host countries to study in any of the
24 state universities or community colleges in this state as
25 resident students for tuition purposes. The institute
26 directors shall develop criteria, to be approved by the
27 Department of Education, for the selection of these students.
28 Students must return home within 3 years after their tenure of
29 graduate or undergraduate study for a length of time equal to
30 their exemption period.

31 Section 948. Subsection (2) of section 295.01, Florida

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1 Statutes, is amended to read:

2 295.01 Children of deceased or disabled veterans;
3 education.--

4 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
5 295.05, and 1009.40 shall apply.

6 Section 949. Subsection (2) of section 295.015,
7 Florida Statutes, is amended to read:

8 295.015 Children of prisoners of war and persons
9 missing in action; education.--

10 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
11 295.05, and 1009.40 shall apply.

12 Section 950. Subsection (2) of section 295.016,
13 Florida Statutes, is amended to read:

14 295.016 Children of service members who died or became
15 disabled in Operation Eagle Claw.--

16 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
17 295.05, and 1009.40 shall apply.

18 Section 951. Subsection (2) of section 295.017,
19 Florida Statutes, is amended to read:

20 295.017 Children of service members who died or became
21 disabled in the Lebanon and Grenada military arenas;
22 educational opportunity.--

23 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
24 295.05, and 1009.40 shall apply.

25 Section 952. Subsection (2) of section 295.018,
26 Florida Statutes, is amended to read:

27 295.018 Children of service members who died in
28 Newfoundland air tragedy; educational opportunity.--

29 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
30 295.05, and 1009.40 shall apply.

31 Section 953. Subsection (2) of section 295.019,

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

1 Florida Statutes, is amended to read:

2 295.019 Children of service members who died in U.S.S.
3 Stark attack.--

4 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and
5 295.05, and 1009.40 shall apply.

6 Section 954. Subsection (2) of section 295.0195,
7 Florida Statutes, is amended to read:

8 295.0195 Children of deceased or disabled military
9 personnel who died or became disabled in the Mideast Persian
10 Gulf military arena during hostilities with Iraq or in the
11 military action in Panama known as Operation Just Cause.--

12 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and
13 295.05, and 1009.40 shall apply.

14 Section 955. Subsection (45) of section 316.003,
15 Florida Statutes, is amended to read:

16 316.003 Definitions.--The following words and phrases,
17 when used in this chapter, shall have the meanings
18 respectively ascribed to them in this section, except where
19 the context otherwise requires:

20 (45) SCHOOL BUS.--Any motor vehicle that complies with
21 the color and identification requirements of chapter 1006 234
22 and is used to transport children to or from public or private
23 school or in connection with school activities, but not
24 including buses operated by common carriers in urban
25 transportation of school children. The term "school" includes
26 all preelementary, elementary, secondary, and postsecondary
27 schools.

28 Section 956. Subsection (4) of section 316.027,
29 Florida Statutes, is amended to read:

30 316.027 Crash involving death or personal injuries.--

31 (4) A person whose commission of a noncriminal traffic

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1 infraction or any violation of this chapter or s. 1006.66
2 ~~240.265~~ causes or results in the death of another person may,
3 in addition to any other civil, criminal, or administrative
4 penalty imposed, be required by the court to serve 120
5 community service hours in a trauma center or hospital that
6 regularly receives victims of vehicle accidents, under the
7 supervision of a registered nurse, an emergency room
8 physician, or an emergency medical technician pursuant to a
9 voluntary community service program operated by the trauma
10 center or hospital.

11 Section 957. Paragraph (b) of subsection (9) of
12 section 316.515, Florida Statutes, is amended to read:

13 316.515 Maximum width, height, length.--

14 (9) BUSES AND PRIVATE MOTOR COACHES.--

15 (b) School buses which are subject to the provisions
16 of ~~chapter 234~~ or s. 316.615 or chapter 1006 are exempt from
17 the provisions of this subsection.

18 Section 958. Subsection (5) of section 316.6145,
19 Florida Statutes, is amended to read:

20 316.6145 School buses; safety belts or other restraint
21 systems required.--

22 (5) The provisions of this section shall not apply to
23 vehicles as defined in s. 1006.25(1)(b) ~~234.051(1)(b)~~.

24 Section 959. Paragraphs (a) and (c) of subsection (1)
25 of section 316.615, Florida Statutes, are amended to read:

26 316.615 School buses; physical requirements of
27 drivers.--

28 (1)(a) All motor vehicles, with a seating capacity of
29 24 or more pupils, which are regularly used for the
30 transportation of pupils to or from school, or to or from
31 school activities, shall comply with the requirements for

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1 school buses of chapter 1006 234.

2 (c) A bus operated by an organization that holds a tax
3 exemption pursuant to 26 U.S.C. s. 501(c)(3) is exempt from
4 the color, pupil-warning-lamp-system, stop-arm, and
5 crossing-arm requirements for school buses in chapter 1006 234
6 if:

7 1. The bus does not pick up pupils from home or
8 deliver pupils to home;

9 2. The bus makes no intermittent stops to unload or
10 load pupils; and

11 3. The bus is not operated by or under the purview of
12 the state or political subdivision.

13 Section 960. Subsection (3) of section 316.70, Florida
14 Statutes, is amended to read:

15 316.70 Nonpublic sector buses; safety rules.--

16 (3) School buses subject to the provisions of chapter
17 1006 234 or s. 316.615 are exempt from the provisions of this
18 section.

19 Section 961. Subsection (2) of section 316.72, Florida
20 Statutes, is amended to read:

21 316.72 Buses simulating school buses in color and
22 insignia; conditions of use.--

23 (2) Any educational, recreational, religious, or
24 charitable organization may own, operate, rent, or lease any
25 bus which has been painted the orange or yellow color known as
26 "school bus chrome" and which has been equipped with the
27 signs, lights, insignia, and other features which normally
28 characterize a school bus, as defined in s. 1006.25 234-051,
29 consistent with the provisions of this section.

30 Section 962. Section 318.12, Florida Statutes, is
31 amended to read:

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1 318.12 Purpose.--It is the legislative intent in the
2 adoption of this chapter to decriminalize certain violations
3 of chapter 316, the Florida Uniform Traffic Control Law;
4 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'
5 Licenses; ~~chapter 240, Postsecondary Education; and chapter~~
6 338, Florida Intrastate Highway System and Toll Facilities;
7 and chapter 1006, Support of Learning, thereby facilitating
8 the implementation of a more uniform and expeditious system
9 for the disposition of traffic infractions.

10 Section 963. Subsection (1) of section 318.14, Florida
11 Statutes, is amended to read:

12 318.14 Noncriminal traffic infractions; exception;
13 procedures.--

14 (1) Except as provided in ss. 318.17 and 320.07(3)(c),
15 any person cited for a violation of s. 1006.66(3) ~~240.265~~,
16 chapter 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
17 s. 322.15(1), s. 322.16(2) or (3), s. 322.161(5), ~~or~~ s.
18 322.19, or s. 1006.66 is charged with a noncriminal infraction
19 and must be cited for such an infraction and cited to appear
20 before an official. If another person dies as a result of the
21 noncriminal infraction, the person cited may be required to
22 perform 120 community service hours under s. 316.027(4), in
23 addition to any other penalties.

24 Section 964. Paragraph (c) of subsection (2) of
25 section 320.08058, Florida Statutes, is amended to read:

26 320.08058 Specialty license plates.--

27 (2) CHALLENGER LICENSE PLATES.--

28 (c) Fifty percent must be distributed to the
29 Technological Research and Development Authority created by s.
30 2, chapter 87-455, Laws of Florida, for the purpose of funding
31 space-related research grants, the Teacher/Quest Scholarship

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1 Program under s. 1009.61 ~~240.4082~~ as approved by the Florida
2 Department of Education, and space-related economic
3 development programs. The Technological Research and
4 Development Authority shall coordinate and distribute
5 available resources among state universities and independent
6 colleges and universities based on the research strengths of
7 such institutions in space science technology, community
8 colleges, public school districts, and not-for-profit
9 educational organizations.

10 Section 965. Subsection (1) of section 320.20, Florida
11 Statutes, is amended to read:

12 320.20 Disposition of license tax moneys.--The revenue
13 derived from the registration of motor vehicles, including any
14 delinquent fees and excluding those revenues collected and
15 distributed under the provisions of s. 320.081, must be
16 distributed monthly, as collected, as follows:

17 (1) The first proceeds, to the extent necessary to
18 comply with the provisions of s. 18, Art. XII of the State
19 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968
20 revised constitution, and the additional provisions of s. 9(d)
21 and s. 1010.57 ~~236.602~~, must be deposited in the district
22 Capital Outlay and Debt Service School Trust Fund.

23 Section 966. Section 320.38, Florida Statutes, is
24 amended to read:

25 320.38 When nonresident exemption not allowed.--The
26 provisions of s. 320.37 authorizing the operation of motor
27 vehicles over the roads of this state by nonresidents of this
28 state when such vehicles are duly registered or licensed under
29 the laws of some other state or foreign country do not apply
30 to any nonresident who accepts employment or engages in any
31 trade, profession, or occupation in this state, except a

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1 nonresident migrant farm worker as defined in s. 316.003(61).
2 In every case in which a nonresident, except a nonresident
3 migrant farm worker as defined in s. 316.003(61), accepts
4 employment or engages in any trade, profession, or occupation
5 in this state or enters his or her children to be educated in
6 the public schools of this state, such nonresident shall,
7 within 10 days after the commencement of such employment or
8 education, register his or her motor vehicles in this state if
9 such motor vehicles are proposed to be operated on the roads
10 of this state. Any person who is enrolled as a student in a
11 college or university and who is a nonresident but who is in
12 this state for a period of up to 6 months engaged in a
13 work-study program for which academic credits are earned from
14 a college whose credits or degrees are accepted for credit by
15 at least three accredited institutions of higher learning, as
16 defined in s. 1005.02 ~~246.021~~, is not required to have a
17 Florida registration for the duration of the work-study
18 program if the person's vehicle is properly registered in
19 another jurisdiction. Any nonresident who is enrolled as a
20 full-time student in such institution of higher learning is
21 also exempt for the duration of such enrollment.

22 Section 967. Subsection (3) of section 322.031,
23 Florida Statutes, is amended to read:

24 322.031 Nonresident; when license required.--

25 (3) A nonresident who is domiciled in another state
26 and who commutes into this state in order to work shall not be
27 required to obtain a Florida driver's license under this
28 section solely because he or she has accepted employment or
29 engages in any trade, profession, or occupation in this state
30 if he or she has a valid driver's license issued by another
31 state. Further, any person who is enrolled as a student in a

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1 college or university and who is a nonresident but is in this
2 state for a period of up to 6 months engaged in a work-study
3 program for which academic credits are earned from a college
4 whose credits or degrees are accepted for credit by at least
5 three accredited institutions of higher learning, as defined
6 in s. 1005.02 ~~246.021~~, shall not be required to obtain a
7 Florida driver's license for the duration of the work-study
8 program if such person has a valid driver's license issued by
9 another state. Any nonresident who is enrolled as a full-time
10 student in any such institution of higher learning is also
11 exempt from the requirement of obtaining a Florida driver's
12 license for the duration of such enrollment.

13 Section 968. Paragraph (e) of subsection (1) and
14 paragraph (a) of subsection (2) of section 322.091, Florida
15 Statutes, are amended to read:

16 322.091 Attendance requirements.--

17 (1) ELIGIBILITY REQUIREMENTS FOR DRIVING
18 PRIVILEGES.--A minor is not eligible for driving privileges
19 unless that minor:

20 (e) Has been issued a certificate of exemption
21 according to s. 1003.21(3) ~~232.06~~; or

22
23 The department may not issue a driver's license or learner's
24 driver's license to, or shall suspend the driver's license or
25 learner's driver's license of, any minor concerning whom the
26 department receives notification of noncompliance with the
27 requirements of this section.

28 (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;
29 RECORD OF NONCOMPLIANCE.--

30 (a) The department shall notify each minor for whom
31 the department has received notification of noncompliance with

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1 the requirements of this section as provided in s. 1003.27
2 ~~232.19~~, and the minor's parent or guardian, of the
3 department's intent to suspend the minor's driving privileges.

4 Section 969. Subsection (5) of section 322.095,
5 Florida Statutes, is amended to read:

6 322.095 Traffic law and substance abuse education
7 program for driver's license applicants.--

8 (5) The provisions of this section do not apply to any
9 person who has been licensed in any other jurisdiction or who
10 has satisfactorily completed a Department of Education
11 driver's education course offered pursuant to s. 1003.48
12 ~~233.063~~.

13 Section 970. Paragraphs (a), (b), (c), and (d) of
14 subsection (1) of section 322.21, Florida Statutes, are
15 amended to read:

16 322.21 License fees; procedure for handling and
17 collecting fees.--

18 (1) Except as otherwise provided herein, the fee for:

19 (a) An original or renewal commercial driver's license
20 is \$50, which shall include the fee for driver education
21 provided by s. 1003.48 ~~233.063~~; however, if an applicant has
22 completed training and is applying for employment or is
23 currently employed in a public or nonpublic school system that
24 requires the commercial license, the fee shall be the same as
25 for a Class E driver's license. A delinquent fee of \$1 shall
26 be added for a renewal made not more than 12 months after the
27 license expiration date.

28 (b) An original Class D or Class E driver's license is
29 \$20, which shall include the fee for driver's education
30 provided by s. 1003.48 ~~233.063~~; however, if an applicant has
31 completed training and is applying for employment or is

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1 currently employed in a public or nonpublic school system that
2 requires a commercial driver license, the fee shall be the
3 same as for a Class E license.

4 (c) The renewal or extension of a Class D or Class E
5 driver's license or of a license restricted to motorcycle use
6 only is \$15, except that a delinquent fee of \$1 shall be added
7 for a renewal or extension made not more than 12 months after
8 the license expiration date. The fee provided in this
9 paragraph shall include the fee for driver's education
10 provided by s. 1003.48 ~~233.063~~.

11 (d) An original driver's license restricted to
12 motorcycle use only is \$20, which shall include the fee for
13 driver's education provided by s. 1003.48 ~~233.063~~.

14 Section 971. Paragraphs (c) and (d) of subsection (2)
15 and subsection (6) of section 333.03, Florida Statutes, are
16 amended to read:

17 333.03 Power to adopt airport zoning regulations.--

18 (2) In the manner provided in subsection (1), interim
19 airport land use compatibility zoning regulations shall be
20 adopted. When political subdivisions have adopted land
21 development regulations in accordance with the provisions of
22 chapter 163 which address the use of land in the manner
23 consistent with the provisions herein, adoption of airport
24 land use compatibility regulations pursuant to this subsection
25 shall not be required. Interim airport land use compatibility
26 zoning regulations shall consider the following:

27 (c) Where an airport authority or other governing body
28 operating a publicly owned, public-use airport has conducted a
29 noise study in accordance with the provisions of 14 C.F.R.
30 part 150, neither residential construction nor any educational
31 facility as defined in chapter 1013 ~~235~~, with the exception of

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1 aviation school facilities, shall be permitted within the area
2 contiguous to the airport defined by an outer noise contour
3 that is considered incompatible with that type of construction
4 by 14 C.F.R. part 150, Appendix A or an equivalent noise level
5 as established by other types of noise studies.

6 (d) Where an airport authority or other governing body
7 operating a publicly owned, public-use airport has not
8 conducted a noise study, neither residential construction nor
9 any educational facility as defined in chapter 1013 235, with
10 the exception of aviation school facilities, shall be
11 permitted within an area contiguous to the airport measuring
12 one-half the length of the longest runway on either side of
13 and at the end of each runway centerline.

14 (6) Nothing in subsection (2) or subsection (3) shall
15 be construed to require the removal, alteration, sound
16 conditioning, or other change, or to interfere with the
17 continued use or adjacent expansion of any educational
18 structure or site in existence on July 1, 1993, or be
19 construed to prohibit the construction of any new structure
20 for which a site has been determined as provided in former s.
21 235.19, as of July 1, 1993.

