

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

A bill to be entitled  
An act relating to  
Be It Enacted by the Legislature of the State of Florida:  
Section 1. Chapter 1000 shall be entitled "K-20  
General Provisions" and shall consist of ss. 1000.01-1000.21.  
Section 2. Part I of chapter 1000 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.--This act shall be known and cited as "The  
Florida K-20 Education Code."  
(2) LIBERAL CONSTRUCTION.--The provisions of the  
Florida K-20 Education Code shall be liberally construed to  
the end that its objectives may be effected. It is the  
legislative intent that if any section, subsection, sentence,  
clause or provision of the Florida K-20 Education Code is held  
invalid, the remainder of the code shall not be affected.  
(3) PURPOSE.--The purpose of the Florida K-20  
Education Code is to provide by law for a state system of  
schools, courses, classes, and educational institutions and  
services adequate to allow, for all Florida's students, the  
opportunity to obtain a high quality education. The Florida  
K-20 education system is established to accomplish this  
purpose; however, nothing in this code shall be construed to  
require the provision of free public education beyond grade  
12.

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

15           (5) EDUCATION GOVERNANCE TRANSFERS.--

16           (a) Effective July 1, 2001:

17           1. The Board of Regents is abolished.

18           2. All of the powers, duties, functions, records,  
19 personnel, and property; unexpended balances of  
20 appropriations, allocations, and other funds; administrative  
21 authority; administrative rules; pending issues; and existing  
22 contracts of the Board of Regents are transferred by a type  
23 two transfer, pursuant to s. 20.06(2), to the Florida Board of  
24 Education.

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

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

1 from the Department of Education to the Florida Board of  
2 Education.

3 5. The Postsecondary Education Planning Commission is  
4 abolished.

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

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

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

16 (b) Effective January 7, 2003:

17 1. The Florida Board of Education is renamed the State  
18 Board of Education.

19 2. The Secretary of the Florida Board of Education is  
20 renamed the Commissioner of Education.

21 (c) All rules of the State Board of Education, the  
22 Commissioner of Education, and the Department of Education,  
23 and all rules of the district school boards, the community  
24 college boards of trustees, and the state university boards of  
25 trustees, in effect on January 2, 2003, remain in effect until  
26 specifically amended or repealed in the manner provided by  
27 law.

28 (d) Effective January 7, 2003:

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

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

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

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

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

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

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

23           (a) To achieve within existing resources a seamless  
24 academic educational system that fosters an integrated  
25 continuum of kindergarten through graduate school education  
26 for Florida's students.

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

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

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

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

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

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

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

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

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

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

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

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

25           1000.03 Function, mission, and goals of the Florida  
26 K-20 education system.--

27           (1) Florida's K-20 education system shall be a  
28 decentralized system without excess layers of bureaucracy. The  
29 State Board of Education may appoint on an ad hoc basis a  
30 committee or committees to assist it on any and all issues  
31 within the K-20 education system. Florida's K-20 education

1 system shall maintain a systemwide technology plan based on a  
2 common set of data definitions.

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

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

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

18 (3) Public education is a cooperative function of the  
19 state and local educational authorities. The state retains  
20 responsibility for establishing a system of public education  
21 through laws, standards, and rules to assure efficient  
22 operation of a K-20 system of public education and adequate  
23 educational opportunities for all individuals. Local  
24 educational authorities have a duty to fully and faithfully  
25 comply with state laws, standards, and rules and to  
26 efficiently use the resources available to them to assist the  
27 state in allowing adequate educational opportunities.

28 (4) The mission of Florida's K-20 education system is  
29 to allow its students to increase their proficiency by  
30 allowing them the opportunity to expand their knowledge and  
31 skills through adequate learning opportunities, in accordance

1 with the mission statement and accountability requirements of  
2 s. 1008.31.

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

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

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

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

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

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

25 (f) Parental, student, family, educational  
26 institution, and community involvement.--Parents, students,  
27 families, educational institutions, and communities are  
28 collaborative partners in education, and each plays an  
29 important role in the success of individual students.  
30 Therefore, the State of Florida cannot be the guarantor of  
31 each individual student's success. The goals of Florida's K-20

1 education system are not guarantees that each individual  
2 student will succeed or that each individual school will  
3 perform at the level indicated in the goals.

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

6 1000.04 Components for the delivery of public  
7 education within the Florida K-20 education system.--Florida's  
8 K-20 education system provides for the delivery of public  
9 education through publicly supported and controlled K-12  
10 schools, community colleges, state universities and other  
11 institutions of higher education, other educational  
12 institutions, and other educational services as provided or  
13 authorized by the Constitution and laws of the state.

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

22 (2) Public postsecondary institutions of higher  
23 education.--Public postsecondary institutions of higher  
24 education include workforce development education; community  
25 colleges; colleges; state universities; and all other  
26 state-supported postsecondary institutions that are authorized  
27 and established by law.

28 (3) Florida School for the Deaf and the Blind.--The  
29 Florida School for the Deaf and the Blind is a component of  
30 the delivery of public education within Florida's K-20  
31 education system.



1           (4) The Florida Virtual High School.--The Florida  
2 Virtual High School is a component of the delivery of public  
3 education within Florida's K-20 education system.

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

6           1000.05 Discrimination against students and employees  
7 in the Florida K-20 public education system prohibited;  
8 equality of access required.--

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

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

22           (b) The criteria for admission to a program or course  
23 shall not have the effect of restricting access by persons of  
24 a particular race, ethnicity, national origin, gender,  
25 disability, or marital status.

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

1 disabilities or programs tailored to students with specialized  
2 talents or skills.

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

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

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

24 (b) Notwithstanding the requirements of paragraph (a),  
25 a public K-20 educational institution may operate or sponsor  
26 separate teams for members of each gender if the selection for  
27 such teams is based upon competitive skill or the activity  
28 involved is a bodily contact sport. However, when a public  
29 K-20 educational institution operates or sponsors a team in a  
30 particular sport for members of one gender but does not  
31 operate or sponsor such a team for members of the other

1 gender, and athletic opportunities for that gender have  
2 previously been limited, members of the excluded gender must  
3 be allowed to try out for the team offered.

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

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

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

21 2. The provision of equipment and supplies.

22 3. Scheduling of games and practice times.

23 4. Travel and per diem allowances.

24 5. Opportunities to receive coaching and academic  
25 tutoring.

26 6. Assignment and compensation of coaches and tutors.

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

29 8. Provision of medical and training facilities and  
30 services.

31

1           9. Provision of housing and dining facilities and  
2 services.

3           10. Publicity.

4  
5 Unequal aggregate expenditures for members of each gender or  
6 unequal expenditures for male and female teams if a public  
7 K-20 educational institution operates or sponsors separate  
8 teams do not constitute nonimplementation of this subsection,  
9 but the Commissioner of Education shall consider the failure  
10 to provide necessary funds for teams for one gender in  
11 assessing equality of opportunity for members of each gender.

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

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

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

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

31

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

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

11       (c) Providing technical assistance, including  
12 assisting public K-20 educational agencies in identifying  
13 unlawful discrimination and instructing them in remedies for  
14 correction and prevention of such discrimination and  
15 performing follow-up monitoring.

16       (d) Conducting studies of the effectiveness of methods  
17 and strategies designed to increase the participation of  
18 students in programs and courses in which students of a  
19 particular race, ethnicity, national origin, gender,  
20 disability, or marital status have been traditionally  
21 underrepresented and monitoring the success of students in  
22 such programs of courses, including performing follow-up  
23 monitoring.

24       (e) Requiring all district school boards, community  
25 college boards of trustees, and state university boards of  
26 trustees to submit data and information necessary to determine  
27 compliance with this section. The Commissioner of Education  
28 shall prescribe the format and the date for submission of such  
29 data and any other educational equity data. If any board does  
30 not submit the required compliance data or other required  
31 educational equity data by the prescribed date, the

1 commissioner shall notify the board of this fact and, if the  
2 board does not take appropriate action to immediately submit  
3 the required report, the State Board of Education shall impose  
4 monetary sanctions.

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

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

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

27 2. Notwithstanding the provisions of s. 216.192,  
28 direct the Comptroller to withhold general revenue funds  
29 sufficient to obtain compliance from the educational agency.  
30  
31

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

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

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

11 1000.06 Display of flags.--Every public K-20  
12 educational institution that is provided or authorized by the  
13 Constitution and laws of Florida shall display daily the flag  
14 of the United States and the official flag of Florida when the  
15 weather permits upon one building or on a suitable flagstaff  
16 upon the grounds of each public postsecondary educational  
17 institution and upon every district school board building or  
18 grounds except when the institution or school is closed for  
19 vacation; provided, that if two or more buildings are located  
20 on the same or on adjacent sites one flag may be displayed for  
21 the entire group of buildings.

22 Section 9. Part II of chapter 1000 shall be entitled  
23 "Systemwide Definitions" and shall consist of s. 1000.21.

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

26 1000.21 Systemwide definitions.--As used in the  
27 Florida K-20 Education Code:

28 (1) "Articulation" is the systematic coordination that  
29 provides the means by which students proceed toward their  
30 educational objectives in as rapid and student-friendly manner  
31 as their circumstances permit, from grade level to grade

1 level, from elementary to middle to high school, to and  
2 through postsecondary education, and when transferring from  
3 one educational institution or program to another.