22 Section 972. Subsection (7) of section 364.508,
23 Florida Statutes, is amended to read:

24 364.508 Definitions.--As used in this part:

25 (7) "Eligible facilities" means all approved campuses
26 and instructional centers of all public universities, public
27 community colleges, area technical centers, public elementary
28 schools, middle schools, and high schools, including school
29 administrative offices, public libraries, teaching hospitals,
30 the research institute described in s. 1004.43 240-512, and
31 rural public hospitals as defined in s. 395.602. If no rural

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1 public hospital exists in a community, the public health
2 clinic which is responsible for individuals before they can be
3 transferred to a regional hospital shall be considered
4 eligible.

5 Section 973. Paragraph (k) of subsection (3) of
6 section 380.0651, Florida Statutes, is amended to read:

7 380.0651 Statewide guidelines and standards.--

8 (3) The following statewide guidelines and standards
9 shall be applied in the manner described in s. 380.06(2) to
10 determine whether the following developments shall be required
11 to undergo development-of-regional-impact review:

12 (k) Schools.--

13 1. The proposed construction of any public, private,
14 or proprietary postsecondary educational campus which provides
15 for a design population of more than 5,000 full-time
16 equivalent students, or the proposed physical expansion of any
17 public, private, or proprietary postsecondary educational
18 campus having such a design population that would increase the
19 population by at least 20 percent of the design population.

20 2. As used in this paragraph, "full-time equivalent
21 student" means enrollment for 15 or more quarter hours during
22 a single academic semester. In technical ~~area-vocational~~
23 schools or other institutions which do not employ semester
24 hours or quarter hours in accounting for student
25 participation, enrollment for 18 contact hours shall be
26 considered equivalent to one quarter hour, and enrollment for
27 27 contact hours shall be considered equivalent to one
28 semester hour.

29 3. This paragraph does not apply to institutions which
30 are the subject of a campus master plan adopted by the
31 university board of trustees ~~Board of Regents~~ pursuant to s.

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1 1013.30 ~~240.155~~.

2 Section 974. Paragraph (e) of subsection (1) of
3 section 381.003, Florida Statutes, is amended to read:

4 381.003 Communicable disease and AIDS prevention and
5 control.--

6 (1) The department shall conduct a communicable
7 disease prevention and control program as part of fulfilling
8 its public health mission. A communicable disease is any
9 disease caused by transmission of a specific infectious agent,
10 or its toxic products, from an infected person, an infected
11 animal, or the environment to a susceptible host, either
12 directly or indirectly. The communicable disease program must
13 include, but need not be limited to:

14 (e) Programs for the prevention and control of
15 vaccine-preventable diseases, including programs to immunize
16 school children as required by s. 1003.22(3)-(11) ~~232.032~~ and
17 the development of an automated, electronic, and centralized
18 database or registry of immunizations. The department shall
19 ensure that all children in this state are immunized against
20 vaccine-preventable diseases. The immunization registry shall
21 allow the department to enhance current immunization
22 activities for the purpose of improving the immunization of
23 all children in this state.

24 1. Except as provided in subparagraph 2., the
25 department shall include all children born in this state in
26 the immunization registry by using the birth records from the
27 Office of Vital Statistics. The department shall add other
28 children to the registry as immunization services are
29 provided.

30 2. The parent or guardian of a child may refuse to
31 have the child included in the immunization registry by

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1 signing a form obtained from the department, or from the
2 health care practitioner or entity that provides the
3 immunization, which indicates that the parent or guardian does
4 not wish to have the child included in the immunization
5 registry. The decision to not participate in the immunization
6 registry must be noted in the registry.

7 3. The immunization registry shall allow for
8 immunization records to be electronically transferred to
9 entities that are required by law to have such records,
10 including schools, licensed child care facilities, and any
11 other entity that is required by law to obtain proof of a
12 child's immunizations.

13 4. Any health care practitioner licensed under chapter
14 458, chapter 459, or chapter 464 in this state who complies
15 with rules adopted by the department to access the
16 immunization registry may, through the immunization registry,
17 directly access immunization records and update a child's
18 immunization history or exchange immunization information with
19 another authorized practitioner, entity, or agency involved in
20 a child's care. The information included in the immunization
21 registry must include the child's name, date of birth,
22 address, and any other unique identifier necessary to
23 correctly identify the child; the immunization record,
24 including the date, type of administered vaccine, and vaccine
25 lot number; and the presence or absence of any adverse
26 reaction or contraindication related to the immunization.
27 Information received by the department for the immunization
28 registry retains its status as confidential medical
29 information and the department must maintain the
30 confidentiality of that information as otherwise required by
31 law. A health care practitioner or other agency that obtains

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1 information from the immunization registry must maintain the
2 confidentiality of any medical records in accordance with s.
3 456.057 or as otherwise required by law.

4 Section 975. Paragraph (d) of subsection (1) of
5 section 381.005, Florida Statutes, is amended to read:

6 381.005 Primary and preventive health services.--

7 (1) The department shall conduct a primary and
8 preventive health care program as part of fulfilling its
9 public health mission. This program shall include, but is not
10 limited to:

11 (d) School health services in accordance with chapters
12 1003 and 1006 ~~chapter 232~~.

13 Section 976. Paragraph (p) of subsection (5) of
14 section 381.0056, Florida Statutes, is amended to read:

15 381.0056 School health services program.--

16 (5) Each county health department shall develop,
17 jointly with the district school board and the local school
18 health advisory committee, a school health services plan; and
19 the plan shall include, at a minimum, provisions for:

20 (p) Maintenance of records on incidents of health
21 problems, corrective measures taken, and such other
22 information as may be needed to plan and evaluate health
23 programs; except, however, that provisions in the plan for
24 maintenance of health records of individual students must be
25 in accordance with s. 1002.22 ~~228.093~~;

26 Section 977. Subsection (9) of section 381.0302,
27 Florida Statutes, is amended to read:

28 381.0302 Florida Health Services Corps.--

29 (9) Persons who receive loan repayment assistance
30 under s. 1009.65 ~~240.4067~~ shall be members of the Florida
31 Health Services Corps.

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1 Section 978. Subsection (3) of section 391.055,
2 Florida Statutes, is amended to read:

3 391.055 Service delivery systems.--

4 (3) The Children's Medical Services network may
5 contract with school districts participating in the certified
6 school match program pursuant to ss. ~~236.0812~~ and 409.908(21)
7 and 1011.70 for the provision of school-based services, as
8 provided for in s. 409.9071, for Medicaid-eligible children
9 who are enrolled in the Children's Medical Services network.

10 Section 979. Section 393.0657, Florida Statutes, is
11 amended to read:

12 393.0657 Persons not required to be refingerprinted or
13 rescreened.--Any provision of law to the contrary
14 notwithstanding, human resource personnel who have been
15 fingerprinted or screened pursuant to chapters 393, 394, 397,
16 402, and 409, and teachers who have been fingerprinted
17 pursuant to chapter 1012 ~~231~~, who have not been unemployed for
18 more than 90 days thereafter, and who under the penalty of
19 perjury attest to the completion of such fingerprinting or
20 screening and to compliance with the provisions of this
21 section and the standards for good moral character as
22 contained in such provisions as ss. 110.1127(3), 393.0655(1),
23 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be
24 required to be refingerprinted or rescreened in order to
25 comply with any direct service provider screening or
26 fingerprinting requirements.

27 Section 980. Subsection (3) of section 394.4572,
28 Florida Statutes, is amended to read:

29 394.4572 Screening of mental health personnel.--

30 (3) Prospective mental health personnel who have
31 previously been fingerprinted or screened pursuant to this

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1 chapter, chapter 393, chapter 397, chapter 402, or chapter
2 409, or teachers who have been fingerprinted pursuant to
3 chapter 1012 ~~231~~, who have not been unemployed for more than
4 90 days thereafter, and who under the penalty of perjury
5 attest to the completion of such fingerprinting or screening
6 and to compliance with the provisions of this section and the
7 standards for level 1 screening contained in chapter 435,
8 shall not be required to be refingerprinted or rescreened in
9 order to comply with any screening requirements of this part.

10 Section 981. Subsection (5) of section 394.495,
11 Florida Statutes, is amended to read:

12 394.495 Child and adolescent mental health system of
13 care; programs and services.--

14 (5) In order to enhance collaboration between agencies
15 and to facilitate the provision of services by the child and
16 adolescent mental health treatment and support system and the
17 school district, the local child and adolescent mental health
18 system of care shall include the local educational multiagency
19 network for severely emotionally disturbed students specified
20 in s. 1006.04 ~~230-2317~~.

21 Section 982. Paragraph (c) of subsection (4) of
22 section 394.498, Florida Statutes, is amended to read:

23 394.498 Child and Adolescent Interagency System of
24 Care Demonstration Models.--

25 (4) ESSENTIAL ELEMENTS.--

26 (c) In order for children, adolescents, and families
27 of children and adolescents to receive timely and effective
28 services, the basic provider network identified in each
29 demonstration model must be well designed and managed. The
30 provider network should be able to meet the needs of a
31 significant proportion of the target population. The applicant

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1 must demonstrate the capability to manage the network of
2 providers for the purchasers that participate in the
3 demonstration model. The applicant must demonstrate its
4 ability to perform the following network management functions:

5 1. Identify providers within the designated area of
6 the demonstration model which are currently funded by the
7 state agencies included in the model, and identify additional
8 providers that are needed to provide additional services for
9 the target population. The network of providers may include:

10 a. Licensed mental health professionals as defined in
11 s. 394.455(2), (4), (21), (23), or (24);

12 b. Professionals licensed under chapter 491;

13 c. Teachers certified under s. 1012.56 ~~231.17~~;

14 d. Facilities licensed under chapter 395, as a
15 hospital; s. 394.875, as a crisis stabilization unit or
16 short-term residential facility; or s. 409.175, as a
17 residential child-caring agency; and

18 e. Other community agencies.

19 2. Define access points and service linkages of
20 providers in the network.

21 3. Define the ways in which providers and
22 participating state agencies are expected to collaborate in
23 providing services.

24 4. Define methods to measure the collective
25 performance outcomes of services provided by providers and
26 state agencies, measure the performance of individual
27 agencies, and implement a quality improvement process across
28 the provider network.

29 5. Develop brochures for family members which are
30 written in understandable terminology, to help families
31 identify appropriate service providers, choose the provider,

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1 and access care directly whenever possible.

2 6. Ensure that families are given a substantial role
3 in planning and monitoring the provider network.

4 7. Train all providers with respect to the principles
5 of care outlined in this section, including effective
6 techniques of cooperation, the wraparound process and
7 strengths-based assessment, the development of service plans,
8 and techniques of case management.

9 Section 983. Subsection (3) of section 395.602,
10 Florida Statutes, is amended to read:

11 395.602 Rural hospitals.--

12 (3) USE OF FUNDS.--It is the intent of the Legislature
13 that funds as appropriated shall be utilized by the department
14 for the purpose of increasing the number of primary care
15 physicians, physician assistants, certified nurse midwives,
16 nurse practitioners, and nurses in rural areas, either through
17 the Medical Education Reimbursement and Loan Repayment Program
18 as defined by s. 1009.65 ~~240.4067~~ or through a federal loan
19 repayment program which requires state matching funds. The
20 department may use funds appropriated for the Medical
21 Education Reimbursement and Loan Repayment Program as matching
22 funds for federal loan repayment programs for health care
23 personnel, such as that authorized in Pub. L. No. 100-177, s.
24 203. If the department receives federal matching funds, the
25 department shall only implement the federal program.

26 Reimbursement through either program shall be limited to:

27 (a) Primary care physicians, physician assistants,
28 certified nurse midwives, nurse practitioners, and nurses
29 employed by or affiliated with rural hospitals, as defined in
30 this act; and

31 (b) Primary care physicians, physician assistants,

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1 certified nurse midwives, nurse practitioners, and nurses
2 employed by or affiliated with rural area health education
3 centers, as defined in this section. These personnel shall
4 practice:

5 1. In a county with a population density of no greater
6 than 100 persons per square mile; or

7 2. Within the boundaries of a hospital tax district
8 which encompasses a population of no greater than 100 persons
9 per square mile.

10

11 If the department administers a federal loan repayment
12 program, priority shall be given to obligating state and
13 federal matching funds pursuant to paragraphs (a) and (b).
14 The department may use federal matching funds in other health
15 workforce shortage areas and medically underserved areas in
16 the state for loan repayment programs for primary care
17 physicians, physician assistants, certified nurse midwives,
18 nurse practitioners, and nurses who are employed by publicly
19 financed health care programs that serve medically indigent
20 persons.

21 Section 984. Subsection (3) of section 395.605,
22 Florida Statutes, is amended to read:

23 395.605 Emergency care hospitals.--

24 (3) For the purpose of participation in the Medical
25 Education Reimbursement and Loan Repayment Program as defined
26 in s. 1009.65 ~~240.4067~~ or other loan repayment or incentive
27 programs designed to relieve medical workforce shortages, the
28 department shall treat emergency care hospitals in the same
29 manner as rural hospitals.

30 Section 985. Subsection (3) of section 397.405,
31 Florida Statutes, is amended to read:

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1 397.405 Exemptions from licensure.--The following are
2 exempt from the licensing provisions of this chapter:

3 (3) A substance abuse education program established
4 pursuant to s. 1003.42 ~~233.061~~.

5
6 The exemptions from licensure in this section do not apply to
7 any facility or entity which receives an appropriation, grant,
8 or contract from the state to operate as a service provider as
9 defined in this chapter or to any substance abuse program
10 regulated pursuant to s. 397.406. No provision of this
11 chapter shall be construed to limit the practice of a
12 physician licensed under chapter 458 or chapter 459, a
13 psychologist licensed under chapter 490, or a psychotherapist
14 licensed under chapter 491, providing outpatient or inpatient
15 substance abuse treatment to a voluntary patient, so long as
16 the physician, psychologist, or psychotherapist does not
17 represent to the public that he or she is a licensed service
18 provider under this act. Failure to comply with any
19 requirement necessary to maintain an exempt status under this
20 section is a misdemeanor of the first degree, punishable as
21 provided in s. 775.082 or s. 775.083.

22 Section 986. Subsection (4) of section 397.451,
23 Florida Statutes, is amended to read:

24 397.451 Background checks of service provider
25 personnel who have direct contact with unmarried minor clients
26 or clients who are developmentally disabled.--

27 (4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR
28 RECHECKED.--Service provider personnel who have been
29 fingerprinted or had their backgrounds checked pursuant to
30 chapter 393, chapter 394, chapter 402, or chapter 409, or this
31 section, and teachers who have been fingerprinted pursuant to

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1 chapter 1012 ~~231~~, who have not been unemployed for more than
2 90 days thereafter and who, under the penalty of perjury,
3 attest to the completion of such fingerprinting or background
4 checks and to compliance with the provisions of this section
5 and the standards contained in chapter 435 and this section,
6 are not required to be refingerprinted or rechecked in order
7 to comply with service provider personnel fingerprinting or
8 background check requirements.

9 Section 987. Paragraph (h) of subsection (2) of
10 section 397.951, Florida Statutes, is amended to read:

11 397.951 Treatment and sanctions.--The Legislature
12 recognizes that the integration of treatment and sanctions
13 greatly increases the effectiveness of substance abuse
14 treatment. It is the responsibility of the department and the
15 substance abuse treatment provider to employ the full measure
16 of sanctions available to require participation and completion
17 of treatment to ensure successful outcomes for children in
18 substance abuse treatment.

19 (2) The department shall ensure that substance abuse
20 treatment providers employ any and all appropriate available
21 sanctions necessary to engage, motivate, and maintain a child
22 in treatment, including, but not limited to, provisions in law
23 that:

24 (h) Provide that the use, possession, or sale of
25 controlled substances, as defined in chapter 893, or
26 possession of electronic telephone pagers, by any student
27 while such student is upon school property or in attendance at
28 a school function is grounds for disciplinary action by the
29 school and may also result in criminal penalties being imposed
30 pursuant to s. 1006.09(1)-(4) ~~232-26~~.