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

5 (3) "Community college," except as otherwise  
6 specifically provided, includes the following institutions and  
7 any branch campuses, centers, or other affiliates of the  
8 institution:

9 (a) Brevard Community College.

10 (b) Broward Community College.

11 (c) Central Florida Community College.

12 (d) Chipola Junior College.

13 (e) Daytona Beach Community College.

14 (f) Edison Community College.

15 (g) Florida Community College at Jacksonville.

16 (h) Florida Keys Community College.

17 (i) Gulf Coast Community College.

18 (j) Hillsborough Community College.

19 (k) Indian River Community College.

20 (l) Lake City Community College.

21 (m) Lake-Sumter Community College.

22 (n) Manatee Community College.

23 (o) Miami-Dade Community College.

24 (p) North Florida Community College.

25 (q) Okaloosa-Walton Community College.

26 (r) Palm Beach Community College.

27 (s) Pasco-Hernando Community College.

28 (t) Pensacola Junior College.

29 (u) Polk Community College.

30 (v) St. Johns River Community College.

31 (w) St. Petersburg College.



- 1        (x) Santa Fe Community College.  
2        (y) Seminole Community College.  
3        (z) South Florida Community College.  
4        (aa) Tallahassee Community College.  
5        (bb) Valencia Community College.  
6        (4) "Department" is the Department of Education.  
7        (5) "Parent" is either or both parents of a student,  
8 any guardian of a student, any person in a parental  
9 relationship to a student, or any person exercising  
10 supervisory authority over a student in place of the parent.  
11        (6) "State university," 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) The University of Florida.  
16        (b) The Florida State University.  
17        (c) The Florida Agricultural and Mechanical  
18 University.  
19        (d) The University of South Florida.  
20        (e) The Florida Atlantic University.  
21        (f) The University of West Florida.  
22        (g) The University of Central Florida.  
23        (h) The University of North Florida.  
24        (i) The Florida International University.  
25        (j) The Florida Gulf Coast University.  
26        (k) New College of Florida.  
27        (7) "Sunshine State Standards" identify what public  
28 school students should know and be able to do. These standards  
29 delineate the academic achievement of students for which the  
30 state will hold its public schools accountable in grades K-2,  
31 3-5, 6-8, and 9-12, in the subjects of language arts.

1 mathematics, science, social studies, the arts, health and  
2 physical education, and foreign languages, including reading,  
3 writing, history, government, geography, economics, and  
4 computer literacy.

5 Section 11. Part III of chapter 1000 shall be entitled  
6 "Educational Compacts" and shall consist of ss.  
7 1000.31-1000.34.

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

10 1000.31 Regional education; state policy.--It is  
11 hereby declared to be the policy of the state to promote the  
12 development and maintenance of regional education services and  
13 facilities in the Southern States in the professional,  
14 technological, scientific, literary and other fields so as to  
15 provide greater educational advantages for the citizens of the  
16 state and the citizens in the several states in said region;  
17 and it is found and determined by the Legislature of the state  
18 that greater educational advantages and facilities for the  
19 citizens of the state in certain phases of the professional,  
20 technological, scientific, literary and other fields in  
21 education can best be accomplished by the development and  
22 maintenance of regional educational services and facilities,  
23 under the plan embodied in "The Regional Pact" hereinafter  
24 adopted; and this law shall be liberally construed to  
25 accomplish such purposes.

26 Section 13. Section 1000.32, Florida Statutes, is  
27 created to read:

28 1000.32 Regional compact.--The compact entered into by  
29 the state and other Southern States by and through their  
30 respective governors on February 8, 1948, as amended, relative  
31 to the development and maintenance of regional education

1 services and schools in the Southern States in the  
2 professional, technological, scientific, literary and other  
3 fields so as to promote greater educational facilities for the  
4 citizens of the several states who reside in said region, a  
5 copy of said compact, as amended, being as follows:

6  
7 THE REGIONAL COMPACT  
8 (as amended)  
9

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

18 WHEREAS, Meharry Medical College of Nashville,  
19 Tennessee, has proposed that its lands, buildings, equipment,  
20 and the net income from its endowment be turned over to the  
21 Southern States, or to an agency acting in their behalf, to be  
22 operated as a regional institution for medical, dental and  
23 nursing education upon terms and conditions to be hereafter  
24 agreed upon between the Southern States and Meharry Medical  
25 College, which proposal, because of the present financial  
26 condition of the institution, has been approved by the said  
27 states who are parties hereto; and

28 WHEREAS, the said states desire to enter into a compact  
29 with each other providing for the planning and establishment  
30 of regional educational facilities;  
31

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

16           The states do further hereby establish and create a  
17 joint agency which shall be known as the Board of Control for  
18 Southern Regional Education (hereinafter referred to as the  
19 "board"), the members of which board shall consist of the  
20 governor of each state, ex officio, and four additional  
21 citizens of each state to be appointed by the governor  
22 thereof, at least one of whom shall be selected from the field  
23 of education, and at least one of whom shall be a member of  
24 the legislature of that state. The governor shall continue as  
25 a member of the board during his or her tenure of office as  
26 governor of the state, but the members of the board appointed  
27 by the governor shall hold office for a period of four years  
28 except that in the original appointments one board member so  
29 appointed by the governor shall be designated at the time of  
30 his or her appointment to serve an initial term of two years,  
31 one board member to serve an initial term of three years, and

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

25 It shall be the duty of the board to submit plans and  
26 recommendations to the states from time to time for their  
27 approval and adoption by appropriate legislative action for  
28 the development, establishment, acquisition, operation and  
29 maintenance of educational schools and institutions within the  
30 geographical limits of the regional area of the states, of  
31 such character and type and for such educational purposes,

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

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

24 Any two or more states who are parties of this compact  
25 shall have the right to enter into supplemental agreements  
26 providing for the establishment, financing and operation of  
27 regional educational institutions for the benefit of citizens  
28 residing within an area which constitutes a portion of the  
29 general region herein created, such institutions to be  
30 financed exclusively by such states and to be controlled  
31 exclusively by the members of the board representing such

1 states provided such agreement is submitted to and approved by  
2 the board prior to the establishment of such institutions.

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

15 This compact shall not take effect or be binding upon  
16 any state unless and until it shall be approved by proper  
17 legislative action of as many as six or more of the states  
18 whose governors have subscribed hereto within a period of  
19 eighteen months from the date hereof. When and if six or more  
20 states shall have given legislative approval to this compact  
21 within said eighteen months period, it shall be and become  
22 binding upon such six or more states sixty days after the date  
23 of legislative approval by the sixth state and the governors  
24 of such six or more states shall forthwith name the members of  
25 the board from their states as hereinabove set out, and the  
26 board shall then meet on call of the governor of any state  
27 approving this compact, at which time the board shall elect  
28 officers, adopt bylaws, appoint committees and otherwise fully  
29 organize. Other states whose names are subscribed hereto  
30 shall thereafter become parties hereto upon approval of this  
31 compact by legislative action within two years from the date

1 hereof, upon such conditions as may be agreed upon at the  
2 time. Provided, however, that with respect to any state whose  
3 constitution may require amendment in order to permit  
4 legislative approval of the compact, such state or states  
5 shall become parties hereto upon approval of this compact by  
6 legislative action within seven years from the date hereof,  
7 upon such conditions as may be agreed upon at the time.

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

22 If any state shall at any time become in default in the  
23 performance of any of its obligations assumed herein or with  
24 respect to any obligation imposed upon said state as  
25 authorized by and in compliance with the terms and provisions  
26 of this compact, all rights, privileges and benefits of such  
27 defaulting state, its members on the board and its citizens  
28 shall ipso facto be and become suspended from and after the  
29 date of such default. Unless such default shall be remedied  
30 and made good within a period of one year immediately  
31 following the date of such default this compact may be



1 terminated with respect to such defaulting state by an  
2 affirmative vote of three-fourths of the members of the board  
3 (exclusive of the members representing the state in default),  
4 from and after which time such state shall cease to be a party  
5 to this compact and shall have no further claim to or  
6 ownership of any of the property held by or vested in the  
7 board or to any of the funds of the board held under the terms  
8 of this compact, but such termination shall in no manner  
9 release such defaulting state from any accrued obligation or  
10 otherwise affect this compact or the rights, duties,  
11 privileges or obligations of the remaining states thereunder.

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

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

28  
29 be and the same is hereby approved and the State of Florida is  
30 hereby declared to be a party to said compact and the  
31

1 agreements, covenants and obligations contained therein are  
2 hereby declared to be binding upon the State of Florida.

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

5 1000.33 Copies to other states approving.--After the  
6 effective date of this law the Secretary of State of Florida  
7 shall furnish to each of the states approving the said compact  
8 an engrossed copy of this bill.

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

11 1000.34 Member jurisdictions.--The compact for  
12 education is entered into with all jurisdictions legally  
13 joining therein and enacted into law in the following form:

14  
15 COMPACT FOR EDUCATION

16  
17 ARTICLE I

18  
19 PURPOSE AND POLICY.--

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

- 21 1. Establish and maintain close cooperation and  
22 understanding among executive, legislative, professional  
23 educational and lay leadership on a nationwide basis at the  
24 state and local levels.
- 25 2. Provide a forum for the discussion, development,  
26 crystallization and recommendation of public policy  
27 alternatives in the field of education.
- 28 3. Provide a clearinghouse of information on matters  
29 relating to educational problems and how they are being met in  
30 different places throughout the nation, so that the executive  
31 and legislative branches of state government and of local

1 communities may have ready access to the experience and record  
2 of the entire country, and so that both lay and professional  
3 groups in the field of education may have additional avenues  
4 for the sharing of experience and the interchange of ideas in  
5 the formation of public policy in education.

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

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

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

25  
26 ARTICLE II

27  
28 STATE DEFINED.--

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

ARTICLE III

THE COMMISSION.--

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

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority

1 of the total number of votes on the commission are cast in  
2 favor thereof. Action of the commission shall be only at a  
3 meeting at which a majority of the commissioners are present.  
4 The commission shall meet at least once a year. In its  
5 bylaws, and subject to such directions and limitations as may  
6 be contained therein, the commission may delegate the exercise  
7 of any of its powers to the steering committee or the  
8 executive director, except for the power to approve budgets or  
9 requests for appropriations, the power to make policy  
10 recommendations pursuant to Article IV and adoption of the  
11 annual report pursuant to Article III, J.

12 C. The commission shall have a seal.

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

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

29 F. The commission may borrow, accept or contract for  
30 the services of personnel from any party jurisdiction, the  
31 United States, or any subdivision or agency of the

1 aforementioned governments, or from any agency of two or more  
2 of the party jurisdictions or their subdivisions.

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

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

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

26 J. The commission annually shall make to the governor  
27 and legislature of each party state a report covering the  
28 activities of the commission for the preceding year. The  
29 commission may make such additional reports as it may deem  
30 desirable.

31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

ARTICLE IV

POWERS.--

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

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

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

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

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

ARTICLE V

COOPERATION WITH FEDERAL GOVERNMENT.--

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

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

ARTICLE VI

COMMITTEES.--

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the



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

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

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

29  
30 ARTICLE VII  
31

1           FINANCE.--

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

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

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

25           D. The commission shall keep accurate accounts of all  
26 receipts and disbursements. The receipts and disbursements of  
27 the commission shall be subject to the audit and accounting  
28 procedures established by its bylaws. However, all receipts  
29 and disbursements of funds handled by the commission shall be  
30 audited yearly by a qualified public accountant, and the  
31

1 report of the audit shall be included in and become part of  
2 the annual reports of the commission.

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

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

11  
12 ARTICLE VIII

13  
14 ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.--

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

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

26 C. Adoption of the compact may be either by enactment  
27 thereof or by adherence thereto by the governor; provided that  
28 in the absence of enactment, adherence by the governor shall  
29 be sufficient to make his or her state a party only until  
30 December 31, 1967. During any period when a state is  
31 participating in this compact through gubernatorial action,

1 the governor shall appoint those persons who, in addition to  
2 himself or herself, shall serve as the members of the  
3 commission from his or her state, and shall provide to the  
4 commission an equitable share of the financial support of the  
5 commission from any source available to him or her.

6 D. Except for a withdrawal effective on December 31,  
7 1967, in accordance with paragraph C of this article, any  
8 party state may withdraw from this compact by enacting a  
9 statute repealing the same, but no such withdrawal shall take  
10 effect until one year after the governor of the withdrawing  
11 state has given notice in writing of the withdrawal to the  
12 governors of all other party states. No withdrawal shall  
13 affect any liability already incurred by or chargeable to a  
14 party state prior to the time of such withdrawal.

15  
16 ARTICLE IX  
17

18 CONSTRUCTION AND SEVERABILITY.--

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

1           Section 16. Chapter 1001 shall be entitled "K-20  
2 Governance" and shall consist of ss. 1001.01-1001.75.

3           Section 17. Part I of chapter 1001 shall be entitled  
4 "State-Level Governance" and shall consist of ss.  
5 1001.01-1001.28.

6           Section 18. Part I.a. of chapter 1001 shall be  
7 entitled "State Board of Education" and shall consist of ss.  
8 1001.01-1001.03.

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

11           1001.01 State Board of Education generally.--

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

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

25           (3) Four members of the state board shall constitute a  
26 quorum. No business may be transacted at any meeting unless a  
27 quorum is present.

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

30           1001.02 General powers of State Board of Education.--  
31

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

11           (2) The board has the following duties:

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

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

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

25           (d) To adopt for state universities and community  
26 colleges, and from time to time modify, minimum and uniform  
27 standards of college-level communication and computation  
28 skills generally associated with successful performance and  
29 progression through the baccalaureate level and to identify  
30 college-preparatory high school coursework and  
31 postsecondary-level coursework that prepares students with the

1 academic skills necessary to succeed in postsecondary  
2 education.

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

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

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

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

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

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

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

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

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

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

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

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

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

23       (r) To enforce systemwide education goals and  
24 policies.

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

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



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

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

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

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

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

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

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

20           (3) The State Board of Education shall adopt rules to  
21 establish the criteria for assigning, reviewing, and removing  
22 limited-access status to an educational program. The State  
23 Board of Education shall monitor the extent of limited-access  
24 programs within the state universities and colleges and report  
25 to the Legislature admissions and enrollment data for  
26 limited-access programs. Such report shall be submitted  
27 annually by December 1 and shall assist in determining the  
28 potential need for academic-program contracts with independent  
29 institutions pursuant to paragraph (2)(p). The report must  
30 specify, for each limited-access program within each  
31 institution, the following categories, by race and gender:

- 1           (a) The number of applicants.  
2           (b) The number of applicants granted admission.  
3           (c) The number of applicants who are granted admission  
4 and enroll.  
5           (d) The number of applicants denied admission.  
6           (e) The number of applicants neither granted admission  
7 nor denied admission.

8  
9 Each category must be reported for each term. Each category  
10 must be reported by type of student, including the following  
11 subcategories: native student, community college  
12 associate-in-arts-degree transfer students, and other  
13 students. Each category and subcategory must further be  
14 reported according to the number of students who meet or  
15 exceed the minimum eligibility requirements for admission to  
16 the program and the number of students who do not meet or  
17 exceed the minimum eligibility requirements for admission to  
18 the program.

19           (4) The State Board of Education shall review, and  
20 approve or disapprove, baccalaureate-degree programs that  
21 exceed 120 semester hours, after considering accreditation  
22 requirements, employment and earnings of graduates,  
23 comparative program lengths nationally, and comparisons with  
24 similar programs offered by independent institutions. By  
25 December 31 of each year, the State Board of Education must  
26 report to the Legislature any degrees in the state  
27 universities and colleges which require more than 120 hours,  
28 along with appropriate evidence of need. At least every 5  
29 years, the State Board of Education must determine whether the  
30 programs still require more than the standard length of 120  
31 hours.

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

23           (b) The State Board of Education shall develop  
24 long-range plans and annual reports for financial aid in this  
25 state. The long-range plans shall establish goals and  
26 objectives for a comprehensive program of financial aid for  
27 Florida students and shall be updated every 5 years. The  
28 annual report shall include an assessment of progress made in  
29 achieving goals and objectives established in the long-range  
30 plans and recommendations for repealing or modifying existing  
31 financial aid programs or establishing new programs. A

1 long-range plan shall be submitted by January 1, 2004, and  
2 every 5 years thereafter. An annual report shall be submitted  
3 on January 1, 2004, and in each successive year that a  
4 long-range plan is not submitted, to the President of the  
5 Senate and the Speaker of the House of Representatives.

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

18 (7) The State Board of Education shall:

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

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

26 (c) Establish an effective information system that  
27 will provide composite data concerning the community colleges  
28 and state universities and assure that special analyses and  
29 studies concerning the institutions are conducted, as  
30 necessary, for provision of accurate and cost-effective  
31 information concerning the institutions.

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

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

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

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

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

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

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

29           (a) Personnel.

30           (b) Contracting.

31

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

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

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

14           2. Require all of the credits accepted for the  
15 associate-in-arts degree to be in the common course numbering  
16 and designation system as credits towards a baccalaureate  
17 degree offered by a college or university as defined in s.  
18 1004.02.

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

23  
24 The rules should encourage public community colleges to enter  
25 into agreements with state universities and colleges which  
26 allow community college students to complete  
27 upper-division-level courses at a community college. An  
28 agreement may provide for concurrent enrollment at the  
29 community college and the state university or college and may  
30 authorize the community college to offer an  
31 upper-division-level course or distance learning.

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.

1           (4) PROFESSIONAL TEACHER ASSOCIATIONS.--The State  
2 Board of Education shall ensure that not-for-profit,  
3 professional teacher associations which offer membership to  
4 all teachers, noninstructional personnel, and administrators,  
5 and which offer teacher training and staff development at no  
6 fee to the district shall be given equal access to voluntary  
7 teacher 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 which 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 institutions, in accordance with the provisions of s. 1008.32.

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



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

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

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

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

24           Section 22. Part I.b. of chapter 1001 shall be  
25 entitled "Commissioner of Education" and shall consist of ss.  
26 1001.10-1001.11.