31 Section 988. Subsection (2), (4), and (7) of section

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1 402.22, Florida Statutes, are amended to read:

2 402.22 Education program for students who reside in
3 residential care facilities operated by the Department of
4 Children and Family Services.--

5 (2) District school boards shall establish educational
6 programs for all students ages 5 through 18 under the
7 residential care of the Department of Children and Family
8 Services and may provide for students below age 3 as provided
9 for in s. 1003.21(1)(e) ~~232.01(1)(e)~~. Funding of such programs
10 shall be pursuant to s. 1011.62 ~~236.081~~.

11 (4) Students age 18 and under who are under the
12 residential care of the Department of Children and Family
13 Services and who receive an education program shall be
14 calculated as full-time equivalent student membership in the
15 appropriate cost factor as provided for in s. 1011.62(1)(c)
16 ~~236.081(1)(e)~~. Residential care facilities of the Department
17 of Children and Family Services shall include, but not be
18 limited to, developmental services institutions and state
19 mental health facilities. All students shall receive their
20 education program from the district school system, and funding
21 shall be allocated through the Florida Education Finance
22 Program for the district school system.

23 (7) Notwithstanding the provisions of s. 1001.42(4)(n)
24 ~~230.23(4)(n)~~, the educational program at the Marianna Sunland
25 Center in Jackson County shall be operated by the Department
26 of Education, either directly or through grants or contractual
27 agreements with other public educational agencies. The annual
28 state allocation to any such agency shall be computed pursuant
29 to s. 1011.62(1), (2), and (5) ~~236.081(1), (2), and (5)~~ and
30 allocated in the amount that would have been provided the
31 local school district in which the residential facility is

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1 located.

2 Section 989. Subsection (3) of section 402.302,
3 Florida Statutes, is amended to read:

4 402.302 Definitions.--

5 (3) "Child care personnel" means all owners,
6 operators, employees, and volunteers working in a child care
7 facility. The term does not include persons who work in a
8 child care facility after hours when children are not present
9 or parents of children in Head Start. For purposes of
10 screening, the term includes any member, over the age of 12
11 years, of a child care facility operator's family, or person,
12 over the age of 12 years, residing with a child care facility
13 operator if the child care facility is located in or adjacent
14 to the home of the operator or if the family member of, or
15 person residing with, the child care facility operator has any
16 direct contact with the children in the facility during its
17 hours of operation. Members of the operator's family or
18 persons residing with the operator who are between the ages of
19 12 years and 18 years shall not be required to be
20 fingerprinted but shall be screened for delinquency records.
21 For purposes of screening, the term shall also include persons
22 who work in child care programs which provide care for
23 children 15 hours or more each week in public or nonpublic
24 schools, summer day camps, family day care homes, or those
25 programs otherwise exempted under s. 402.316. The term does
26 not include public or nonpublic school personnel who are
27 providing care during regular school hours, or after hours for
28 activities related to a school's program for grades
29 kindergarten through 12 ~~as required under chapter 232.~~ A
30 volunteer who assists on an intermittent basis for less than
31 40 hours per month is not included in the term "personnel" for

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1 the purposes of screening and training, provided that the
2 volunteer is under direct and constant supervision by persons
3 who meet the personnel requirements of s. 402.305(2).
4 Students who observe and participate in a child care facility
5 as a part of their required coursework shall not be considered
6 child care personnel, provided such observation and
7 participation are on an intermittent basis and the students
8 are under direct and constant supervision of child care
9 personnel.

10 Section 990. Section 402.3057, Florida Statutes, is
11 amended to read:

12 402.3057 Persons not required to be refingerprinted or
13 rescreened.--Any provision of law to the contrary
14 notwithstanding, human resource personnel who have been
15 fingerprinted or screened pursuant to chapters 393, 394, 397,
16 402, and 409, and teachers and noninstructional personnel who
17 have been fingerprinted pursuant to chapter 1012 ~~231~~, who have
18 not been unemployed for more than 90 days thereafter, and who
19 under the penalty of perjury attest to the completion of such
20 fingerprinting or screening and to compliance with the
21 provisions of this section and the standards for good moral
22 character as contained in such provisions as ss. 110.1127(3),
23 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),
24 shall not be required to be refingerprinted or rescreened in
25 order to comply with any caretaker screening or fingerprinting
26 requirements.

27 Section 991. Paragraphs (a) and (b) of subsection (3)
28 of section 409.145, Florida Statutes, are amended to read:

29 409.145 Care of children.--

30 (3)(a) The department is authorized to continue to
31 provide the services of the children's foster care program to

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1 individuals 18 to 21 years of age who are enrolled in high
2 school, in a program leading to a high school equivalency
3 diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time
4 career education program, and to continue to provide services
5 of the children's foster care program to individuals 18 to 23
6 years of age who are enrolled full-time in a postsecondary
7 educational institution granting a degree, a certificate, or
8 an applied technology diploma, if the following requirements
9 are met:

10 1. The individual was committed to the legal custody
11 of the department for placement in foster care as a dependent
12 child;

13 2. All other resources have been thoroughly explored,
14 and it can be clearly established that there are no
15 alternative resources for placement; and

16 3. A written service agreement which specifies
17 responsibilities and expectations for all parties involved has
18 been signed by a representative of the department, the
19 individual, and the foster parent or licensed child-caring
20 agency providing the placement resources.

21 (b) The services of the foster care program shall
22 continue for those individuals 18 to 21 years of age only for
23 the period of time the individual is continuously enrolled in
24 high school, in a program leading to a high school equivalency
25 diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time
26 career education program; and shall continue for those
27 individuals 18 to 23 years of age only for the period of time
28 the individual is continuously enrolled full-time in a
29 postsecondary educational institution granting a degree, a
30 certificate, or an applied technology diploma. Services shall
31 be terminated upon completion of or withdrawal or permanent

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1 | expulsion from high school, the program leading to a high
2 | school equivalency diploma, the full-time career and technical
3 | education program, or the postsecondary educational
4 | institution granting a degree, a certificate, or an applied
5 | technology diploma. In addition, the department may, based
6 | upon the availability of funds, provide assistance to those
7 | individuals who leave foster care when they attain 18 years of
8 | age and subsequently request assistance prior to their 21st
9 | birthday. The following are examples of assistance that may be
10 | provided: referrals for employment, services for educational
11 | or career ~~vocational~~ development, and housing assistance.

12 | Section 992. Section 409.1757, Florida Statutes, is
13 | amended to read:

14 | 409.1757 Persons not required to be refingerprinted or
15 | rescreened.--Any provision of law to the contrary
16 | notwithstanding, human resource personnel who have been
17 | fingerprinted or screened pursuant to chapters 393, 394, 397,
18 | 402, and this chapter, and teachers who have been
19 | fingerprinted pursuant to chapter 1012 ~~231~~, who have not been
20 | unemployed for more than 90 days thereafter, and who under the
21 | penalty of perjury attest to the completion of such
22 | fingerprinting or screening and to compliance with the
23 | provisions of this section and the standards for good moral
24 | character as contained in such provisions as ss. 110.1127(3),
25 | 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),
26 | shall not be required to be refingerprinted or rescreened in
27 | order to comply with any caretaker screening or fingerprinting
28 | requirements.

29 | Section 993. Subsections (1) and (2) of section
30 | 409.2598, Florida Statutes, are amended to read:

31 | 409.2598 Suspension or denial of new or renewal

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1 licenses; registrations; certifications.--

2 (1) The Title IV-D agency may petition the court that
3 entered the support order or the court that is enforcing the
4 support order to deny or suspend the license, registration, or
5 certificate issued under ~~chapter 231~~, chapter 370, chapter
6 372, chapter 409, chapter 455, chapter 456, chapter 559,
7 chapter 1012, s. 328.42, or s. 597.010 of any obligor with a
8 delinquent support obligation or who fails, after receiving
9 appropriate notice, to comply with subpoenas, orders to
10 appear, orders to show cause, or similar orders relating to
11 paternity or support proceedings. However, a petition may not
12 be filed until the Title IV-D agency has exhausted all other
13 available remedies. The purpose of this section is to promote
14 the public policy of the state as established in s. 409.2551.

15 (2) The Title IV-D agency is authorized to screen all
16 applicants for new or renewal licenses, registrations, or
17 certificates and current licenses, registrations, or
18 certificates and current licensees, registration holders, and
19 certificateholders of all licenses, registrations, and
20 certificates issued under ~~chapter 231~~, chapter 370, ~~chapter~~
21 ~~372~~, chapter 409, chapter 455, chapter 456, ~~or~~ chapter 559,
22 chapter 1012, or s. 328.42 to ensure compliance with any
23 support obligation and any subpoenas, orders to appear, orders
24 to show cause, or similar orders relating to paternity or
25 support proceedings. If the Title IV-D agency determines that
26 an applicant, licensee, registration holder, or
27 certificateholder is an obligor who is delinquent on a support
28 obligation or who is not in compliance with a subpoena, order
29 to appear, order to show cause, or similar order relating to
30 paternity or support proceedings, the Title IV-D agency shall
31 certify the delinquency pursuant to s. 61.14.

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1 Section 994. Subsections (1) and (6) of section
2 409.9071, Florida Statutes, as amended by section 2 of chapter
3 97-168, Laws of Florida, are amended to read:

4 409.9071 Medicaid provider agreements for school
5 districts certifying state match.--

6 (1) The agency shall submit a state plan amendment by
7 September 1, 1997, for the purpose of obtaining federal
8 authorization to reimburse school-based services as provided
9 in former s. 236.0812 pursuant to the rehabilitative services
10 option provided under 42 U.S.C. s. 1396d(a)(13). For purposes
11 of this section, billing agent consulting services shall be
12 considered billing agent services, as that term is used in s.
13 409.913(9), and, as such, payments to such persons shall not
14 be based on amounts for which they bill nor based on the
15 amount a provider receives from the Medicaid program. This
16 provision shall not restrict privatization of Medicaid
17 school-based services. Subject to any limitations provided for
18 in the General Appropriations Act, the agency, in compliance
19 with appropriate federal authorization, shall develop policies
20 and procedures and shall allow for certification of state and
21 local education funds which have been provided for
22 school-based services as specified in s. 1011.70 ~~236.0812~~ and
23 authorized by a physician's order where required by federal
24 Medicaid law. Any state or local funds certified pursuant to
25 this section shall be for children with specified disabilities
26 who are eligible for both Medicaid and part B or part H of the
27 Individuals with Disabilities Education Act (IDEA), or the
28 exceptional student education program, or who have an
29 individualized educational plan.

30 (6) Retroactive reimbursements for services as
31 specified in former s. 236.0812 as of July 1, 1996, including

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1 reimbursement for the 1995-1996 and 1996-1997 school years,
2 subject to federal approval.

3 Section 995. Subsection (1) of section 409.9071,
4 Florida Statutes, as amended by sections 13 and 18 of chapter
5 97-263, Laws of Florida, is amended to read:

6 409.9071 Medicaid provider agreements for school
7 districts certifying state match.--

8 (1) Subject to any limitations provided for in the
9 General Appropriations Act, the agency, in compliance with
10 appropriate federal authorization, shall develop policies and
11 procedures to allow for certification of state and local
12 education funds which have been provided for services as
13 authorized in s. 1011.70 ~~236-0812~~. Any state or local funds
14 certified pursuant to this section shall be for children with
15 specified disabilities who are eligible for Medicaid and who
16 have an individualized educational plan that demonstrates that
17 such services are medically necessary and a physician
18 authorization order if required by federal Medicaid laws.

19 Section 996. Subsection (21) of section 409.908,
20 Florida Statutes, is amended to read:

21 409.908 Reimbursement of Medicaid providers.--Subject
22 to specific appropriations, the agency shall reimburse
23 Medicaid providers, in accordance with state and federal law,
24 according to methodologies set forth in the rules of the
25 agency and in policy manuals and handbooks incorporated by
26 reference therein. These methodologies may include fee
27 schedules, reimbursement methods based on cost reporting,
28 negotiated fees, competitive bidding pursuant to s. 287.057,
29 and other mechanisms the agency considers efficient and
30 effective for purchasing services or goods on behalf of
31 recipients. Payment for Medicaid compensable services made on

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1 behalf of Medicaid eligible persons is subject to the
2 availability of moneys and any limitations or directions
3 provided for in the General Appropriations Act or chapter 216.
4 Further, nothing in this section shall be construed to prevent
5 or limit the agency from adjusting fees, reimbursement rates,
6 lengths of stay, number of visits, or number of services, or
7 making any other adjustments necessary to comply with the
8 availability of moneys and any limitations or directions
9 provided for in the General Appropriations Act, provided the
10 adjustment is consistent with legislative intent.

11 (21) The agency shall reimburse school districts which
12 certify the state match pursuant to ss. 1011.70 ~~236.0812~~ and
13 409.9071 for the federal portion of the school district's
14 allowable costs to deliver the services, based on the
15 reimbursement schedule. The school district shall determine
16 the costs for delivering services as authorized in ss. 1011.70
17 ~~236.0812~~ and 409.9071 for which the state match will be
18 certified. Reimbursement of school-based providers is
19 contingent on such providers being enrolled as Medicaid
20 providers and meeting the qualifications contained in 42
21 C.F.R. s. 440.110, unless otherwise waived by the federal
22 Health Care Financing Administration. Speech therapy providers
23 who are certified through the Department of Education pursuant
24 to rule 6A-4.0176, Florida Administrative Code, are eligible
25 for reimbursement for services that are provided on school
26 premises. Any employee of the school district who has been
27 fingerprinted and has received a criminal background check in
28 accordance with Department of Education rules and guidelines
29 shall be exempt from any agency requirements relating to
30 criminal background checks.

31 Section 997. Paragraph (a) of subsection (2) of

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1 section 409.9122, Florida Statutes, is amended to read:

2 409.9122 Mandatory Medicaid managed care enrollment;
3 programs and procedures.--

4 (2)(a) The agency shall enroll in a managed care plan
5 or MediPass all Medicaid recipients, except those Medicaid
6 recipients who are: in an institution; enrolled in the
7 Medicaid medically needy program; or eligible for both
8 Medicaid and Medicare. However, to the extent permitted by
9 federal law, the agency may enroll in a managed care plan or
10 MediPass a Medicaid recipient who is exempt from mandatory
11 managed care enrollment, provided that:

12 1. The recipient's decision to enroll in a managed
13 care plan or MediPass is voluntary;

14 2. If the recipient chooses to enroll in a managed
15 care plan, the agency has determined that the managed care
16 plan provides specific programs and services which address the
17 special health needs of the recipient; and

18 3. The agency receives any necessary waivers from the
19 federal Health Care Financing Administration.

20

21 The agency shall develop rules to establish policies by which
22 exceptions to the mandatory managed care enrollment
23 requirement may be made on a case-by-case basis. The rules
24 shall include the specific criteria to be applied when making
25 a determination as to whether to exempt a recipient from
26 mandatory enrollment in a managed care plan or MediPass.

27 School districts participating in the certified school match
28 program pursuant to ss. 1011.70 ~~236.0812~~ and 409.908(21) shall
29 be reimbursed by Medicaid, subject to the limitations of s.
30 1011.70(1) ~~236.0812(1) and (2)~~, for a Medicaid-eligible child
31 participating in the services as authorized in s. 1011.70

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1 ~~236.0812~~, as provided for in s. 409.9071, regardless of
2 whether the child is enrolled in MediPass or a managed care
3 plan. Managed care plans shall make a good faith effort to
4 execute agreements with school districts regarding the
5 coordinated provision of services authorized under s. 1011.70
6 ~~236.0812~~. County health departments delivering school-based
7 services pursuant to ss. 381.0056 and 381.0057 shall be
8 reimbursed by Medicaid for the federal share for a
9 Medicaid-eligible child who receives Medicaid-covered services
10 in a school setting, regardless of whether the child is
11 enrolled in MediPass or a managed care plan. Managed care
12 plans shall make a good faith effort to execute agreements
13 with county health departments regarding the coordinated
14 provision of services to a Medicaid-eligible child. To ensure
15 continuity of care for Medicaid patients, the agency, the
16 Department of Health, and the Department of Education shall
17 develop procedures for ensuring that a student's managed care
18 plan or MediPass provider receives information relating to
19 services provided in accordance with ss. ~~236.0812~~, 381.0056,
20 381.0057, ~~and~~ 409.9071, and 1011.70.