27           Section 23. Section 1001.10, Florida Statutes, is  
28 created to read:

29           1001.10 Commissioner of Education; general powers and  
30 duties.--The Commissioner of Education is the chief  
31 educational officer of the state, and is responsible for

1 giving full assistance to the State Board of Education in  
2 enforcing compliance with the mission and goals of the  
3 seamless K-20 education system. The commissioner has the  
4 following general powers and duties:

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

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

13 (3) To keep such records as are necessary to set forth  
14 clearly all acts and proceedings of the state board.

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

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

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

28 (7) To submit to the State Board of Education, on or  
29 before August 1 of each year, recommendations for a  
30 coordinated K-20 education budget that estimates the  
31 expenditures for the State Board of Education, including the

1 Department of Education, the Commissioner of Education, and  
2 all of the boards, institutions, agencies, and services under  
3 the general supervision of the State Board of Education for  
4 the ensuing fiscal year. Any program recommended to the State  
5 Board of Education which will require increases in state  
6 funding for more than 1 year must be presented in a multiyear  
7 budget plan.

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

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

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

27 (11) To implement a program of school improvement and  
28 education accountability designed to provide all students the  
29 opportunity to make adequate learning gains in each year of  
30 school as provided by statute and State Board of Education  
31

1 rule based upon the achievement of the state education goals,  
2 recognizing the following:

3 (a) The State Board of Education as the body corporate  
4 responsible for the supervision of the system of public  
5 education;

6 (b) The school board as responsible for school and  
7 student performance;

8 (c) The individual school as the unit for education  
9 accountability.

10 (d) The community college board of trustees is  
11 responsible for community college and student performance; and

12 (e) The university or college board of trustees is  
13 responsible for university or college performance and student  
14 performance.

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

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

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

25 (15) To develop criteria for use by state  
26 instructional materials committees in evaluating materials  
27 submitted for adoption consideration. The criteria shall, as  
28 appropriate, be based on instructional expectations reflected  
29 in curriculum frameworks and student performance standards.  
30 The criteria for each subject or course shall be made  
31

1 available to publishers of instructional materials pursuant to  
2 the requirements of chapter 1006.

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

6  
7 The commissioner's office shall operate all statewide  
8 functions necessary to support the State Board of Education  
9 and the K-20 education system, including strategic planning  
10 and budget development, general administration, and assessment  
11 and accountability.

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

14 1001.11 Commissioner of Education; other duties.--

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

17 (a) Cooperate with and coordinate responses to  
18 requests from the members of the Legislature;

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

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

27 (d) Integrally work with the boards of trustees of the  
28 universities, colleges, and community colleges;

29 (e) Monitor the activities of the State Board of  
30 Education and provide information related to current and  
31

1 pending policies to the members of the boards of trustees of  
2 the community colleges and universities; and

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

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

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

28 (3) Notwithstanding any other provision of law to the  
29 contrary, the Commissioner of Education, in conjunction with  
30 the Legislature, must recommend funding priorities for the  
31 distribution of capital outlay funds for public postsecondary

1 institutions, based on priorities that include, but are not  
2 limited to, the following criteria:

3 (a) Growth at the institutions;

4 (b) Need for specific skills statewide; and

5 (c) Need for maintaining and repairing existing  
6 facilities.

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

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

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

21 Section 25. Part I.c. of chapter shall be entitled  
22 "Department of Education" and shall consist of ss.  
23 1001.20-1001.28.

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

26 1001.20 Department under direction of state board.--

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

31

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

7       (3) The Department of Education shall maintain an  
8 Office of the Commissioner of Education that includes the  
9 general areas of operation that are common to all delivery  
10 sectors, such as administration, communication, legal  
11 services, financial aid, and government and public relations,  
12 in order to increase efficiency, improve service delivery to  
13 students, and fully support the operational needs of the State  
14 Board of Education.

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

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

31



1           (b) Office of Workforce and Economic  
2 Development.--Evaluate the role of each sector of education in  
3 Florida's workforce and economic development, assess the  
4 specific work skills and variety of careers provided, and  
5 report to the State Board of Education the effectiveness of  
6 each sector.

7           (c) Office of Educational Facilities and SMART Schools  
8 Clearinghouse.--Validate all educational plant surveys and  
9 verify Florida Inventory of School Houses (FISH) data. The  
10 office shall provide technical assistance to public school  
11 districts when requested.

12           (d) Office of Student Financial Assistance.--Provide  
13 access to and administer state and federal grants,  
14 scholarships, and loans to those students seeking financial  
15 assistance for postsecondary study pursuant to program  
16 criteria and eligibility requirements.

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

19           1001.21 Office of Private Schools and Home Education  
20 Programs.--

21           (1) The state recognizes the contributions of private  
22 schools and home education programs in providing alternatives  
23 to public school education. These nongovernmental educational  
24 systems serve the public, but are not considered to be a part  
25 of the public system of education.

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

31

1           1. Serve the interests of students and the parents of  
2 students in private schools and home education programs;

3           2. Serve the interests of private institutions; and

4           3. Provide general information to the public about  
5 private and home education delivery systems.

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

8           1. Serve as a source of communication between private  
9 schools, home education programs, the Commissioner of  
10 Education, and the State Board of Education.

11           2. Evaluate pending policy to ensure that the policy  
12 does not subject private schools and home education programs  
13 to additional regulation or mandates;

14           3. Establish a clearinghouse of information for the  
15 public;

16           4. Foster a collaborative spirit and working  
17 relationship among private schools, home education programs,  
18 and the public sector; and

19           5. Identify and convey the best practices of private  
20 schools and home education programs for the benefit of the  
21 public and private education delivery sectors.

22           6. Represent issues and concerns relating to home  
23 education programs and private schools on all applicable ad  
24 hoc advisory bodies.

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

27           1001.22 Commission for Independent Education.--The  
28 Commission for Independent Education shall authorize granting  
29 of certificates, diplomas, and degrees for independent  
30 postsecondary education institutions pursuant to chapter 1005.

31

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

3           1001.23 Specific powers and duties of the Department  
4 of Education.--In addition to all other duties assigned to it  
5 by law or by rule of the State Board of Education, the  
6 department shall:

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

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

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

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

19          (a) photograph, microphotograph, or reproduce on film  
20 or prints, documents, records, data, and information of a  
21 permanent character and destroy any of the documents after  
22 they have been photographed and after audit of the department  
23 has been completed for the period embracing the dates of the  
24 instruments. Photographs or microphotographs in the form of  
25 film or prints made in compliance with the provisions of this  
26 section shall have the same force and effect as the originals  
27 would have, and shall be treated as originals for the purpose  
28 of their admissibility in evidence. Duly certified or  
29 authenticated reproductions of such photographs or  
30 microphotographs shall be admitted in evidence equally with  
31 the original photographs or microphotographs.

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

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

10           1001.24 Direct-support organization; use of property;  
11 board of directors; audit.--

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

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

16           1. Which is a corporation not for profit that is  
17 incorporated under the provisions of chapter 617 and approved  
18 by the Department of State;

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

23           3. Which the State Board of Education, after review,  
24 has certified to be operating in a manner consistent with the  
25 goals and best interest of the Department of Education.

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

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

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

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

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

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

15        (4) ANNUAL AUDIT.--Each direct-support organization  
16 shall provide for an annual financial audit of its accounts  
17 and records to be conducted by an independent certified public  
18 accountant in accordance with rules adopted by the Auditor  
19 General pursuant to s. 11.45(8). The annual audit report shall  
20 be submitted, within 9 months after the end of the fiscal  
21 year, to the Auditor General for review. The Auditor General  
22 and the Office of Program Policy Analysis and Government  
23 Accountability shall have the authority to require and receive  
24 from the organization or from its independent auditor any  
25 records relative to the operation of the organization. The  
26 identity of donors who desire to remain anonymous shall be  
27 protected, and that anonymity shall be maintained in the  
28 auditor's report. All records of the organization other than  
29 the auditor's report, management letter, and any supplemental  
30 data requested by the Auditor General and the Office of  
31

1 Program Policy Analysis and Government Accountability shall be  
2 confidential and exempt from the provisions of s. 119.07(1).