21 Section 998. Paragraph (d) of subsection (5) and
22 subsection (10) of section 411.01, Florida Statutes, are
23 amended to read:

24 411.01 Florida Partnership for School Readiness;
25 school readiness coalitions.--

26 (5) CREATION OF SCHOOL READINESS COALITIONS.--

27 (d) Implementation.--

28 1. The school readiness program is to be phased in.
29 Until the coalition implements its plan, the county shall
30 continue to receive the services identified in subsection (3)
31 through the various agencies that would be responsible for

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1 delivering those services under current law. Plan
2 implementation is subject to approval of the coalition and the
3 plan by the Florida Partnership for School Readiness.

4 2. Each school readiness coalition shall develop a
5 plan for implementing the school readiness program to meet the
6 requirements of this section and the performance standards and
7 outcome measures established by the partnership. The plan must
8 include a written description of the role of the program in
9 the coalition's effort to meet the first state education goal,
10 readiness to start school, including a description of the plan
11 to involve the prekindergarten early intervention programs,
12 Head Start Programs, programs offered by public or private
13 providers of child care, preschool programs for children with
14 disabilities, programs for migrant children, Title I programs,
15 subsidized child care programs, and teen parent programs. The
16 plan must also demonstrate how the program will ensure that
17 each 3-year-old and 4-year-old child in a publicly funded
18 school readiness program receives scheduled activities and
19 instruction designed to prepare children to enter kindergarten
20 ready to learn. Prior to implementation of the program, the
21 school readiness coalition must submit the plan to the
22 partnership for approval. The partnership may approve the
23 plan, reject the plan, or approve the plan with conditions.
24 The Florida Partnership for School Readiness shall review
25 coalition plans at least annually.

26 3. The plan for the school readiness program must
27 include the following minimum standards and provisions:

28 a. A sliding fee scale establishing a copayment for
29 parents based upon their ability to pay, which is the same for
30 all program providers, to be implemented and reflected in each
31 program's budget.

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1 b. A choice of settings and locations in licensed,
2 registered, religious-exempt, or school-based programs to be
3 provided to parents.

4 c. Instructional staff who have completed the training
5 course as required in s. 402.305(2)(d)1., as well as staff who
6 have additional training or credentials as required by the
7 partnership. The plan must provide a method for assuring the
8 qualifications of all personnel in all program settings.

9 d. Specific eligibility priorities for children within
10 the coalition's county pursuant to subsection (6).

11 e. Performance standards and outcome measures
12 established by the partnership or alternatively, standards and
13 outcome measures to be used until such time as the partnership
14 adopts such standards and outcome measures.

15 f. Reimbursement rates that have been developed by the
16 coalition. Reimbursement rates shall not have the effect of
17 limiting parental choice or creating standards or levels of
18 services that have not been authorized by the Legislature.

19 g. Systems support services, including a central
20 agency, child care resource and referral, eligibility
21 determinations, training of providers, and parent support and
22 involvement.

23 h. Direct enhancement services to families and
24 children. System support and direct enhancement services shall
25 be in addition to payments for the placement of children in
26 school readiness programs.

27 i. A business plan, which must include the contract
28 with a school readiness agent if the coalition is not a
29 legally established corporate entity. Coalitions may contract
30 with other coalitions to achieve efficiency in multiple-county
31 services, and such contracts may be part of the coalition's

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1 business plan.

2 j. Strategies to meet the needs of unique populations,
3 such as migrant workers.

4
5 As part of the plan, the coalition may request the Governor to
6 apply for a waiver to allow the coalition to administer the
7 Head Start Program to accomplish the purposes of the school
8 readiness program. If any school readiness plan can
9 demonstrate that specific statutory goals can be achieved more
10 effectively by using procedures that require modification of
11 existing rules, policies, or procedures, a request for a
12 waiver to the partnership may be made as part of the plan.
13 Upon review, the partnership may grant the proposed
14 modification.

15 4. Persons with an early childhood teaching
16 certificate may provide support and supervision to other staff
17 in the school readiness program.

18 5. The coalition may not implement its plan until it
19 submits the plan to and receives approval from the
20 partnership. Once the plan has been approved, the plan and the
21 services provided under the plan shall be controlled by the
22 coalition rather than by the state agencies or departments.
23 The plan shall be reviewed and revised as necessary, but at
24 least biennially.

25 6. The following statutes will not apply to local
26 coalitions with approved plans: ss. 125.901(2)(a)3., 411.221,
27 and 411.232. To facilitate innovative practices and to allow
28 local establishment of school readiness programs, a school
29 readiness coalition may apply to the Governor and Cabinet for
30 a waiver of, and the Governor and Cabinet may waive, any of
31 the provisions of ss. ~~230.23166~~, 411.223, ~~and~~ 411.232, and

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1 1003.54 if the waiver is necessary for implementation of the
2 coalition's school readiness plan.

3 7. Two or more counties may join for the purpose of
4 planning and implementing a school readiness program.

5 8. A coalition may, subject to approval of the
6 partnership as part of the coalition's plan, receive
7 subsidized child care funds for all children eligible for any
8 federal subsidized child care program and be the provider of
9 the program services.

10 9. Coalitions are authorized to enter into multiparty
11 contracts with multicounty service providers in order to meet
12 the needs of unique populations such as migrant workers.

13 (10) SCHOOL READINESS UNIFORM SCREENING.--The
14 Department of Education shall implement a school readiness
15 uniform screening, including a pilot program during the
16 2001-2002 school year, to validate the system recommended by
17 the Florida Partnership for School Readiness as part of a
18 comprehensive evaluation design. Beginning with the 2002-2003
19 school year, the department shall require that all school
20 districts administer the school readiness uniform screening to
21 each kindergarten student in the district school system upon
22 the student's entry into kindergarten. Children who enter
23 public school for the first time in first grade must undergo a
24 uniform screening adopted for use in first grade. The
25 department shall incorporate school readiness data into the
26 K-20 data warehouse for longitudinal tracking. Notwithstanding
27 s. 1002.22 ~~228.093~~, the department shall provide the
28 partnership and the Agency for Workforce Innovation with
29 complete and full access to kindergarten uniform screening
30 data at the student, school, district, and state levels in a
31 format that will enable the partnership and the agency to

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1 prepare reports needed by state policymakers and local school
2 readiness coalitions to assess progress toward school
3 readiness goals and provide input for continuous improvement
4 of local school readiness services and programs.

5 Section 999. Paragraph (f) of subsection (8) of
6 section 411.203, Florida Statutes, is amended to read:

7 411.203 Continuum of comprehensive services.--The
8 Department of Education and the Department of Health and
9 Rehabilitative Services shall utilize the continuum of
10 prevention and early assistance services for high-risk
11 pregnant women and for high-risk and handicapped children and
12 their families, as outlined in this section, as a basis for
13 the intraagency and interagency program coordination,
14 monitoring, and analysis required in this chapter. The
15 continuum shall be the guide for the comprehensive statewide
16 approach for services for high-risk pregnant women and for
17 high-risk and handicapped children and their families, and may
18 be expanded or reduced as necessary for the enhancement of
19 those services. Expansion or reduction of the continuum shall
20 be determined by intraagency or interagency findings and
21 agreement, whichever is applicable. Implementation of the
22 continuum shall be based upon applicable eligibility criteria,
23 availability of resources, and interagency prioritization when
24 programs impact both agencies, or upon single agency
25 prioritization when programs impact only one agency. The
26 continuum shall include, but not be limited to:

27 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND
28 PARENTS OF HIGH-RISK CHILDREN.--

29 (f) Parent support groups, such as the community
30 resource mother or father program as established in s. 402.45,
31 ~~the Florida First Start Program as established in s. 230.2303,~~

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1 or parents as first teachers, to strengthen families and to
2 enable families of high-risk children to better meet their
3 needs.

4 Section 1000. Subsection (2) of section 411.223,
5 Florida Statutes, is amended to read:

6 411.223 Uniform standards.--

7 (2) Duplicative diagnostic and planning practices
8 shall be eliminated to the extent possible. Diagnostic and
9 other information necessary to provide quality services to
10 high-risk or handicapped children shall be shared among the
11 program offices of the Department of Children and Family
12 Services, pursuant to the provisions of s. 1002.22 ~~228.093~~.

13 Section 1001. Subsection (1) of section 414.1251,
14 Florida Statutes, is amended to read:

15 414.1251 Learnfare program.--

16 (1) The department shall reduce the temporary cash
17 assistance for a participant's eligible dependent child or for
18 an eligible teenage participant who has not been exempted from
19 education participation requirements, if the eligible
20 dependent child or eligible teenage participant has been
21 identified either as a habitual truant, pursuant to s.
22 1003.01(8) ~~228.041(28)~~, or as a dropout, pursuant to s.
23 1003.01(9) ~~228.041(29)~~. For a student who has been identified
24 as a habitual truant, the temporary cash assistance must be
25 reinstated after a subsequent grading period in which the
26 child's attendance has substantially improved. For a student
27 who has been identified as a dropout, the temporary cash
28 assistance must be reinstated after the student enrolls in a
29 public school, receives a high school diploma or its
30 equivalency, enrolls in preparation for the General
31 Educational Development Tests, or enrolls in other educational

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1 activities approved by the district school board. Good cause
2 exemptions from the rule of unexcused absences include the
3 following:

4 (a) The student is expelled from school and
5 alternative schooling is not available.

6 (b) No licensed day care is available for a child of
7 teen parents subject to Learnfare.

8 (c) Prohibitive transportation problems exist (e.g.,
9 to and from day care).

10

11 Within 10 days after sanction notification, the participant
12 parent of a dependent child or the teenage participant may
13 file an internal fair hearings process review procedure
14 appeal, and no sanction shall be imposed until the appeal is
15 resolved.

16 Section 1002. Paragraph (c) of subsection (1) of
17 section 440.16, Florida Statutes, is amended to read:

18 440.16 Compensation for death.--

19 (1) If death results from the accident within 1 year
20 thereafter or follows continuous disability and results from
21 the accident within 5 years thereafter, the employer shall
22 pay:

23 (c) To the surviving spouse, payment of postsecondary
24 student fees for instruction at any area technical center
25 established under s. 1001.44 ~~230.63~~ for up to 1,800 classroom
26 hours or payment of student fees at any community college
27 established under part III of chapter 1004 ~~240~~ for up to 80
28 semester hours. The spouse of a deceased state employee shall
29 be entitled to a full waiver of such fees as provided in ss.
30 1009.22 ~~239.117~~ and 1009.23 ~~240.345~~ in lieu of the payment of
31 such fees. The benefits provided for in this paragraph shall

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1 be in addition to other benefits provided for in this section
2 and shall terminate 7 years after the death of the deceased
3 employee, or when the total payment in eligible compensation
4 under paragraph (b) has been received. To qualify for the
5 educational benefit under this paragraph, the spouse shall be
6 required to meet and maintain the regular admission
7 requirements of, and be registered at, such area technical
8 center or community college, and make satisfactory academic
9 progress as defined by the educational institution in which
10 the student is enrolled.

11 Section 1003. Paragraph (e) of subsection (6) and
12 paragraph (e) of subsection (9) of section 445.004, Florida
13 Statutes, are amended to read:

14 445.004 Workforce Florida, Inc.; creation; purpose;
15 membership; duties and powers.--

16 (6) Workforce Florida, Inc., may take action that it
17 deems necessary to achieve the purposes of this section,
18 including, but not limited to:

19 (e) Providing policy direction for a system to project
20 and evaluate labor market supply and demand using the results
21 of the Workforce Estimating Conference created in s. 216.136
22 and the career education performance standards identified
23 under s. 1008.43 ~~239-233~~.

24 (9) Workforce Florida, Inc., in collaboration with the
25 regional workforce boards and appropriate state agencies and
26 local public and private service providers, and in
27 consultation with the Office of Program Policy Analysis and
28 Government Accountability, shall establish uniform measures
29 and standards to gauge the performance of the workforce
30 development strategy. These measures and standards must be
31 organized into three outcome tiers.

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1 (e) Job placement must be reported pursuant to s.
2 1008.39 ~~229.8075~~. Positive outcomes for providers of education
3 and training must be consistent with ss. 1008.42 ~~239.233~~ and
4 1008.43 ~~239.245~~.

5 Section 1004. Paragraph (a) of subsection (1) of
6 section 445.0121, Florida Statutes, is amended to read:

7 445.0121 Student eligibility requirements for initial
8 awards.--

9 (1) To be eligible for an initial award for
10 lower-division college credit courses that lead to a
11 baccalaureate degree, as defined in s. 445.0122(5), a student
12 must:

13 (a)1. Have been a resident of this state for no less
14 than 3 years for purposes other than to obtain an education;
15 or

16 2. Have received a standard Florida high school
17 diploma, as provided in s. 1003.43 ~~232.246~~, or its equivalent,
18 as described in s. 229.814, unless:

19 a. The student is enrolled full-time in the
20 early-admission program of an eligible postsecondary education
21 institution or completes a home education program in
22 accordance with s. 1002.41 ~~232.0201~~; or

23 b. The student earns a high school diploma from a
24 non-Florida school while living with a parent or guardian who
25 is on military or public service assignment outside this
26 state.

27 Section 1005. Paragraph (i) of subsection (1) of
28 section 445.024, Florida Statutes, is amended to read:

29 445.024 Work requirements.--

30 (1) WORK ACTIVITIES.--The following activities may be
31 used individually or in combination to satisfy the work

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1 requirements for a participant in the temporary cash
2 assistance program:

3 (i) Education services related to employment for
4 participants 19 years of age or younger.--Education services
5 provided under this paragraph are designed to prepare a
6 participant for employment in an occupation. The agency shall
7 coordinate education services with the school-to-work
8 activities provided under s. 1006.02 ~~229.595~~. Activities
9 provided under this paragraph are restricted to participants
10 19 years of age or younger who have not completed high school
11 or obtained a high school equivalency diploma.

12 Section 1006. Subsection (2), paragraph (i) of
13 subsection (3), paragraph (a) of subsection (4), subsection
14 (10), and subsection (18) of section 447.203, Florida
15 Statutes, are amended to read:

16 447.203 Definitions.--As used in this part:

17 (2) "Public employer" or "employer" means the state or
18 any county, municipality, or special district or any
19 subdivision or agency thereof which the commission determines
20 has sufficient legal distinctiveness properly to carry out the
21 functions of a public employer. With respect to all public
22 employees determined by the commission as properly belonging
23 to a statewide bargaining unit composed of State Career
24 Service System employees or Selected Professional Service
25 employees, the Governor shall be deemed to be the public
26 employer; and the university board of trustees ~~Board of~~
27 ~~Regents~~ shall be deemed to be the public employer with respect
28 to all public employees of the respective state university
29 ~~within the State University System as provided in s.~~
30 ~~240.209(3)(f), except that such employees shall have the~~
31 ~~right, in elections to be conducted at each university by the~~

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1 ~~commission pursuant to its rules, to elect not to participate~~
2 ~~in collective bargaining. In the event that a majority of such~~
3 ~~voting employees at any university elect not to participate in~~
4 ~~collective bargaining, they shall be removed from the~~
5 ~~applicable Board of Regents bargaining unit. If, thereafter,~~
6 ~~by election conducted by the commission pursuant to its rules,~~
7 ~~a majority of such voting employees elect to participate in~~
8 ~~collective bargaining, they shall be included again in the~~
9 ~~applicable Board of Regents bargaining unit for such purpose.~~

10 The board of trustees of a community college shall be deemed
11 to be the public employer with respect to all employees of the
12 community college. The district school board shall be deemed
13 to be the public employer with respect to all employees of the
14 school district. The Board of Trustees of the Florida School
15 for the Deaf and the Blind shall be deemed to be the public
16 employer with respect to the academic and academic
17 administrative personnel of the Florida School for the Deaf
18 and the Blind. The Governor shall be deemed to be the public
19 employer with respect to all employees in the Correctional
20 Education Program of the Department of Corrections established
21 pursuant to s. 944.801.

22 (3) "Public employee" means any person employed by a
23 public employer except:

24 (i) Those persons enrolled as ~~graduate students in the~~
25 ~~State University System who are employed as graduate~~
26 ~~assistants, graduate teaching assistants, graduate teaching~~
27 ~~associates, graduate research assistants, or graduate research~~
28 ~~associates and those persons enrolled as~~ undergraduate
29 students in a state university ~~the State University System~~ who
30 perform part-time work for the state university ~~State~~
31 ~~University System.~~

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1 (4) "Managerial employees" are those employees who:

2 (a) Perform jobs that are not of a routine, clerical,
3 or ministerial nature and require the exercise of independent
4 judgment in the performance of such jobs and to whom one or
5 more of the following applies:

6 1. They formulate or assist in formulating policies
7 which are applicable to bargaining unit employees.

8 2. They may reasonably be required on behalf of the
9 employer to assist in the preparation for the conduct of
10 collective bargaining negotiations.

11 3. They have a role in the administration of
12 agreements resulting from collective bargaining negotiations.

13 4. They have a significant role in personnel
14 administration.

15 5. They have a significant role in employee relations.

16 6. They are included in the definition of
17 administrative personnel contained in s. 1012.01(3)

18 ~~228.041(10)~~.

19 7. They have a significant role in the preparation or
20 administration of budgets for any public agency or institution
21 or subdivision thereof.

22

23 However, in determining whether an individual is a managerial
24 employee pursuant to either paragraph (a) or paragraph (b),
25 above, the commission may consider historic relationships of
26 the employee to the public employer and to coemployees.

27 (10) "Legislative body" means the State Legislature,
28 the board of county commissioners, the district school board,
29 the governing body of a municipality, or the governing body of
30 an instrumentality or unit of government having authority to
31 appropriate funds and establish policy governing the terms and

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1 conditions of employment and which, as the case may be, is the
2 appropriate legislative body for the bargaining unit. For
3 purposes of s. 447.403, the state university board of trustees
4 shall be deemed to be the legislative body with respect to all
5 employees of the state university. For purposes of s. 447.403
6 the board of trustees of a community college shall be deemed
7 to be the legislative body with respect to all employees of
8 the community college.

9 (18) "Student representative" means the representative
10 selected by each community college or university student
11 government association ~~and the council of student body~~
12 ~~presidents~~. Each representative may be present at all
13 negotiating sessions that ~~which~~ take place between the
14 appropriate public employer and an exclusive bargaining agent.
15 ~~The said~~ representative must ~~shall~~ be enrolled as a student
16 with at least 8 credit hours in the respective community
17 college or university ~~or in the State University System~~ during
18 his or her term as student representative.

19 Section 1007. Subsection (5) of section 447.301,
20 Florida Statutes, is amended to read:

21 447.301 Public employees' rights; organization and
22 representation.--

23 (5) ~~In negotiations over the terms and conditions of~~
24 ~~service and other matters affecting the working environment of~~
25 ~~employees, or the learning environment of students, in~~
26 ~~institutions of higher education, one student representative~~
27 ~~selected by the council of student body presidents may, at his~~
28 ~~or her discretion, be present at all negotiating sessions~~
29 ~~which take place between the Board of Regents and the~~
30 ~~bargaining agent for an employee bargaining unit.~~ In the case
31 of community colleges and universities, the student government

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1 association of each community college or university shall
2 establish procedures for the selection of, and shall select, a
3 student representative to be present, at his or her
4 discretion, at negotiations between the bargaining agent of
5 the employees and the board of trustees. Each student
6 representative shall have access to all written draft
7 agreements and all other written documents pertaining to
8 negotiations exchanged by the appropriate public employer and
9 the bargaining agent, including a copy of any prepared written
10 transcripts of any negotiating session. Each student
11 representative shall have the right at reasonable times during
12 the negotiating session to comment to the parties and to the
13 public upon the impact of proposed agreements on the
14 educational environment of students. Each student
15 representative shall have the right to be accompanied by
16 alternates or aides, not to exceed a combined total of two in
17 number. Each student representative shall be obligated to
18 participate in good faith during all negotiations and shall be
19 subject to the rules and regulations of the Public Employees
20 Relations Commission. The student representatives shall have
21 neither voting nor veto power in any negotiation, action, or
22 agreement. The state or any branch, agency, division, agent,
23 or institution of the state, including community colleges and
24 universities, may shall not expend any moneys from any source
25 for the payment of reimbursement for travel expenses or per
26 diem to aides, alternates, or student representatives
27 participating in, observing, or contributing to any
28 negotiating sessions between the bargaining parties; ~~however,~~
29 ~~this limitation does not apply to the use of student activity~~
30 ~~fees for the reimbursement of travel expenses and per diem to~~
31 ~~the university student representative, aides, or alternates~~

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1 ~~participating in the aforementioned negotiations between the~~
2 ~~Board of Regents and the bargaining agent for an employee~~
3 ~~bargaining unit.~~

4 Section 1008. Subsection (4) of section 447.403,
5 Florida Statutes, is amended to read:

6 447.403 Resolution of impasses.--

7 (4) ~~If in the event that either~~ the public employer or
8 the employee organization does not accept, in whole or in
9 part, the recommended decision of the special master:

10 (a) The chief executive officer of the governmental
11 entity involved shall, within 10 days after rejection of a
12 recommendation of the special master, submit to the
13 legislative body of the governmental entity involved a copy of
14 the findings of fact and recommended decision of the special
15 master, together with the chief executive officer's
16 recommendations for settling the disputed impasse issues. The
17 chief executive officer shall also transmit his or her
18 recommendations to the employee organization. ~~If the dispute~~
19 ~~involves employees for whom the Board of Regents is the public~~
20 ~~employer, the Governor may also submit recommendations to the~~
21 ~~legislative body for settling The disputed impasse issues;~~

22 (b) The employee organization shall submit its
23 recommendations for settling the disputed impasse issues to
24 such legislative body and to the chief executive officer;

25 (c) The legislative body or a duly authorized
26 committee thereof shall forthwith conduct a public hearing at
27 which the parties shall be required to explain their positions
28 with respect to the rejected recommendations of the special
29 master;

30 (d) Thereafter, the legislative body shall take such
31 action as it deems to be in the public interest, including the

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1 interest of the public employees involved, to resolve all
2 disputed impasse issues; and

3 (e) Following the resolution of the disputed impasse
4 issues by the legislative body, the parties shall reduce to
5 writing an agreement which includes those issues agreed to by
6 the parties and those disputed impasse issues resolved by the
7 legislative body's action taken pursuant to paragraph (d). The
8 agreement shall be signed by the chief executive officer and
9 the bargaining agent and shall be submitted to the public
10 employer and to the public employees who are members of the
11 bargaining unit for ratification. If such agreement is not
12 ratified by all parties, pursuant to the provisions of s.
13 447.309, the legislative body's action taken pursuant to the
14 provisions of paragraph (d) shall take effect as of the date
15 of such legislative body's action for the remainder of the
16 first fiscal year which was the subject of negotiations;
17 however, the legislative body's action shall not take effect
18 with respect to those disputed impasse issues which establish
19 the language of contractual provisions which could have no
20 effect in the absence of a ratified agreement, including, but
21 not limited to, preambles, recognition clauses, and duration
22 clauses.

23 Section 1009. Paragraph (b) of subsection (5) of
24 section 450.081, Florida Statutes, is amended to read:

25 450.081 Hours of work in certain occupations.--

26 (5) The provisions of subsections (1)-(4) shall not
27 apply to:

28 (b) Minors who are within the compulsory school
29 attendance age limit who hold a valid certificate of exemption
30 issued by the school superintendent or his or her designee
31 pursuant to the provisions of s. 1003.21(3) ~~232.06~~.

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1 Section 1010. Subsection (2) of section 450.121,
2 Florida Statutes, is amended to read:

3 450.121 Enforcement of Child Labor Law.--

4 (2) It is the duty of the department and its agents
5 and all sheriffs or other law enforcement officers of the
6 state or of any municipality of the state to enforce the
7 provisions of this law, to make complaints against persons
8 violating its provisions, and to prosecute violations of the
9 same. The department and its agents have authority to enter
10 and inspect at any time any place or establishment covered by
11 this law and to have access to age certificates kept on file
12 by the employer and such other records as may aid in the
13 enforcement of this law. A designated school representative
14 acting in accordance with s. 1003.26 ~~232.17~~ shall report to
15 the department all violations of the Child Labor Law that may
16 come to his or her knowledge.

17 Section 1011. Subsection (4) of section 458.3145,
18 Florida Statutes, is amended to read:

19 458.3145 Medical faculty certificate.--

20 (4) In any year, the maximum number of extended
21 medical faculty certificateholders as provided in subsection
22 (2) may not exceed 15 persons at each institution named in
23 subparagraphs (1)(i)1.-4. and at the facility named in s.
24 1004.43 ~~240.512~~ and may not exceed 5 persons at the
25 institution named in subparagraph (1)(i)5.

26 Section 1012. Subsection (1) and paragraph (a) of
27 subsection (2) of section 458.324, Florida Statutes, are
28 amended to read:

29 458.324 Breast cancer; information on treatment
30 alternatives.--

31 (1) DEFINITION.--As used in this section, the term

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1 "medically viable," as applied to treatment alternatives,
2 means modes of treatment generally considered by the medical
3 profession to be within the scope of current, acceptable
4 standards, including treatment alternatives described in the
5 written summary prepared by the Florida Cancer Control and
6 Research Advisory Council in accordance with s. 1004.435(4)(m)
7 ~~240.5121(4)(m)~~.

8 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each
9 physician treating a patient who is, or in the judgment of the
10 physician is at high risk of being, diagnosed as having breast
11 cancer shall inform such patient of the medically viable
12 treatment alternatives available to such patient; shall
13 describe such treatment alternatives; and shall explain the
14 relative advantages, disadvantages, and risks associated with
15 the treatment alternatives to the extent deemed necessary to
16 allow the patient to make a prudent decision regarding such
17 treatment options. In compliance with this subsection:

18 (a) The physician may, in his or her discretion:

19 1. Orally communicate such information directly to the
20 patient or the patient's legal representative;

21 2. Provide the patient or the patient's legal
22 representative with a copy of the written summary prepared in
23 accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express a
24 willingness to discuss the summary with the patient or the
25 patient's legal representative; or

26 3. Both communicate such information directly and
27 provide a copy of the written summary to the patient or the
28 patient's legal representative for further consideration and
29 possible later discussion.

30

31 Nothing in this subsection shall reduce other provisions of

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1 law regarding informed consent.

2 Section 1013. Subsection (1) and paragraph (a) of
3 subsection (2) of section 459.0125, Florida Statutes, are
4 amended to read:

5 459.0125 Breast cancer; information on treatment
6 alternatives.--

7 (1) DEFINITION.--As used in this section, the term
8 "medically viable," as applied to treatment alternatives,
9 means modes of treatment generally considered by the medical
10 profession to be within the scope of current, acceptable
11 standards, including treatment alternatives described in the
12 written summary prepared by the Florida Cancer Control and
13 Research Advisory Council in accordance with s. 1004.435(4)(m)
14 ~~240.5121(4)(m)~~.

15 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is
16 the obligation of every physician treating a patient who is,
17 or in the judgment of the physician is at high risk of being,
18 diagnosed as having breast cancer to inform such patient of
19 the medically viable treatment alternatives available to such
20 patient; to describe such treatment alternatives; and to
21 explain the relative advantages, disadvantages, and risks
22 associated with the treatment alternatives to the extent
23 deemed necessary to allow the patient to make a prudent
24 decision regarding such treatment options. In compliance with
25 this subsection:

26 (a) The physician may, in her or his discretion:

27 1. Orally communicate such information directly to the
28 patient or the patient's legal representative;

29 2. Provide the patient or the patient's legal
30 representative with a copy of the written summary prepared in
31 accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express

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1 her or his willingness to discuss the summary with the patient
2 or the patient's legal representative; or

3 3. Both communicate such information directly and
4 provide a copy of the written summary to the patient or the
5 patient's legal representative for further consideration and
6 possible later discussion.

7
8 Nothing in this subsection shall reduce other provisions of
9 law regarding informed consent.

10 Section 1014. Paragraph (c) of subsection (2) of
11 section 468.1115, Florida Statutes, is amended to read:

12 468.1115 Exemptions.--

13 (2) The provisions of this part shall not apply to:

14 (c) Persons certified in the areas of speech-language
15 impairment or hearing impairment in this state under chapter
16 1012 ~~231~~ when engaging in the profession for which they are
17 certified, or any person under the direct supervision of such
18 a certified person, or of a licensee under this chapter, when
19 the person under such supervision is performing hearing
20 screenings in a school setting for prekindergarten through
21 grade 12.

22 Section 1015. Section 468.607, Florida Statutes, is
23 amended to read:

24 468.607 Certification of building code administration
25 and inspection personnel.--The board shall issue a certificate
26 to any individual whom the board determines to be qualified,
27 within such class and level as provided in this part and with
28 such limitations as the board may place upon it. No person
29 may be employed by a state agency or local governmental
30 authority to perform the duties of a building code
31 administrator, plans examiner, or building code inspector

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1 after October 1, 1993, without possessing the proper valid
2 certificate issued in accordance with the provisions of this
3 part. Any person who acts as an inspector and plans examiner
4 under s. 1013.37 ~~235.26~~ while conducting activities authorized
5 by certification under that section is certified to continue
6 to conduct inspections for a local enforcement agency until
7 the person's UBCI certification expires, after which time such
8 person must possess the proper valid certificate issued in
9 accordance with this part.

10 Section 1016. Subsection (3) of section 468.723,
11 Florida Statutes, is amended to read:

12 468.723 Exemptions.--Nothing in this part shall be
13 construed as preventing or restricting:

14 (3) A person employed as a teacher apprentice trainer
15 I, a teacher apprentice trainer II, or a teacher athletic
16 trainer under s. 1012.46 ~~232.435~~.

17 Section 1017. Section 471.0035, Florida Statutes, is
18 amended to read:

19 471.0035 Instructors in postsecondary educational
20 institutions; exemption from registration requirement.--For
21 the sole purpose of teaching the principles and methods of
22 engineering design, notwithstanding the provisions of s.
23 471.005(7), a person employed by a public postsecondary
24 educational institution, or by an independent postsecondary
25 educational institution licensed or exempt from licensure
26 pursuant to the provisions of chapter 1005 ~~246~~, is not
27 required to register under the provisions of this chapter as a
28 registered engineer.

29 Section 1018. Paragraph (c) of subsection (2) of
30 section 476.114, Florida Statutes, is amended to read:

31 476.114 Examination; prerequisites.--

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1 (2) An applicant shall be eligible for licensure by
2 examination to practice barbering if the applicant:

3 (c)1. Holds an active valid license to practice
4 barbering in another state, has held the license for at least
5 1 year, and does not qualify for licensure by endorsement as
6 provided for in s. 476.144(5); or

7 2. Has received a minimum of 1,200 hours of training
8 as established by the board, which shall include, but shall
9 not be limited to, the equivalent of completion of services
10 directly related to the practice of barbering at one of the
11 following:

12 a. A school of barbering licensed pursuant to chapter
13 1005 246;

14 b. A barbering program within the public school
15 system; or

16 c. A government-operated barbering program in this
17 state.

18
19 The board shall establish by rule procedures whereby the
20 school or program may certify that a person is qualified to
21 take the required examination after the completion of a
22 minimum of 1,000 actual school hours. If the person passes the
23 examination, she or he shall have satisfied this requirement;
24 but if the person fails the examination, she or he shall not
25 be qualified to take the examination again until the
26 completion of the full requirements provided by this section.