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

5 1001.25 Educational television.--

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

28 (2) POWERS OF DEPARTMENT.--

29 (a) The department may encourage:

30 1. The extension of educational television network  
31 facilities;

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

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

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

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

27           (3) PROHIBITED USE, PENALTY.--

28           (a) None of the facilities, plant, or personnel of any  
29 educational television system that is supported in whole or in  
30 part by state funds shall be used directly or indirectly for  
31 the promotion, advertisement, or advancement of any political

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

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

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

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

26 1001.26 Public broadcasting program system.--

27 (1) There is created a public broadcasting program  
28 system for the state. The department shall administer this  
29 program system pursuant to rules adopted by the State Board of  
30 Education. This program system must complement and share  
31 resources with the instructional programming service of the



1 Department of Education and educational UHF, VHF, ITFS, and FM  
2 stations in the state. The program system must include:  
3       (a) Support for existing Corporation for Public  
4 Broadcasting qualified program system educational radio and  
5 television stations and new stations meeting Corporation for  
6 Public Broadcasting qualifications and providing a first  
7 service to an audience that does not currently receive a  
8 broadcast signal or providing a significant new program  
9 service as defined by rule by the State Board of Education.  
10       (b) Maintenance of quality broadcast capability for  
11 educational stations that are part of the program system.  
12       (c) Interconnection of all educational stations that  
13 are part of the program system for simultaneous broadcast and  
14 of such stations with all universities and other institutions  
15 as necessary for sharing of resources and delivery of  
16 programming.  
17       (d) Establishment and maintenance of a capability for  
18 statewide program distribution with facilities and staff,  
19 provided such facilities and staff complement and strengthen  
20 existing or future educational television and radio stations  
21 in accordance with paragraph (a) and s. 1001.25(2)(c).  
22       (e) Provision of both statewide programming funds and  
23 station programming support for educational television and  
24 educational radio to meet statewide priorities. Priorities for  
25 station programming need not be the same as priorities for  
26 programming to be used statewide. Station programming may  
27 include, but shall not be limited to, citizens' participation  
28 programs, music and fine arts programs, coverage of public  
29 hearings and governmental meetings, equal air time for  
30 political candidates, and other public interest programming.  
31

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

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

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

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

28           Section 33. Section 1001.27, Florida Statutes, is  
29 created to read:

30           1001.27 State satellite network.--  
31

1       (1) There is created a state satellite network, which  
2 shall provide one-way video and audio transmissions with  
3 regional access for all Floridians, state agencies, county and  
4 municipal governments, business and industry, and other public  
5 and private entities to participate in classroom instruction,  
6 continuing education, special events programs, and one-way  
7 video teleconferencing.

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

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

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

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

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

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

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

31

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

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

5           5. Availability of existing telecommunications  
6 equipment which is compatible or adaptable for use in the  
7 network.

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

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

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

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

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

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

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

31

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

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

5           1001.28 Distance learning duties.--The duties of the  
6 Department of Education concerning distance learning include,  
7 but are not limited to, the duty to:

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

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

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

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

30           (5) Seek the assistance and cooperation of Florida's  
31 telecommunications carriers to provide affordable student

1 access to advanced telecommunications services and to distance  
2 learning.

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

5 (7) Secure and administer funding for programs and  
6 activities for distance learning from federal, state, local,  
7 and private sources and from fees derived from services and  
8 materials.

9 (8) Manage the state's satellite transponder resources  
10 and enter into lease agreements to maximize the use of  
11 available transponder time. All net revenue realized through  
12 the leasing of available transponder time, after deducting the  
13 costs of performing the management function, shall be recycled  
14 to support the public education distance learning in this  
15 state based upon an allocation formula of one-third to the  
16 Department of Education, one-third to the State Board of  
17 Community Colleges, and one-third to the State University  
18 System.

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

23  
24 Nothing in this section shall be construed to abrogate,  
25 supersede, alter, or amend the powers and duties of any state  
26 agency, district school board, community college board of  
27 trustees, university board of trustees, or the State Board of  
28 Education.

29 Section 35. Part II of chapter 1001 shall be entitled  
30 "School District Governance" and shall consist of ss.  
31 1001.30-1001.55.

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

3           1001.30 District unit.--Each county shall constitute a  
4 school district and shall be known as the school district of  
5 ... County, Florida. Each district shall constitute a unit  
6 for the control, organization, and administration of schools.  
7 The responsibility for the actual operation and administration  
8 of all schools needed within the districts in conformity with  
9 regulations and minimum standards prescribed by the state, and  
10 also the responsibility for the provision of any desirable and  
11 practicable opportunities authorized by law beyond those  
12 required by the state, are delegated by law to the school  
13 officials of the respective districts.

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

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

1 students assigned to the programs. Such access shall be in the  
2 same manner as provided to other schools in the district.

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

5 1001.32 Management, control, operation,  
6 administration, and supervision.--The district school system  
7 must be managed, controlled, operated, administered, and  
8 supervised as follows:

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

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

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

30 (4) SCHOOL PRINCIPAL OR HEAD OF  
31 SCHOOL.--Responsibility for the administration of any school



1 or schools at a given school center, for the supervision of  
2 instruction therein, and for providing leadership in the  
3 development or revision and implementation of a school  
4 improvement plan required pursuant to s. 1001.42(16) shall be  
5 delegated to the school principal or head of the school or  
6 schools as hereinafter set forth and in accordance with rules  
7 established by the district school board.

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

10 1001.33 Schools under control of district school board  
11 and district school superintendent.--Except as otherwise  
12 provided by law, all public schools conducted within the  
13 district shall be under the direction and control of the  
14 district school board with the district school superintendent  
15 as executive officer.

16 Section 40. Part II.a. of chapter 1001 shall be  
17 entitled "District School Boards" and shall consist of ss.  
18 1001.34-1001.452.

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

21 1001.34 Membership of district school board.--Each  
22 district school board shall be composed of not less than five  
23 members. Each member of the district school board shall be a  
24 qualified elector of the district in which she or he serves,  
25 shall be a resident of the district school board member  
26 residence area from which she or he is elected, and shall  
27 maintain said residency throughout her or his term of office.

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

30  
31

1           1001.35 Term of office.--District school board members  
2 shall be elected at the general election in November for terms  
3 of 4 years.

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

6           1001.36 District school board member residence  
7 areas.--

8           (1) For the purpose of electing district school board  
9 members, each district shall be divided into at least five  
10 district school board member residence areas, which shall be  
11 numbered one to five, inclusive, and which shall, as nearly as  
12 practicable, be equal in population.

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

21           (b) For those school districts which have seven  
22 district school board members, the number of district school  
23 board member residence areas shall be determined by resolution  
24 passed by a majority vote of the district school board. No  
25 district school board shall be required to change the  
26 boundaries of the district school board member residence areas  
27 in accordance with the provisions of this act prior to July 1,  
28 1981.

29           (2) Any district school board may make any change  
30 which it deems necessary in the boundaries of any district  
31 school board member residence area at any meeting of the

1 district school board; provided that such changes shall be  
2 made only in odd-numbered years and provided further, that no  
3 change which would affect the residence qualifications of any  
4 incumbent member shall disqualify such incumbent member during  
5 the term for which he or she is elected.

6 (3) Such changes in boundaries shall be shown by  
7 resolutions spread upon the minutes of the district school  
8 board, and shall be recorded in the office of the clerk of the  
9 circuit court, and shall be published at least once in a  
10 newspaper published in the district within 30 days after the  
11 adoption of the resolution, or, if there be no newspaper  
12 published in the district, shall be posted at the county  
13 courthouse door for 4 weeks thereafter. A certified copy of  
14 this resolution shall be transmitted to the Department of  
15 State.

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

18 1001.361 Election of board by districtwide  
19 vote.--Notwithstanding any provision of local law or any  
20 county charter, the election of members of the district school  
21 board shall be by vote of the qualified electors of the entire  
22 district in a nonpartisan election as provided in chapter 105.  
23 Each candidate for district school board member shall, at the  
24 time she or he qualifies, be a resident of the district school  
25 board member residence area from which the candidate seeks  
26 election. Each candidate who qualifies to have her or his name  
27 placed on the ballot shall be listed according to the district  
28 school board member residence area in which she or he resides.  
29 Each qualified elector of the district shall be entitled to  
30 vote for one candidate from each district school board member  
31 residence area. The candidate from each district school board

1 member residence area who receives the highest number of votes  
2 in the general election shall be elected to the district  
3 school board.

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

6 1001.362 Alternate procedure for the election of  
7 district school board members to provide for single-member  
8 representation.--

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

12 (2) District school board members shall be elected to  
13 office in accordance with the provisions of ss. 1001.36 and  
14 1001.361, or as otherwise provided by law, unless a  
15 proposition calling for single-member representation within  
16 the residence areas of the district is submitted to and  
17 approved by a majority of the qualified electors voting on  
18 such proposition in the manner provided in subsection (3).

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

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

29 1. Five of the seven members shall reside one in each  
30 of five residence areas, the areas together covering the  
31 entire district and as nearly equal in population as

1 practicable, pursuant to s. 1001.36, each of whom shall be  
2 elected only by the qualified electors who reside in the same  
3 residence area as the member, and two of the seven members  
4 shall be elected at large; or

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

11 (c) All members shall be elected for 4-year terms, but  
12 such terms shall be staggered so that, alternately, one more  
13 or one less than half of the members elected from residence  
14 areas and, if applicable, one of the members elected at large  
15 from the entire district are elected every 2 years. Any  
16 member may be elected to an initial term of less than 4 years  
17 if necessary to achieve or maintain such system of staggered  
18 terms.

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

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

27 (b) The electors of the school district may petition  
28 to have the proposition placed on the ballot by presenting to  
29 the school board petitions signed by not less than 10 percent  
30 of the duly qualified electors residing within the school  
31 district. The number of signatures required shall be

1 determined by the supervisor of elections according to the  
2 number of registered electors in the district as of the date  
3 the petitioning electors register as a political committee as  
4 provided in subsection (4).

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

10 (5)(a) Each petition form circulated for single-member  
11 representation within the residence areas of a district where  
12 the school board is composed of five members shall include the  
13 wording: "As a registered elector of the school district of  
14 .... County, Florida, I am petitioning for a referendum  
15 election to determine whether the five school board members of  
16 said district shall be elected from single-member residence  
17 areas by electors residing in each of those areas only."