27 Section 1019. Paragraph (a) of subsection (6) of
28 section 476.144, Florida Statutes, is amended to read:

29 476.144 Licensure.--

30 (6) A person may apply for a restricted license to
31 practice barbering. The board shall adopt rules specifying

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1 procedures for an applicant to obtain a restricted license if
2 the applicant:

3 (a)1. Has successfully completed a restricted barber
4 course, as established by rule of the board, at a school of
5 barbering licensed pursuant to chapter 1005 246, a barbering
6 program within the public school system, or a
7 government-operated barbering program in this state; or

8 2.a. Holds or has within the previous 5 years held an
9 active valid license to practice barbering in another state or
10 country or has held a Florida barbering license which has been
11 declared null and void for failure to renew the license, and
12 the applicant fulfilled the requirements of s. 476.114(2)(c)2.
13 for initial licensure; and

14 b. Has not been disciplined relating to the practice
15 of barbering in the previous 5 years; and

16

17 The restricted license shall limit the licensee's practice to
18 those specific areas in which the applicant has demonstrated
19 competence pursuant to rules adopted by the board.

20 Section 1020. Section 476.178, Florida Statutes, is
21 amended to read:

22 476.178 Schools of barbering; licensure.--No private
23 school of barbering shall be permitted to operate without a
24 license issued by the Commission for Independent State Board
25 ~~of Nonpublic Career Education~~ pursuant to chapter 1005 246.

26 However, this section shall not be construed to prevent
27 certification by the Department of Education of barber
28 training programs within the public school system or to
29 prevent government operation of any other program of barbering
30 in this state.

31 Section 1021. Paragraph (d) of subsection (1) of

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Bill No. CS for CS for SB 1564, 1st Eng.

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

1 section 477.0132, Florida Statutes, is amended to read:

2 477.0132 Hair braiding, hair wrapping, and body
3 wrapping registration.--

4 (1)

5 (d) Only the board may review, evaluate, and approve a
6 course required of an applicant for registration under this
7 subsection in the occupation or practice of hair braiding,
8 hair wrapping, or body wrapping. A provider of such a course
9 is not required to hold a license under chapter 1005 246.

10 Section 1022. Paragraph (c) of subsection (2) of
11 section 477.019, Florida Statutes, is amended to read:

12 477.019 Cosmetologists; qualifications; licensure;
13 supervised practice; license renewal; endorsement; continuing
14 education.--

15 (2) An applicant shall be eligible for licensure by
16 examination to practice cosmetology if the applicant:

17 (c)1. Is authorized to practice cosmetology in another
18 state or country, has been so authorized for at least 1 year,
19 and does not qualify for licensure by endorsement as provided
20 for in subsection (6); or

21 2. Has received a minimum of 1,200 hours of training
22 as established by the board, which shall include, but shall
23 not be limited to, the equivalent of completion of services
24 directly related to the practice of cosmetology at one of the
25 following:

26 a. A school of cosmetology licensed pursuant to
27 chapter 1005 246.

28 b. A cosmetology program within the public school
29 system.

30 c. The Cosmetology Division of the Florida School for
31 the Deaf and the Blind, provided the division meets the

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1 standards of this chapter.

2 d. A government-operated cosmetology program in this
3 state.

4
5 The board shall establish by rule procedures whereby the
6 school or program may certify that a person is qualified to
7 take the required examination after the completion of a
8 minimum of 1,000 actual school hours. If the person then
9 passes the examination, he or she shall have satisfied this
10 requirement; but if the person fails the examination, he or
11 she shall not be qualified to take the examination again until
12 the completion of the full requirements provided by this
13 section.

14 Section 1023. Paragraph (b) of subsection (1) of
15 section 477.0201, Florida Statutes, is amended to read:

16 477.0201 Specialty registration; qualifications;
17 registration renewal; endorsement.--

18 (1) Any person is qualified for registration as a
19 specialist in any one or more of the specialty practices
20 within the practice of cosmetology under this chapter who:

21 (b) Has received a certificate of completion in a
22 specialty pursuant to s. 477.013(6) from one of the following:

- 23 1. A school licensed pursuant to s. 477.023.
- 24 2. A school licensed pursuant to chapter 1005 246 or
25 the equivalent licensing authority of another state.
- 26 3. A specialty program within the public school
27 system.
- 28 4. A specialty division within the Cosmetology
29 Division of the Florida School for the Deaf and the Blind,
30 provided the training programs comply with minimum curriculum
31 requirements established by the board.

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

1 Section 1024. Section 477.023, Florida Statutes, is
2 amended to read:

3 477.023 Schools of cosmetology; licensure.--No private
4 school of cosmetology shall be permitted to operate without a
5 license issued by the Commission for Independent State Board
6 ~~of Nonpublic Career Education~~ pursuant to chapter 1005 246.
7 However, nothing herein shall be construed to prevent
8 certification by the Department of Education of cosmetology
9 training programs within the public school system or to
10 prevent government operation of any other program of
11 cosmetology in this state.

12 Section 1025. Subsection (9) of section 480.033,
13 Florida Statutes, is amended to read:

14 480.033 Definitions.--As used in this act:

15 (9) "Board-approved massage school" means a facility
16 which meets minimum standards for training and curriculum as
17 determined by rule of the board and which is licensed by the
18 Department of Education pursuant to chapter 1005 246 or the
19 equivalent licensing authority of another state or is within
20 the public school system of this state.

21 Section 1026. Paragraph (c) of subsection (1) of
22 section 481.229, Florida Statutes, is amended to read:

23 481.229 Exceptions; exemptions from licensure.--

24 (1) No person shall be required to qualify as an
25 architect in order to make plans and specifications for, or
26 supervise the erection, enlargement, or alteration of:

27 (c) Any other type of building costing less than
28 \$25,000, except a school, auditorium, or other building
29 intended for public use, provided that the services of a
30 registered architect shall not be required for minor school
31 projects pursuant to s. 1013.45 235-211.

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

1 Section 1027. Section 488.01, Florida Statutes, is
2 amended to read:

3 488.01 License to engage in business of operating a
4 driver's school required.--The Department of Highway Safety
5 and Motor Vehicles shall oversee and license all commercial
6 driver's schools except truck driving schools. All commercial
7 truck driving schools shall be required to be licensed
8 pursuant to chapter 1005 246, and additionally shall be
9 subject to the provisions of ss. 488.04 and 488.05. No
10 person, group, organization, institution, business entity, or
11 corporate entity may engage in the business of operating a
12 driver's school without first obtaining a license therefor
13 from the Department of Highway Safety and Motor Vehicles
14 pursuant to this chapter or from the State Board of Nonpublic
15 Career Education pursuant to chapter 1005 246.

16 Section 1028. Subsections (12) and (13) of section
17 553.415, Florida Statutes, are amended to read:

18 553.415 Factory-built school buildings.--

19 (12) Such identification label shall be permanently
20 affixed by the manufacturer in the case of newly constructed
21 factory-built school buildings, or by the department or its
22 designee in the case of an existing factory-built building
23 altered to comply with provisions of s. 1013.20 235-061.

24 (13) As of July 1, 2001, all newly constructed
25 factory-built school buildings shall bear a label pursuant to
26 subsection (12). As of July 1, 2002, existing factory-built
27 school buildings and manufactured buildings used as classrooms
28 and not bearing such label shall not be used as classrooms
29 pursuant to s. 1013.20 235-061.

30 Section 1029. Subsection (5) of section 559.902,
31 Florida Statutes, is amended to read:

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1 559.902 Scope and application.--This act shall apply
2 to all motor vehicle repair shops in Florida, except:

3 (5) Those located in public schools as defined in s.
4 1000.04 ~~228.041~~ or charter technical career centers as defined
5 in s. 1002.34 ~~228.505~~.

6
7 However, such person may voluntarily register under this act.

8 Section 1030. Section 589.09, Florida Statutes, is
9 amended to read:

10 589.09 Use of lands acquired.--All lands acquired by
11 the Division of Forestry on behalf of the state shall be in
12 the custody of and subject to the jurisdiction, management,
13 and control of the said division, and, for such purposes and
14 the utilization and development of such land, the said
15 division may use the proceeds of the sale of any products
16 therefrom, the proceeds of the sale of any such lands, save
17 the 25 percent of such proceeds which shall be paid into the
18 State School Fund as required by s. 1010.71(1) ~~228.151~~, and
19 such other funds as may be appropriated for use by the
20 division, and in the opinion of such division, available for
21 such uses and purposes.

22 Section 1031. Subsection (1) of section 627.733,
23 Florida Statutes, is amended to read:

24 627.733 Required security.--

25 (1) Every owner or registrant of a motor vehicle,
26 other than a motor vehicle used as a taxicab, school bus as
27 defined in s. 1006.25 ~~234.051~~, or limousine, required to be
28 registered and licensed in this state shall maintain security
29 as required by subsection (3) in effect continuously
30 throughout the registration or licensing period.

31 Section 1032. Subsection (2) of section 627.742,

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1 Florida Statutes, is amended to read:

2 627.742 Nonpublic sector buses; additional liability
3 insurance coverage.--

4 (2) School buses subject to the provisions of chapter
5 1006 234 or s. 316.615 are exempt from the provisions of this
6 section.

7 Section 1033. Subsection (5) of section 627.912,
8 Florida Statutes, is amended to read:

9 627.912 Professional liability claims and actions;
10 reports by insurers.--

11 (5) Any self-insurance program established under s.
12 1004.24 240.213 shall report in duplicate to the Department of
13 Insurance any claim or action for damages for personal
14 injuries claimed to have been caused by error, omission, or
15 negligence in the performance of professional services
16 provided by the state university board of trustees ~~Board of~~
17 ~~Regents~~ through an employee or agent of the state university
18 board of trustees ~~Board of Regents~~, including practitioners of
19 medicine licensed under chapter 458, practitioners of
20 osteopathic medicine licensed under chapter 459, podiatric
21 physicians licensed under chapter 461, and dentists licensed
22 under chapter 466, or based on a claimed performance of
23 professional services without consent if the claim resulted in
24 a final judgment in any amount, or a settlement in any amount.
25 The reports required by this subsection shall contain the
26 information required by subsection (3) and the name, address,
27 and specialty of the employee or agent of the state university
28 board of trustees ~~Board of Regents~~ whose performance or
29 professional services is alleged in the claim or action to
30 have caused personal injury.

31 Section 1034. Paragraph (b) of subsection (7) of

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1 section 633.445, Florida Statutes, is amended to read:

2 633.445 State Fire Marshal Scholarship Grant
3 Program.--

4 (7) The criteria and procedures for establishing
5 standards of eligibility shall be recommended by the council
6 to the Department of Insurance. The council shall recommend
7 to the Department of Insurance a rating system upon which to
8 base the approval of scholarship grants. However, to be
9 eligible to receive a scholarship pursuant to this section, an
10 applicant must:

11 (b) Have graduated from high school, have earned an
12 equivalency diploma issued by the Department of Education
13 pursuant to s. 1003.435 ~~229.814~~, or have earned an equivalency
14 diploma issued by the United States Armed Forces Institute;

15 Section 1035. Paragraph (e) of subsection (1) of
16 section 633.50, Florida Statutes, is amended to read:

17 633.50 Division powers and duties; Florida State Fire
18 College.--

19 (1) The Division of State Fire Marshal of the
20 Department of Insurance, in performing its duties related to
21 the Florida State Fire College, specified in ss.
22 633.43-633.49, shall:

23 (e) Develop a staffing and funding formula for the
24 Florida State Fire College. The formula shall include
25 differential funding levels for various types of programs,
26 shall be based on the number of full-time equivalent students
27 and information obtained from scheduled attendance counts
28 taken the first day of each program, and shall provide the
29 basis for the legislative budget request. As used in this
30 section, a full-time equivalent student is equal to a minimum
31 of 900 hours in a technical certificate ~~vocational~~ program and

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1 400 hours in a degree-seeking program. The funding formula
2 shall be as prescribed pursuant to s. 1011.62 ~~236.081~~, shall
3 include procedures to document daily attendance, and shall
4 require that attendance records be retained for audit
5 purposes.

6 Section 1036. Paragraph (c) of subsection (2) of
7 section 732.402, Florida Statutes, is amended to read:

8 732.402 Exempt property.--

9 (2) Exempt property shall consist of:

10 (c) Florida Prepaid College Program contracts
11 purchased ~~under s. 240.551~~ and Florida College Savings
12 agreements established under part IV of chapter 1009 ~~s.~~
13 ~~240.553~~.

14 Section 1037. Section 784.081, Florida Statutes, is
15 amended to read:

16 784.081 Assault or battery on specified officials or
17 employees; reclassification of offenses.--Whenever a person is
18 charged with committing an assault or aggravated assault or a
19 battery or aggravated battery upon any elected official or
20 employee of: a school district; a private school; the Florida
21 School for the Deaf and the Blind; a university developmental
22 research school; a state university or any other entity of the
23 state system of public education, as defined in s. 1000.04
24 ~~228.041~~; an employee or protective investigator of the
25 Department of Children and Family Services; or an employee of
26 a lead community-based provider and its direct service
27 contract providers, when the person committing the offense
28 knows or has reason to know the identity or position or
29 employment of the victim, the offense for which the person is
30 charged shall be reclassified as follows:

31 (1) In the case of aggravated battery, from a felony

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1 of the second degree to a felony of the first degree.

2 (2) In the case of aggravated assault, from a felony
3 of the third degree to a felony of the second degree.

4 (3) In the case of battery, from a misdemeanor of the
5 first degree to a felony of the third degree.

6 (4) In the case of assault, from a misdemeanor of the
7 second degree to a misdemeanor of the first degree.

8 Section 1038. Section 817.566, Florida Statutes, is
9 amended to read:

10 817.566 Misrepresentation of association with, or
11 academic standing at, postsecondary educational
12 institution.--Any person who, with intent to defraud,
13 misrepresents his or her association with, or academic
14 standing or other progress at, any postsecondary educational
15 institution by falsely making, altering, simulating, or
16 forging a document, degree, certificate, diploma, award,
17 record, letter, transcript, form, or other paper; or any
18 person who causes or procures such a misrepresentation; or any
19 person who utters and publishes or otherwise represents such a
20 document, degree, certificate, diploma, award, record, letter,
21 transcript, form, or other paper as true, knowing it to be
22 false, is guilty of a misdemeanor of the first degree,
23 punishable as provided in s. 775.082 or s. 775.083.

24 Individuals who present a religious academic degree from any
25 college, university, seminary, or institution which is not
26 licensed by the State Board of Independent Colleges and
27 Universities or which is not exempt pursuant to the provisions
28 of s. 246.085 shall disclose the religious nature of the
29 degree upon presentation.

30 Section 1039. Subsection (1) of section 817.567,
31 Florida Statutes, is amended to read:

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1 817.567 Making false claims of academic degree or
2 title.--

3 (1) No person in the state may claim, either orally or
4 in writing, to possess an academic degree, as defined in s.
5 1005.02 ~~246.021~~, or the title associated with said degree,
6 unless the person has, in fact, been awarded said degree from
7 an institution that is:

8 (a) Accredited by a regional or professional
9 accrediting agency recognized by the United States Department
10 of Education or the Commission on Recognition of Postsecondary
11 Accreditation;

12 (b) Provided, operated, and supported by a state
13 government or any of its political subdivisions or by the
14 Federal Government;

15 (c) A school, institute, college, or university
16 chartered outside the United States, the academic degree from
17 which has been validated by an accrediting agency approved by
18 the United States Department of Education as equivalent to the
19 baccalaureate or postbaccalaureate degree conferred by a
20 regionally accredited college or university in the United
21 States;

22 (d) Licensed by the State Board of Independent
23 Colleges and Universities pursuant to ss. 1005.01-1005.38
24 ~~246.011-246.151~~ or exempt from licensure pursuant to s.
25 246.085; or

26 (e) A religious seminary, institute, college, or
27 university which offers only educational programs that prepare
28 students for a religious vocation, career, occupation,
29 profession, or lifework, and the nomenclature of whose
30 certificates, diplomas, or degrees clearly identifies the
31 religious character of the educational program.