18 (b) Each petition form circulated for single-member  
19 representation within the residence areas of a district where  
20 the district school board is composed of seven members, none  
21 of whom are to be elected at large, shall include the wording:  
22 "As a registered elector of the school district of ....  
23 County, Florida, I am petitioning for a referendum election to  
24 determine whether the seven members of said district shall be  
25 elected from single-member residence areas by electors  
26 residing in each of those areas only."

27 (c) Each petition form circulated for single-member  
28 representation within the residence areas of a district where  
29 the school board is composed of seven members, two of whom are  
30 to be elected at large, shall include the wording: "As a  
31 registered elector of the school district of .... County,

1 Florida, I am petitioning for a referendum election to  
2 determine whether five of the seven district school board  
3 members of said district shall be elected from single-member  
4 residence areas by electors residing in each of those areas  
5 only, with the two remaining members being elected at large."

6  
7 The petition shall also include space for the signature and  
8 address of the elector. Each signature obtained shall be  
9 dated when made and is valid for a period of 4 years following  
10 that date.

11 (6) Upon the filing of the petitions with the district  
12 school board by the chair of the committee, the district  
13 school board shall submit the petitions to the supervisor of  
14 elections for verification of the signatures. Within a period  
15 of not more than 30 days, the supervisor of elections shall  
16 determine whether the petitions contain the required number of  
17 valid signatures. The supervisor of elections shall be paid  
18 by the committee seeking verification the sum of 10 cents for  
19 each name checked.

20 (7) If it is determined that the petitions have the  
21 required signatures, the supervisor of elections shall certify  
22 the petitions to the district school board, which shall adopt  
23 a resolution requesting that an election date be set to  
24 conform to the earliest primary, general, or otherwise-called  
25 special election that occurs not less than 30 days after  
26 certification of the petitions. If it is determined that the  
27 petitions do not contain the required signatures, the  
28 supervisor of elections shall so notify the district school  
29 board, which shall file the petitions without taking further  
30 action, and the matter shall be at an end. No additional names

31

1 may be added to the petitions, and the petitions may not be  
2 used in any other proceeding.

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

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

10 (10) No district school board member elected prior to  
11 or at the election which approves any revision as permitted  
12 herein shall be affected in his or her term of office. The  
13 resolution adopted by the district school board under  
14 paragraph (3)(a) or subsection (7) which presents the proposed  
15 revision to the electorate for approval shall specify an  
16 orderly method and procedure for implementing the revision  
17 contemplated in the resolution.

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

20 1001.363 District school board members to represent  
21 entire district.--Each district school board of each district  
22 shall represent the entire district. Each member of the  
23 district school board shall serve as the representative of the  
24 entire district, rather than as the representative of a  
25 district school board member residence area.

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

28 1001.37 District school board members shall  
29 qualify.--Before entering upon the duties of office after  
30 being elected, or, if appointed, within 10 days after  
31



1 receiving notice of appointment, each member of the district  
2 school board shall take the prescribed oath of office.

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

5 1001.371 Organization of district school board.--On  
6 the third Tuesday after the first Monday in November of each  
7 year, the district school board shall organize by electing a  
8 chair. It may elect a vice chair, and the district school  
9 superintendent shall act ex officio as the secretary. If a  
10 vacancy should occur in the position of chair, the district  
11 school board shall proceed to elect a chair at the next  
12 ensuing regular or special meeting. At the organization  
13 meeting, the district school superintendent shall act as chair  
14 until the organization is completed. The chair and secretary  
15 shall then make and sign a copy of the proceedings of  
16 organization, including the schedule for regular meetings and  
17 the names and addresses of all district school officers, and  
18 annex their affidavits that the same is a true and correct  
19 copy of the original, and the secretary shall file the  
20 document within 2 weeks with the Department of Education.

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

23 1001.372 District school board meetings.--

24 (1) REGULAR AND SPECIAL MEETINGS.--The district school  
25 board shall hold not less than one regular meeting each month  
26 for the transaction of business according to a schedule  
27 arranged by the district school board and shall convene in  
28 special sessions when called by the district school  
29 superintendent or by the district school superintendent on  
30 request of the chair of the district school board or on  
31 request of a majority of the members of the district school

1 board; provided, that actions taken at special meetings shall  
2 have the same force and effect as if taken at a regular  
3 meeting; and, provided further, that in the event the district  
4 school superintendent should fail to call a special meeting  
5 when requested to do so, as prescribed herein, such a meeting  
6 may be called by the chair of the district school board or by  
7 a majority of the members of the district school board by  
8 giving 2 days' written notice of the time and purpose of the  
9 meeting to all members and to the district school  
10 superintendent, in which event the minutes of the meeting  
11 shall set forth the facts regarding the procedure in calling  
12 the meeting and the reason therefor and shall be signed either  
13 by the chair or by a majority of the members of the district  
14 school board.

15 (2) PLACE OF MEETINGS.--

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

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

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

1 newspaper is published in the county, at least 2 days prior to  
2 the meeting.

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

13 (4) MAJORITY A QUORUM.--A majority shall constitute a  
14 quorum for any meeting of the district school board. No  
15 business may be transacted at any meeting unless a quorum is  
16 present, except that a minority of the district school board  
17 may adjourn the meeting from time to time until a quorum is  
18 present.

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

21 1001.38 Vacancies; how filled.--The office of any  
22 district school board member shall be vacant when the member  
23 removes his or her residence from the district school board  
24 member residence area from which he or she was elected. All  
25 vacancies on the district school board shall be filled by  
26 appointment by the Governor.

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

29 1001.39 District school board members; travel  
30 expenses.--

31

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

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

17       Section 52. Section 1001.395, Florida Statutes, is  
18 created to read:

19       1001.395 District school board members;  
20 compensation.--

21       (1) Each member of the district school board shall  
22 receive as salary the amount indicated, based on the  
23 population of the member's county. In addition, compensation  
24 shall be made for population increments over the minimum for  
25 each population group, which shall be determined by  
26 multiplying the population in excess of the minimum for the  
27 group times the group rate. Laws which increase the base  
28 salary herein provided shall contain provisions on no other  
29 subject.

30  
31

<u>Pop. Group</u>	<u>County Pop. Range</u>		<u>Base Salary</u>	<u>Group Rate</u>
	<u>Minimum</u>	<u>Maximum</u>		
<u>I</u>	<u>-0-</u>	<u>9,999</u>	<u>\$ 5,000</u>	<u>\$0.083300</u>
<u>II</u>	<u>10,000</u>	<u>49,999</u>	<u>5,833</u>	<u>0.020830</u>
<u>III</u>	<u>50,000</u>	<u>99,999</u>	<u>6,666</u>	<u>0.016680</u>
<u>IV</u>	<u>100,000</u>	<u>199,999</u>	<u>7,500</u>	<u>0.008330</u>
<u>V</u>	<u>200,000</u>	<u>399,999</u>	<u>8,333</u>	<u>0.004165</u>
<u>VI</u>	<u>400,000</u>	<u>999,999</u>	<u>9,166</u>	<u>0.001390</u>
<u>VII</u>	<u>1,000,000</u>		<u>10,000</u>	<u>0.000000</u>

10

11 (2) Notwithstanding provisions of chapter 145 or this  
 12 chapter to the contrary, the annual salaries of district  
 13 school board members for 1993 and each year thereafter shall  
 14 be established at the same amounts as those members were paid  
 15 for fiscal year 1991-1992, adjusted by each annual increase  
 16 provided for in chapter 145. Any salary previously paid to  
 17 district school board members which was consistent with  
 18 chapter 145 and this section is hereby ratified and validated.

19

20

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

21

22

23

24

25

26

27

28

29

30

31

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

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

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

7           (1) Determine policies and programs deemed necessary  
8 by it for the efficient operation and general improvement of  
9 the district school 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 which 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 which 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 school 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

1           1001.42 Powers and duties of district school  
2 board.--The district school board, acting as a board, shall  
3 exercise all powers and perform all duties listed below:  
4           (1) REQUIRE MINUTES AND RECORDS TO BE KEPT.--Require  
5 the district school superintendent, as secretary, to keep such  
6 minutes and records as are necessary to set forth clearly all  
7 actions and proceedings of the school board.  
8           (a) Minutes, recording.--The minutes of each meeting  
9 shall be reviewed, corrected if necessary, and approved at the  
10 next regular meeting; provided, that this action may be taken  
11 at an intervening special meeting if the board desires. The  
12 minutes shall be kept as a public record in a permanent  
13 location.  
14           (b) Minutes, contents.--The minutes shall show the  
15 vote of each member present on all matters on which the board  
16 takes action. It shall be the duty of each member to see to  
17 it that both the matter and his or her vote thereon are  
18 properly recorded in the minutes. Unless otherwise shown by  
19 the minutes, it shall be presumed that the vote of each member  
20 present supported any action taken by the board in either the  
21 exercise of, violation of, or neglect of the powers and duties  
22 imposed upon the board by law or rule, whether such action is  
23 recorded in the minutes or is otherwise established. It shall  
24 also be presumed that the policies, appointments, programs,  
25 and expenditures not recorded in the minutes but made and  
26 actually in effect in the district school system were made and  
27 put into effect at the direction of the district school board,  
28 unless it can be shown that they were done without the actual  
29 or constructive knowledge of the members of the board.  
30  
31

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

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

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

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

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

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

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



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.

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.--The district school  
7 board may adopt rules for planning time for teachers in  
8 accordance with the provisions 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 as  
12 acceptable in accordance with the provisions of s. 1003.57.

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

19           (n) Educational services in detention facilities.--In  
20 accordance with the provisions of chapter 1006, district  
21 school boards shall offer services to students in detention  
22 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 as follows, subject to the requirements  
27 of chapter 1012.

28           (6) CHILD WELFARE.--In accordance with the provisions  
29 of chapters 1003 and 1006, provide for the proper accounting  
30 for all children of school age, for the attendance and control  
31

1 of students at school, and for proper attention to health,  
2 safety, and other matters relating to the welfare of children.

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

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

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

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

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

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

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

31 3. Expand existing sites.

1           4. Rent buildings when necessary.  
2           5. Enter into leases or lease-purchase arrangements,  
3 in accordance with the requirements and conditions provided in  
4 s. 1013.15(2), with private individuals or corporations for  
5 the rental of necessary grounds and educational facilities for  
6 school purposes or of educational facilities to be erected for  
7 school purposes. Current or other funds authorized by law may  
8 be used to make payments under a lease-purchase agreement.  
9 Notwithstanding any other statutes, if the rental is to be  
10 paid from funds received from ad valorem taxation and the  
11 agreement is for a period greater than 12 months, an approving  
12 referendum must be held. The provisions of such contracts,  
13 including building plans, shall be subject to approval by the  
14 Department of Education, and no such contract shall be entered  
15 into without such approval. As used in this section,  
16 "educational facilities" means the buildings and equipment  
17 which are built, installed, or established to serve  
18 educational purposes and which may lawfully be used. The State  
19 Board of Education may adopt such rules as are necessary to  
20 implement these provisions.  
21           6. Provide for the proper supervision of construction.  
22           7. Make or contract for additions, alterations, and  
23 repairs on buildings and other school properties.  
24           8. Ensure that all plans and specifications for  
25 buildings provide adequately for the safety and well-being of  
26 students, as well as for economy of construction.  
27           (c) Maintenance and upkeep of school plant.--Provide  
28 adequately for the proper maintenance and upkeep of school  
29 plants, so that students may attend school without sanitary or  
30 physical hazards, and provide for the necessary heat, lights,  
31

1 water, power, and other supplies and utilities necessary for  
2 the operation of the schools.

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

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

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

22 (a) Provide for all schools to operate at least 180  
23 days.--Provide for the operation of all public schools, both  
24 elementary and secondary, as free schools for a term of at  
25 least 180 days or the equivalent on an hourly basis as  
26 specified by rules of the State Board of Education; determine  
27 district school funds necessary in addition to state funds to  
28 operate all schools for such minimum term; arrange for the  
29 levying of district school taxes necessary to provide the  
30 amount needed from district sources.

31

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

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

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

23       (e) Borrow money.--Borrow money, as prescribed in ss.  
24 1011.12-1011.16, when necessary in anticipation of funds  
25 reasonably to be expected during the year as shown by the  
26 budget.

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

29       (g) Approval and payment of accounts.--Implement a  
30 system of accounting and budgetary control to ensure that  
31 payments do not exceed amounts budgeted, as required by law;

1 make available all records for proper audit by state  
2 officials; and have prepared required periodic statements to  
3 be filed with the Department of Education as provided by rules  
4 of the state board.

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

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

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

28 (k) Protection against loss.--Provide for adequate  
29 protection against any loss or damage to school property or  
30 loss resulting from any liability for which the board or its  
31 officers, agents, or employees may be responsible under law.

1 In fulfilling this responsibility, the board may purchase  
2 insurance, to be self-insured, to enter into risk management  
3 programs managed by district school boards, school-related  
4 associations, or insurance companies, or to have any  
5 combination thereof in any area to the extent the board is  
6 either authorized or required by law to contract for  
7 insurance. Any risk management program entered into pursuant  
8 to this subsection shall provide for strict accountability of  
9 all funds to the member district school boards and an annual  
10 audit by an independent certified public accountant of all  
11 receipts and disbursements.

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

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

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

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

30 (b) Reports to the department.--Require that the  
31 district superintendent prepare all reports to the Department



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

17 (c) Reports to parents.--At regular intervals reports  
18 shall be made by school principals or teachers in public  
19 schools to parents or those having parental authority over the  
20 children enrolled and in attendance upon their schools,  
21 apprising them of the progress being made by the students in  
22 their studies and giving other needful information.

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

31

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

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

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

15        (a) Adopt procedures whereby the general public can be  
16 adequately informed of the educational programs, needs, and  
17 objectives of public education within the district.

18        (b) Encourage teachers and administrators to keep  
19 parents informed of student progress, student programs,  
20 student attendance requirements pursuant to ss. 1003.26,  
21 1003.27, 414.1251, and 984.151, and availability of resources  
22 for academic assistance.

23        (16) IMPLEMENT SCHOOL IMPROVEMENT AND  
24 ACCOUNTABILITY.--Maintain a system of school improvement and  
25 education accountability as provided by statute and State  
26 Board of Education rule. This system of school improvement and  
27 education accountability shall be consistent with, and  
28 implemented through, the district's continuing system of  
29 planning and budgeting required by this section and ss.  
30 1008.385, 1010.01, and 1011.01. This system of school  
31

1 improvement and education accountability shall include, but is  
2 not limited to, the following:

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

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

25 (c) Assistance and intervention.--

26 1. Develop a 2-year plan of increasing individualized  
27 assistance and intervention for each school in danger of not  
28 meeting state standards or making adequate progress, as  
29 defined pursuant to statute and State Board of Education rule,  
30 toward meeting the goals and standards of its approved school  
31 improvement plan.

1           2. A school that is identified as being in performance  
2 grade category "D" pursuant to s. 1008.34 is in danger of  
3 failing and must be provided assistance and intervention.

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

16           4. District school boards are encouraged to prioritize  
17 the expenditures of funds received from the supplemental  
18 academic instruction categorical fund under s. 1011.62(1)(f)  
19 to improve student performance in schools that receive a  
20 performance grade category designation of "D" or "F."

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

31

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

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

17       (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

29       (c) Develop policies for periodically monitoring the  
30 membership composition of school advisory councils to ensure  
31 compliance with requirements established in s. 1001.452.

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

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

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

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

29           (21) ADOPT RULES.--Adopt rules pursuant to ss.  
30 120.536(1) and 120.54 to implement this section.  
31

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

3           1001.43 Supplemental powers and duties of district  
4 school board.--The district school board may exercise the  
5 following supplemental powers and duties as authorized by this  
6 code or State Board of Education rule.

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

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

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

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

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

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

29           (f) Regulate student automobile use and parking.

30           (2) FISCAL MANAGEMENT.--The district school board may  
31 adopt policies providing for fiscal management of the school

1 district with respect to school purchasing, facilities,  
2 nonstate revenue sources, budgeting, fundraising, and other  
3 activities relating to the fiscal management of district  
4 resources, including, but not limited to, the policies  
5 governing:  
6       (a) Sales calls and demonstrations by agents,  
7 solicitors, salespersons, and vendors on campus; local  
8 preference criteria for vendors; specifications for quantity  
9 purchasing; prioritization of awards for bids; declining bid  
10 awards; and purchase requisitions, approvals, and routing.  
11       (b) Sales by booster clubs; marathon fundraisers; and  
12 student sales of candy, paper products, or other goods  
13 authorized by the board.  
14       (c) Inventory and disposal of district property; use  
15 of safe-deposit boxes; and selection of real estate  
16 appraisers.  
17       (d) Payment of contractors and other service  
18 providers.  
19       (e) Accounting systems; petty cash accounts procedures  
20 and reporting; school activities funds procedures and  
21 reporting; management and reporting of grants from private  
22 sources; and management of funds, including auxiliary  
23 enterprise funds.  
24       (f) District budgeting system, including setting  
25 budget deadlines and schedules, budget planning, and  
26 implementation and determination of budget priorities.  
27       (3) INSTRUCTIONAL AIDS.--The district school board may  
28 adopt policies providing for innovative teaching techniques,  
29 teaching programs and methods, instructional aids and  
30 objectives, extracurricular and interscholastic activities,  
31



1 and supplemental programs including, but not limited to,  
2 policies providing for:

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

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

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

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

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

25 (5) SCHOOL COMMUNITY RELATIONS.--The district school  
26 board may adopt policies governing public gifts and donations  
27 to schools; input from the community concerning instruction  
28 resources; advertising in schools; participation in community  
29 affairs, including coordination with local governments and  
30 planning authorities; protocols for interagency agreements;  
31 business community partnerships; community use of school

1 facilities; public solicitations in schools, including the  
2 distribution and posting of promotional materials and  
3 literature; visitors to the school campus; school advisory  
4 councils; and parent volunteers and chaperones.

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

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

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

18 (b) The provision of school safety patrol.

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

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

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

28 (f) Student insurance programs.