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

1 Section 1040. Paragraph (a) of subsection (1) of
2 section 877.18, Florida Statutes, is amended to read:

3 877.18 Identification card or document purporting to
4 contain applicant's age or date of birth; penalties for
5 failure to comply with requirements for sale or issuance.--

6 (1) It is unlawful for any person, except a
7 governmental agency or instrumentality, to sell or issue, or
8 to offer to sell or issue, in this state any identification
9 card or document purporting to contain the age or date of
10 birth of the person in whose name it was issued, unless:

11 (a) Prior to selling or issuing such card or document,
12 the person has first obtained from the applicant and retains
13 for a period of 3 years from the date of sale:

14 1. An authenticated or certified copy of proof of age
15 as provided in s. 1003.21(4) ~~232.03~~; and

16 2. A notarized affidavit from the applicant attesting
17 to the applicant's age and that the proof-of-age document
18 required by subparagraph 1. is for such applicant.

19 Section 1041. Paragraph (a) of subsection (1) of
20 section 921.187, Florida Statutes, is amended to read:

21 921.187 Disposition and sentencing; alternatives;
22 restitution.--

23 (1) The alternatives provided in this section for the
24 disposition of criminal cases shall be used in a manner that
25 will best serve the needs of society, punish criminal
26 offenders, and provide the opportunity for rehabilitation.

27 (a) If the offender does not receive a state prison
28 sentence, the court may:

29 1. Impose a split sentence whereby the offender is to
30 be placed on probation upon completion of any specified period
31 of such sentence, which period may include a term of years or

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1 less.

2 2. Make any other disposition that is authorized by
3 law.

4 3. Place the offender on probation with or without an
5 adjudication of guilt pursuant to s. 948.01.

6 4. Impose a fine and probation pursuant to s. 948.011
7 when the offense is punishable by both a fine and imprisonment
8 and probation is authorized.

9 5. Place the offender into community control requiring
10 intensive supervision and surveillance pursuant to chapter
11 948.

12 6. Impose, as a condition of probation or community
13 control, a period of treatment which shall be restricted to a
14 county facility, a Department of Corrections probation and
15 restitution center, a probation program drug punishment
16 treatment community, or a community residential or
17 nonresidential facility, excluding a community correctional
18 center as defined in s. 944.026, which is owned and operated
19 by any qualified public or private entity providing such
20 services. Before admission to such a facility, the court shall
21 obtain an individual assessment and recommendations on the
22 appropriate treatment needs, which shall be considered by the
23 court in ordering such placements. Placement in such a
24 facility, except for a county residential probation facility,
25 may not exceed 364 days. Placement in a county residential
26 probation facility may not exceed 3 years. Early termination
27 of placement may be recommended to the court, when
28 appropriate, by the center supervisor, the supervising
29 probation officer, or the probation program manager.

30 7. Sentence the offender pursuant to s. 922.051 to
31 imprisonment in a county jail when a statute directs

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1 imprisonment in a state prison, if the offender's cumulative
2 sentence, whether from the same circuit or from separate
3 circuits, is not more than 364 days.

4 8. Sentence the offender who is to be punished by
5 imprisonment in a county jail to a jail in another county if
6 there is no jail within the county suitable for such prisoner
7 pursuant to s. 950.01.

8 9. Require the offender to participate in a
9 work-release or educational or technical ~~vocational~~ training
10 program pursuant to s. 951.24 while serving a sentence in a
11 county jail, if such a program is available.

12 10. Require the offender to perform a specified public
13 service pursuant to s. 775.091.

14 11. Require the offender who violates chapter 893 or
15 violates any law while under the influence of a controlled
16 substance or alcohol to participate in a substance abuse
17 program.

18 12.a. Require the offender who violates any criminal
19 provision of chapter 893 to pay an additional assessment in an
20 amount up to the amount of any fine imposed, pursuant to ss.
21 938.21 and 938.23.

22 b. Require the offender who violates any provision of
23 s. 893.13 to pay an additional assessment in an amount of
24 \$100, pursuant to ss. 938.25 and 943.361.

25 13. Impose a split sentence whereby the offender is to
26 be placed in a county jail or county work camp upon the
27 completion of any specified term of community supervision.

28 14. Impose split probation whereby upon satisfactory
29 completion of half the term of probation, the Department of
30 Corrections may place the offender on administrative probation
31 pursuant to s. 948.01 for the remainder of the term of

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1 supervision.

2 15. Require residence in a state probation and
3 restitution center or private drug treatment program for
4 offenders on community control or offenders who have violated
5 conditions of probation.

6 16. Impose any other sanction which is provided within
7 the community and approved as an intermediate sanction by the
8 county public safety coordinating council as described in s.
9 951.26.

10 17. Impose, as a condition of community control,
11 probation, or probation following incarceration, a requirement
12 that an offender who has not obtained a high school diploma or
13 high school equivalency diploma or who lacks basic or
14 functional literacy skills, upon acceptance by an adult
15 education program, make a good faith effort toward completion
16 of such basic or functional literacy skills or high school
17 equivalency diploma, as defined in s. 1003.435 ~~229-814~~, in
18 accordance with the assessed adult general education needs of
19 the individual offender.

20 Section 1042. Subsection (15) of section 943.10,
21 Florida Statutes, is amended to read:

22 943.10 Definitions; ss. 943.085-943.255.--The
23 following words and phrases as used in ss. 943.085-943.255 are
24 defined as follows:

25 (15) "Public criminal justice training school" means
26 ~~any school defined in s. 228.041, or~~ any academy operated by
27 an employing agency, that is certified by the commission to
28 conduct criminal justice training courses.

29 Section 1043. Paragraph (c) of subsection (1) of
30 section 943.22, Florida Statutes, is amended to read:

31 943.22 Salary incentive program for full-time

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1 officers.--

2 (1) For the purpose of this section, the term:

3 (c) "Community college degree or equivalent" means
4 graduation from an accredited community college or having been
5 granted a degree pursuant to s. 1007.25(10) ~~240.239~~ or
6 successful completion of 60 semester hours or 90 quarter hours
7 and eligibility to receive an associate degree from an
8 accredited college, university, or community college.

9 Section 1044. Paragraphs (b), (c), and (i) of
10 subsection (3) of section 944.801, Florida Statutes, are
11 amended to read:

12 944.801 Education for state prisoners.--

13 (3) The responsibilities of the Correctional Education
14 Program shall be to:

15 (b) ~~In cooperation with the Department of Education,~~
16 ~~pursuant to s. 229.565,~~ Monitor and assess all inmate
17 education program services and report the results of such
18 evaluation in the annual report of activities.

19 (c) ~~In cooperation with the Department of Education,~~
20 ~~pursuant to s. 229.8075,~~ Develop complete and reliable
21 statistics on the educational histories, the city/intracity
22 area and school district where the inmate was domiciled prior
23 to incarceration, the participation in state educational and
24 training programs, and the occupations of inmates confined to
25 state correctional facilities. The compiled statistics shall
26 be summarized and analyzed in the annual report of
27 correctional educational activities required by paragraph (f).

28 (i) Ensure that every inmate who has 2 years or more
29 remaining to serve on his or her sentence at the time that he
30 or she is received at an institution and who lacks basic and
31 functional literacy skills as defined in s. 1004.02 ~~239.105~~

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1 attends not fewer than 150 hours of sequential instruction in
2 a correctional adult basic education program. The basic and
3 functional literacy level of an inmate shall be determined by
4 the average composite test score obtained on a test approved
5 for this purpose by the State Board of Education.

6 1. Upon completion of the 150 hours of instruction,
7 the inmate shall be retested and, if a composite test score of
8 functional literacy is not attained, the department is
9 authorized to require the inmate to remain in the
10 instructional program.

11 2. Highest priority of inmate participation shall be
12 focused on youthful offenders and those inmates nearing
13 release from the correctional system.

14 3. An inmate shall be required to attend the 150 hours
15 of adult basic education instruction unless such inmate:

16 a. Is serving a life sentence or is under sentence of
17 death.

18 b. Is specifically exempted for security or health
19 reasons.

20 c. Is housed at a community correctional center, road
21 prison, work camp, or vocational center.

22 d. Attains a functional literacy level after
23 attendance in fewer than 150 hours of adult basic education
24 instruction.

25 e. Is unable to enter such instruction because of
26 insufficient facilities, staff, or classroom capacity.

27 4. The Department of Corrections shall provide classes
28 to accommodate those inmates assigned to correctional or
29 public work programs after normal working hours. The
30 department shall develop a plan to provide academic and
31 vocational classes on a more frequent basis and at times that

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1 accommodate the increasing number of inmates with work
2 assignments, to the extent that resources permit.

3 5. If an inmate attends and actively participates in
4 the 150 hours of instruction, the Department of Corrections
5 may grant a one-time award of up to 6 additional days of
6 incentive gain-time, which must be credited and applied as
7 provided by law. Active participation means, at a minimum,
8 that the inmate is attentive, responsive, cooperative, and
9 completes assigned work.

10 Section 1045. Paragraphs (a) and (b) of subsection (9)
11 of section 948.03, Florida Statutes, are amended to read:

12 948.03 Terms and conditions of probation or community
13 control.--

14 (9)(a) As a condition of community control, probation,
15 or probation following incarceration, require an offender who
16 has not obtained a high school diploma or high school
17 equivalency diploma or who lacks basic or functional literacy
18 skills, upon acceptance by an adult education program, to make
19 a good faith effort toward completion of such basic or
20 functional literacy skills or high school equivalency diploma,
21 as defined in s. 1003.435 ~~229-814~~, in accordance with the
22 assessed adult general education needs of the individual
23 offender. The court shall not revoke community control,
24 probation, or probation following incarceration because of the
25 offender's inability to achieve such skills or diploma but may
26 revoke community control, probation, or probation following
27 incarceration if the offender fails to make a good faith
28 effort to achieve such skills or diploma. The court may grant
29 early termination of community control, probation, or
30 probation following incarceration upon the offender's
31 successful completion of the approved program. As used in

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1 this subsection, "good faith effort" means the offender is
2 enrolled in a program of instruction and is attending and
3 making satisfactory progress toward completion of the
4 requirements.

5 (b) A juvenile on community control who is a public
6 school student must attend a public adult education program or
7 a dropout prevention program, pursuant to s. 1003.53 ~~230-2316~~,
8 which includes a second chance school or an alternative to
9 expulsion, if the school district where the juvenile is
10 enrolled offers such programs, unless the principal of the
11 school determines that special circumstances warrant
12 continuation in the regular educational school program.

13 Section 1046. Paragraph (b) of subsection (9) and
14 subsection (27) of section 984.03, Florida Statutes, are
15 amended to read:

16 984.03 Definitions.--When used in this chapter, the
17 term:

18 (9) "Child in need of services" means a child for whom
19 there is no pending investigation into an allegation or
20 suspicion of abuse, neglect, or abandonment; no pending
21 referral alleging the child is delinquent; or no current
22 supervision by the Department of Juvenile Justice or the
23 Department of Children and Family Services for an adjudication
24 of dependency or delinquency. The child must also, pursuant to
25 this chapter, be found by the court:

26 (b) To be habitually truant from school, while subject
27 to compulsory school attendance, despite reasonable efforts to
28 remedy the situation pursuant to ss. 1003.26 ~~232-17~~ and
29 1003.27 ~~232-19~~ and through voluntary participation by the
30 child's parents or legal custodians and by the child in family
31 mediation, services, and treatment offered by the Department

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1 of Juvenile Justice or the Department of Children and Family
2 Services; or

3 (27) "Habitually truant" means that:

4 (a) The child has 15 unexcused absences within 90
5 calendar days with or without the knowledge or justifiable
6 consent of the child's parent or legal guardian, is subject to
7 compulsory school attendance under s. 1003.21(1) and (2)(a)
8 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.
9 1003.24 ~~232.09~~, or any other exemptions specified by law or
10 the rules of the State Board of Education.

11 (b) Activities to determine the cause, and to attempt
12 the remediation, of the child's truant behavior under ss.
13 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~, have been completed.

14
15 If a child who is subject to compulsory school attendance is
16 responsive to the interventions described in ss. 1003.26
17 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ and has completed the
18 necessary requirements to pass the current grade as indicated
19 in the district pupil progression plan, the child shall not be
20 determined to be habitually truant and shall be passed. If a
21 child within the compulsory school attendance age has 15
22 unexcused absences within 90 calendar days or fails to enroll
23 in school, the State Attorney may, or the appropriate
24 jurisdictional agency shall, file a child-in-need-of-services
25 petition if recommended by the case staffing committee, unless
26 it is determined that another alternative action is
27 preferable. The failure or refusal of the parent or legal
28 guardian or the child to participate, or make a good faith
29 effort to participate, in the activities prescribed to remedy
30 the truant behavior, or the failure or refusal of the child to
31 return to school after participation in activities required by

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1 this subsection, or the failure of the child to stop the
2 truant behavior after the school administration and the
3 Department of Juvenile Justice have worked with the child as
4 described in ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ shall
5 be handled as prescribed in s. 1003.27 ~~232.19~~.

6 Section 1047. Section 984.05, Florida Statutes, is
7 amended to read:

8 984.05 Rules relating to habitual truants; adoption by
9 Department of Education and Department of Juvenile
10 Justice.--The Department of Juvenile Justice and the
11 Department of Education shall work together on the development
12 of, and shall adopt, rules as necessary for the implementation
13 of ss. ~~232.19~~, 984.03(27), ~~and~~ 985.03(25), and 1003.27.

14 Section 1048. Subsection (1) of section 984.151,
15 Florida Statutes, is amended to read:

16 984.151 Truancy petition; prosecution; disposition.--

17 (1) If the school determines that a student subject to
18 compulsory school attendance has had at least five unexcused
19 absences, or absences for which the reasons are unknown,
20 within a calendar month or 10 unexcused absences, or absences
21 for which the reasons are unknown, within a 90-calendar-day
22 period pursuant to s. 1003.26(1)(b) ~~232.17(1)(b)~~, or has had
23 more than 15 unexcused absences in a 90-calendar-day period,
24 the superintendent of schools may file a truancy petition.

25 Section 1049. Subsection (3) of section 984.19,
26 Florida Statutes, is amended to read:

27 984.19 Medical, psychiatric, and psychological
28 examination and treatment of child; physical or mental
29 examination of parent, guardian, or person requesting custody
30 of child.--

31 (3) A judge may order that a child alleged to be or

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1 adjudicated a child in need of services be examined by a
2 licensed health care professional. The judge may also order
3 such child to be evaluated by a psychiatrist or a
4 psychologist, by a district school board educational needs
5 assessment team, or, if a developmental disability is
6 suspected or alleged, by the developmental disability
7 diagnostic and evaluation team of the Department of Children
8 and Family Services. The judge may order a family assessment
9 if that assessment was not completed at an earlier time. If
10 it is necessary to place a child in a residential facility for
11 such evaluation, then the criteria and procedure established
12 in s. 394.463(2) or chapter 393 shall be used, whichever is
13 applicable. The educational needs assessment provided by the
14 district school board educational needs assessment team shall
15 include, but not be limited to, reports of intelligence and
16 achievement tests, screening for learning disabilities and
17 other handicaps, and screening for the need for alternative
18 education pursuant to s. 1003.53 ~~230-2316~~.

19 Section 1050. Paragraph (b) of subsection (8) and
20 subsection (25) of section 985.03, Florida Statutes, are
21 amended to read:

22 985.03 Definitions.--When used in this chapter, the
23 term:

24 (8) "Child in need of services" means a child for whom
25 there is no pending investigation into an allegation or
26 suspicion of abuse, neglect, or abandonment; no pending
27 referral alleging the child is delinquent; or no current
28 supervision by the Department of Juvenile Justice or the
29 Department of Children and Family Services for an adjudication
30 of dependency or delinquency. The child must also, pursuant to
31 this chapter, be found by the court:

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1 (b) To be habitually truant from school, while subject
2 to compulsory school attendance, despite reasonable efforts to
3 remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and
4 1003.27 ~~232.19~~ and through voluntary participation by the
5 child's parents or legal custodians and by the child in family
6 mediation, services, and treatment offered by the Department
7 of Juvenile Justice or the Department of Children and Family
8 Services; or

9 (25) "Habitually truant" means that:

10 (a) The child has 15 unexcused absences within 90
11 calendar days with or without the knowledge or justifiable
12 consent of the child's parent or legal guardian, is subject to
13 compulsory school attendance under s. 1003.21(1) and (2)(a)
14 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.
15 1003.24 ~~232.09~~, or any other exemptions specified by law or
16 the rules of the State Board of Education.

17 (b) Escalating activities to determine the cause, and
18 to attempt the remediation, of the child's truant behavior
19 under ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ have been
20 completed.

21
22 If a child who is subject to compulsory school attendance is
23 responsive to the interventions described in ss. 1003.26
24 ~~232.17~~ and 1003.27 ~~232.19~~ and has completed the necessary
25 requirements to pass the current grade as indicated in the
26 district pupil progression plan, the child shall not be
27 determined to be habitually truant and shall be passed. If a
28 child within the compulsory school attendance age has 15
29 unexcused absences within 90 calendar days or fails to enroll
30 in school, the state attorney may file a
31 child-in-need-of-services petition. Prior to filing a

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1 petition, the child must be referred to the appropriate agency
2 for evaluation. After consulting with the evaluating agency,
3 the state attorney may elect to file a
4 child-in-need-of-services petition.

5 (c) A school representative, designated according to
6 school board policy, and a juvenile probation officer of the
7 Department of Juvenile Justice have jointly investigated the
8 truancy problem or, if that was not feasible, have performed
9 separate investigations to identify conditions that could be
10 contributing to the truant behavior; and if, after a joint
11 staffing of the case to determine the necessity for services,
12 such services were determined to be needed, the persons who
13 performed the investigations met jointly with the family and
14 child to discuss any referral to appropriate community
15 agencies for economic services, family or individual
16 counseling, or other services required to remedy the
17 conditions that are contributing to the truant behavior.

18 (d) The failure or refusal of the parent or legal
19 guardian or the child to participate, or make a good faith
20 effort to participate, in the activities prescribed to remedy
21 the truant behavior, or the failure or refusal of the child to
22 return to school after participation in activities required by
23 this subsection, or the failure of the child to stop the
24 truant behavior after the school administration and the
25 Department of Juvenile Justice have worked with the child as
26 described in s. 1003.27(3) ~~232.19(3)~~ shall be handled as
27 prescribed in s. 1003.27 ~~232.19~~.

28 Section 1051. Paragraph (b) of subsection (7) of
29 section 985.04, Florida Statutes, is amended to read:

30 985.04 Oaths; records; confidential information.--

31 (7)

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1 (b) Notwithstanding paragraph (a) or any other
2 provision of this section, when a child of any age is formally
3 charged by a state attorney with a felony or a delinquent act
4 that would be a felony if committed by an adult, the state
5 attorney shall notify the superintendent of the child's school
6 that the child has been charged with such felony or delinquent
7 act. The information obtained by the superintendent of schools
8 pursuant to this section must be released within 48 hours
9 after receipt to appropriate school personnel, including the
10 principal of the school of the child. The principal must
11 immediately notify the child's immediate classroom teachers.
12 Upon notification, the principal is authorized to begin
13 disciplinary actions pursuant to s. 1006.09(1)-(4) ~~232-26~~.

14 Section 1052. Subsection (5) of section 985.316,
15 Florida Statutes, is amended to read:

16 985.316 Conditional release.--

17 (5) Participation in the educational program by
18 students of compulsory school attendance age pursuant to s.
19 1003.21(1) and (2)(a) ~~232-01~~ is mandatory for juvenile justice
20 youth on conditional release or postcommitment probation
21 status. A student of noncompulsory school-attendance age who
22 has not received a high school diploma or its equivalent must
23 participate in the educational program. A youth who has
24 received a high school diploma or its equivalent and is not
25 employed must participate in workforce development or other
26 career vocational or technical education or attend a community
27 college or a university while in the program, subject to
28 available funding.

29 Section 1053. Subsection (3) of section 985.412,
30 Florida Statutes, is amended to read:

31 985.412 Quality assurance and cost-effectiveness.--

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1 (3) The department shall annually collect and report
2 cost data for every program operated or contracted by the
3 department. The cost data shall conform to a format approved
4 by the department and the Legislature. Uniform cost data shall
5 be reported and collected for state-operated and contracted
6 programs so that comparisons can be made among programs. The
7 department shall ensure that there is accurate cost accounting
8 for state-operated services including market-equivalent rent
9 and other shared cost. The cost of the educational program
10 provided to a residential facility shall be reported and
11 included in the cost of a program. The department shall submit
12 an annual cost report to the President of the Senate, the
13 Speaker of the House of Representatives, the Minority Leader
14 of each house of the Legislature, the appropriate substantive
15 and fiscal committees of each house of the Legislature, and
16 the Governor, no later than December 1 of each year.
17 Cost-benefit analysis for educational programs will be
18 developed and implemented in collaboration with and in
19 cooperation with the Department of Education, local providers,
20 and local school districts. Cost data for the report shall
21 include data collected by the Department of Education for the
22 purposes of preparing the annual report required by s.
23 1003.52(20) ~~230.23161(21)~~.

24 Section 1054. The purpose of the Legislature in
25 revising this education code is to rearrange, renumber,
26 reword, reorder, streamline, consolidate, and update the code
27 consistent with current law and the new K-20 education
28 governance structure. It is not the purpose of the Legislature
29 in revising the education code to affect existing judicial or
30 administrative law.

31 Section 1055. Effective upon this act becoming a law,

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1 the Secretary of Education, in consultation with the
2 Commissioner of Education, may establish, abolish, or
3 consolidate bureaus, sections, and subsections and may
4 reallocate duties and functions within the Department of
5 Education in order to promote effective and efficient
6 operation of the department and to implement changes to the
7 state system of education initiated by the adoption of the
8 1998 amendment to Art. IX of the State Constitution as
9 implemented by the Legislature in chapter 2001-170, Laws of
10 Florida. Authorized positions and appropriations may be
11 transferred from one budget entity to another as required to
12 implement the reorganization. This section is repealed
13 December 31, 2002.

14 Section 1056. Subsection (1) of section 187.201,
15 Florida Statutes, is repealed.

16 Section 1057. Section 2 of chapter 2000-181, Laws of
17 Florida, is repealed.

18 Section 1058. Part I of chapter 243 and chapters 228,
19 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241,
20 242, 244, and 246, Florida Statutes (2001), are repealed.

21 Section 1059. In editing the manuscript for the 2002
22 Florida Statutes, the Division of Statutory Revision is
23 directed to incorporate any amendments, by laws passed during
24 the 2002 Regular Session of the Legislature or any 2002
25 Special Sessions of the Legislature, to provisions repealed by
26 this act into the parallel successor provisions created by
27 this act. The division is further directed to transfer any
28 provisions enacted within part I of chapter 243 or chapters
29 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240,
30 241, 242, 244, and 246, Florida Statutes, by 2002 legislation
31 to parallel locations in accordance with this act.

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1 Section 1060. (1) Chapters 1000, 1001, 1002, 1003,
2 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, and
3 1013, Florida Statutes, as created by this act, shall be
4 reviewed by the Legislature in the 2003 Regular Session of the
5 Legislature.

6 (2) This section is repealed July 1, 2003.

7 Section 1061. If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 invalidity shall not affect other provisions or applications
10 of the act which can be given effect without the invalid
11 provision or application, and to this end the provisions of
12 this act are declared severable.

13 Section 1062. Except as otherwise provided herein,
14 this act shall take effect January 7, 2003.

15

16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 remove: the entire title

20

21 and insert:

22

A bill to be entitled

23

An act relating to education and matters

24

connected therewith; creating the "Florida K-20

25

Education Code"; creating ch. 1000, F.S.,

26

entitled "K-20 General Provisions," consisting

27

of part I relating to general provisions, part

28

II relating to systemwide definitions, and part

29

III relating to educational compacts; creating

30

ch. 1001, F.S., entitled "K-20 Governance,"

31

consisting of part I relating to state-level

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

1 governance, part II relating to school district
2 governance, part III relating to community
3 colleges, and part IV relating to state
4 universities; creating ch. 1002, F.S., entitled
5 "Student and Parental Rights and Educational
6 Choices," consisting of part I relating to
7 general provisions, part II relating to student
8 and parental rights, part III relating to
9 educational choice, and part IV relating to
10 home education, private schools, and other
11 education options; creating ch. 1003, F.S.,
12 entitled "Public K-12 Education," consisting of
13 part I relating to general provisions, part II
14 relating to school attendance, part III
15 relating to control of students, part IV
16 relating to public K-12 educational
17 instruction, part V relating to specialized
18 instruction for certain public K-12 students,
19 and part VI relating to pilot public K-12
20 education programs; creating ch. 1004, F.S.,
21 entitled "Public Postsecondary Education,"
22 consisting of part I relating to general
23 provisions, part II relating to state
24 universities, part III relating to community
25 colleges, and part IV relating to workforce
26 development education; providing
27 appropriations; creating ch. 1005, F.S.,
28 entitled "Nonpublic Postsecondary Education,"
29 consisting of part I relating to general
30 provisions, part II relating to the Commission
31 for Independent Education, and part III

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1 relating to licensure of nonpublic
2 postsecondary educational institutions;
3 creating ch. 1006, F.S., entitled "Support for
4 Learning and Student Services," consisting of
5 part I relating to public K-12 education
6 support for learning and student services and
7 part II relating to postsecondary educational
8 institutions; creating ch. 1007, F.S., entitled
9 "Access and Articulation," consisting of part I
10 relating to general provisions, part II
11 relating to articulation, and part III relating
12 to access to postsecondary education; creating
13 ch. 1008, F.S., entitled "Assessment and
14 Accountability," consisting of part I relating
15 to assessment, part II relating to
16 accountability, and part III relating to the
17 Council for Education Policy Research and
18 Improvement; creating ch. 1009, F.S., entitled
19 "Educational Scholarships, Fees, and Financial
20 Assistance," consisting of part I relating to
21 general provisions, part II relating to
22 postsecondary student fees, part III relating
23 to financial assistance, part IV relating to
24 prepaid college board programs, and part V
25 relating to the Florida higher education loan
26 authority; creating ch. 1010, F.S., entitled
27 "Financial Matters," consisting of part I
28 relating to general accounting requirements,
29 part II relating to financial reporting, part
30 III relating to audit requirements and
31 procedures, part IV relating to bonding, and

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

1 part V relating to trust funds; creating ch.
2 1011, F.S., entitled "Planning and Budgeting,"
3 consisting of part I relating to preparation,
4 adoption, and implementation of budgets, part
5 II relating to funding for school districts,
6 part III relating to funding for workforce
7 education, part IV relating to funding for
8 community colleges, and part V relating to
9 funding for state universities; creating ch.
10 1012, F.S., entitled "Personnel," consisting of
11 part I relating to general provisions, part II
12 relating to K-20 personnel issues, part III
13 relating to public schools personnel, part IV
14 relating to public postsecondary educational
15 institutions personnel, part V relating to
16 professional development, and part VI relating
17 to the interstate compact on qualifications of
18 educational personnel; creating ch. 1013, F.S.,
19 entitled "Educational Facilities," consisting
20 of part I relating to functions of the
21 Department of Education, part II relating to
22 use and management of educational facilities,
23 part III relating to planning and construction
24 of educational facilities, and part IV relating
25 to funding for educational facilities;
26 reenacting and amending s. 20.15, F.S.,
27 relating to the Department of Education, to
28 conform; amending ss. 11.061, 11.40, 11.45,
29 23.1225, 24.121, 39.0015, 39.407, 61.13015,
30 105.061, 110.1228, 110.123, 110.151, 110.181,
31 110.205, 112.1915, 112.313, 120.52, 120.55,

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1 120.81, 121.051, 121.091, 145.131, 145.19,
2 153.77, 159.27, 163.3177, 163.3191, 195.096,
3 196.012, 196.031, 196.1983, 200.001, 200.065,
4 200.069, 201.24, 210.20, 212.04, 212.0602,
5 212.08, 213.053, 215.20, 215.82, 216.181,
6 216.301, 218.39, 220.183, 222.22, 250.115,
7 255.0515, 255.0516, 265.2861, 265.603, 267.173,
8 267.1732, 282.005, 282.103, 282.105, 282.106,
9 282.3031, 282.3063, 282.310, 284.34, 285.18,
10 287.042, 287.055, 287.064, 288.039, 288.8175,
11 295.01, 295.015, 295.016, 295.017, 295.018,
12 295.019, 295.0195, 316.003, 316.027, 316.515,
13 316.6145, 316.615, 316.70, 316.72, 318.12,
14 318.14, 320.08058, 320.20, 320.38, 322.031,
15 322.091, 322.095, 322.21, 333.03, 364.508,
16 380.0651, 381.003, 381.005, 381.0056, 381.0302,
17 391.055, 393.0657, 394.4572, 394.495, 394.498,
18 395.602, 395.605, 397.405, 397.451, 397.951,
19 402.22, 402.302, 402.3057, 409.145, 409.1757,
20 409.2598, 409.9071, 409.908, 409.9122, 411.01,
21 411.203, 411.223, 414.1251, 440.16, 445.04,
22 445.0121, 445.024, 447.203, 447.301, 447.403,
23 450.081, 450.121, 458.3145, 458.324, 459.0125,
24 468.1115, 468.607, 468.723, 471.0035, 476.114,
25 476.144, 476.178, 477.0132, 477.019, 477.0201,
26 477.023, 480.033, 481.229, 488.01, 553.415,
27 559.902, 589.09, 627.733, 627.742, 627.912,
28 633.445, 633.50, 732.402, 784.081, 817.566,
29 817.567, 877.18, 921.187, 943.10, 943.22,
30 944.801, 948.03, 984.03, 984.05, 984.151,
31 984.19, 985.03, 985.04, 985.316, and 985.412,

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01564-0004-295587

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 F.S.; conforming provisions and cross
2 references; providing purpose of this act;
3 authorizing activities relating to the
4 reorganization of the Department of Education
5 and implementation of changes to the state
6 system of education; repealing s. 187.201(1),
7 F.S., relating to the education goals and
8 policies of the State Comprehensive Plan;
9 repealing s. 2 of ch. 2000-181, Laws of
10 Florida, relating to the repeal of s. 236.081,
11 F.S., effective June 30, 2004; repealing part I
12 of ch. 243, F.S., relating to the educational
13 institutions law, and ch. 228, 229, 230, 231,
14 232, 233, 234, 235, 236, 237, 239, 240, 241,
15 242, 244, and 246, F.S., relating to public
16 education general provisions, functions of
17 state educational agencies, the district school
18 system, personnel of the school system,
19 compulsory school attendance and child welfare,
20 courses of study and instructional aids,
21 transportation of school children, educational
22 facilities, finance and taxation of schools,
23 financial accounts and expenditures for public
24 schools, vocational, adult, and community
25 education, postsecondary education, distance
26 learning, specialized state educational
27 institutions, educational compacts, and
28 nonpublic postsecondary institutions; providing
29 duties of the Division of Statutory Revision;
30 providing for review of ch. 1000-1013, F.S.,
31 during the 2003 Regular Session; providing for

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01564-0004-295587

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for CS for SB 1564, 1st Eng.

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

1 severability; providing effective dates.

2

3 WHEREAS, Representative Jerry G. Melvin has served in
4 the Florida House of Representatives for 18 years, from
5 1968-1978 and 1995-2002, and is the current Dean of this great
6 institution, and

7 WHEREAS, Representative Jerry G. Melvin served for many
8 years on the Education Appropriations Committee, chaired the
9 Education Innovation Committee from 1997 through 2000, and has
10 chaired the Council for Lifelong Learning from 2000 through
11 2002, and

12 WHEREAS, in his many years of education chairmanship,
13 Representative Jerry G. Melvin has fought tirelessly to
14 achieve the public policy goals of the House leadership, and

15 WHEREAS, in his final year of service to this House,
16 Representative Jerry G. Melvin has accomplished his crowning
17 achievement by bringing before this body, as required in last
18 year's education governance legislation, a new, clear, concise
19 revision of the entire education code that reflects the new
20 governance structure, and

21 WHEREAS, this new education code is the largest, most
22 comprehensive piece of legislation ever brought before this
23 Legislature and epitomizes the dedication and hard work of
24 Representative Jerry G. Melvin, NOW, THEREFORE,

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