29 (8) STUDENT ASSESSMENT AND AFFAIRS.--The district  
30 school board may adopt policies and procedures governing  
31 attendance monitoring and checks; truancy; graduation

1 requirements and graduation exercises; fees, fines, and  
2 charges imposed on students; evaluation of student records and  
3 transcripts; transfer of student records; grading and academic  
4 evaluation of students; tests and examinations, including  
5 early examinations; guidance and counseling; and student  
6 participation in competitions, student performances and  
7 exhibitions, contests for students, and social events.

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

21 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND  
22 OPERATIONS.--The district school board may adopt policies and  
23 procedures necessary for the daily business operation of the  
24 district school board, including, but not limited to, the  
25 provision of legal services for the district school board;  
26 conducting a district legislative program; district school  
27 board member participation at conferences, conventions, and  
28 workshops, including member compensation and reimbursement for  
29 expenses; district school board policy development, adoption,  
30 and repeal; district school board meeting procedures,  
31 including participation via telecommunications networks, use

1 of technology at meetings, and presentations by nondistrict  
2 personnel; citizen communications with the district school  
3 board and with individual district school board members;  
4 collaboration with local government and other entities as  
5 required by law; and organization of the board, including  
6 special committees and advisory committees.

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

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

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

16 1001.44 Area technical centers.--

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

23 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY  
24 ESTABLISH OR ACQUIRE AREA TECHNICAL CENTERS.--The district  
25 school boards of any two or more contiguous districts may,  
26 upon first obtaining the approval of the department, enter  
27 into an agreement to organize, establish and operate, or  
28 acquire and operate, an area technical center under this  
29 section.

30 (3)(a) AREA TECHNICAL CENTER PART OF DISTRICT SCHOOL  
31 SYSTEM DIRECTED BY A DIRECTOR.--An area technical center

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

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

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

21 1001.451 Regional consortium service  
22 organizations.--In order to provide a full range of programs  
23 to larger numbers of students, minimize duplication of  
24 services, and encourage the development of new programs and  
25 services:

26 (1) School districts with 20,000 or fewer unweighted  
27 full-time equivalent students may enter into cooperative  
28 agreements to form a regional consortium service organization.  
29 Each regional consortium service organization shall provide,  
30 at a minimum, three of the following services: exceptional  
31 student education; teacher education centers; environmental

1 education; federal grant procurement and coordination; data  
2 processing; health insurance; risk management insurance; staff  
3 development; purchasing; and planning and accountability.

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

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

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

16 1001.452 District and school advisory councils.--

17 (1) ESTABLISHMENT.--

18 (a) The district school board shall establish an  
19 advisory council for each school in the district, and shall  
20 develop procedures for the election and appointment of  
21 advisory council members. Each school advisory council shall  
22 include in its name the words "school advisory council." The  
23 school advisory council shall be the sole body responsible for  
24 final decisionmaking at the school relating to implementation  
25 of the provisions of ss. 1008.345, and 1001.42(16). A majority  
26 of the members of each school advisory council must be persons  
27 who are not employed by the school. Each advisory council  
28 shall be composed of the principal and an appropriately  
29 balanced number of teachers, education support employees,  
30 students, parents, and other business and community citizens  
31 who are representative of the ethnic, racial, and economic

1 community served by the school. Vocational-technical center  
2 and high school advisory councils shall include students, and  
3 middle and junior high school advisory councils may include  
4 students. School advisory councils of vocational-technical  
5 and adult education centers are not required to include  
6 parents as members. Council members representing teachers,  
7 education support employees, students, and parents shall be  
8 elected by their respective peer groups at the school in a  
9 fair and equitable manner as follows:

10 1. Teachers shall be elected by teachers.  
11 2. Education support employees shall be elected by  
12 education support employees.  
13 3. Students shall be elected by students.  
14 4. Parents shall be elected by parents.  
15

16 The district school board shall establish procedures for use  
17 by schools in selecting business and community members which  
18 include means of ensuring wide notice of vacancies and for  
19 taking input on possible members from local business, chambers  
20 of commerce, community and civic organizations and groups, and  
21 the public at large. The district school board shall review  
22 the membership composition of each advisory council. If the  
23 district school board determines that the membership elected  
24 by the school is not representative of the ethnic, racial, and  
25 economic community served by the school, the board shall  
26 appoint additional members to achieve proper representation.  
27 The commissioner shall determine if schools have maximized  
28 their efforts to include on their advisory councils minority  
29 persons and persons of lower socioeconomic status. Although  
30 schools are strongly encouraged to establish school advisory  
31 councils, the district school board of any school district

1 that has a student population of 10,000 or fewer may establish  
2 a district advisory council which shall include at least one  
3 duly elected teacher from each school in the district. For  
4 the purposes of school advisory councils and district advisory  
5 councils, the term "teacher" shall include classroom teachers,  
6 certified student services personnel, and media specialists.  
7 For purposes of this paragraph, "education support employee"  
8 means any person employed by a school who is not defined as  
9 instructional or administrative personnel pursuant to s.  
10 1012.01 and whose duties require 20 or more hours in each  
11 normal working week.

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

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

26 (2) DUTIES.--Each advisory council shall perform such  
27 functions as are prescribed by regulations of the district  
28 school board; however, no advisory council shall have any of  
29 the powers and duties now reserved by law to the district  
30 school board. Each school advisory council shall assist in the  
31 preparation and evaluation of the school improvement plan



1 required pursuant to s. 1001.42(16). With technical assistance  
2 from the Department of Education, each school advisory council  
3 shall assist in the preparation of the school's annual budget  
4 and plan as required by s. 1008.385(1). A portion of funds  
5 provided in the annual General Appropriations Act for use by  
6 school advisory councils must be used for implementing the  
7 school improvement plan.

8 Section 60. Part II.b of chapter 1001 shall be  
9 entitled "District School Superintendents" and shall consist  
10 of ss. 1001.46-1001.53.

11 Section 61. Section 1001.46, Florida Statutes, is  
12 created to read:

13 1001.46 District school superintendent; election and  
14 term of office.--The district school superintendent shall be  
15 elected for a term of 4 years or until the election or  
16 appointment and qualification of his or her successor.

17 Section 62. Section 1001.461, Florida Statutes, is  
18 created to read:

19 1001.461 District school superintendent; procedures  
20 for making office appointive.--

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

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

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

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

9 Section 63. Section 1001.462, Florida Statutes, is  
10 created to read:

11 1001.462 Oath of district school  
12 superintendent.--Before entering upon the duties of his or her  
13 office, the district school superintendent shall take the oath  
14 of office prescribed by the constitution of the state.

15 Section 64. Section 1001.463, Florida Statutes, is  
16 created to read:

17 1001.463 Vacancy in office of district school  
18 superintendent.--The office of district school superintendent  
19 in any district shall be vacant when the district school  
20 superintendent removes his or her residence from the district.

21 Section 65. Section 1001.464, Florida Statutes, is  
22 created to read:

23 1001.464 District school superintendent to devote full  
24 time to office.--The position of district school  
25 superintendent shall be considered a full-time position.

26 Section 66. Section 1001.47, Florida Statutes, is  
27 created to read:

28 1001.47 District school superintendent; salary.--

29 (1) Each district school superintendent shall receive  
30 as salary the amount indicated, based on the population of his  
31 or her county; however, a district school board, by majority

1 vote, may approve a salary in excess of the amount specified  
 2 herein. In addition, a compensation shall be made for  
 3 population increments over the minimum for each population  
 4 group, which shall be determined by multiplying the population  
 5 in excess of the minimum for the group times the group rate.  
 6 Laws which increase the base salary herein provided shall  
 7 contain provisions on no other subject.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
<u>I</u>	<u>-0-</u>	<u>49,999</u>	<u>\$21,250</u>	<u>\$0.07875</u>
<u>II</u>	<u>50,000</u>	<u>99,999</u>	<u>24,400</u>	<u>0.06300</u>
<u>III</u>	<u>100,000</u>	<u>199,999</u>	<u>27,550</u>	<u>0.02625</u>
<u>IV</u>	<u>200,000</u>	<u>399,999</u>	<u>30,175</u>	<u>0.01575</u>
<u>V</u>	<u>400,000</u>	<u>999,999</u>	<u>33,325</u>	<u>0.00525</u>
<u>VI</u>	<u>1,000,000</u>		<u>36,475</u>	<u>0.00400</u>

18 (2) Notwithstanding provisions of chapter 145 or this  
 19 chapter to the contrary, the annual salaries of elected  
 20 district school superintendents for 1993 and each year  
 21 thereafter shall be established at the same amounts as those  
 22 district school superintendents were paid for fiscal year  
 23 1991-1992, adjusted by each annual increase provided for in  
 24 chapter 145. Any salary previously paid to elected district  
 25 school superintendents which was consistent with chapter 145  
 26 and this section is hereby ratified and validated.

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

29 (4)(a) There shall be an additional \$2,000 per year  
 30 special qualification salary for each district school  
 31 superintendent who has met the certification requirements

1 established by the Department of Education. Any district  
2 school superintendent who is certified during a calendar year  
3 shall receive in that year a pro rata share of the special  
4 qualification salary based on the remaining period of the  
5 year.

6 (b) In order to qualify for the special qualification  
7 salary provided by paragraph (a), the district school  
8 superintendent must complete the requirements established by  
9 the Department of Education within 6 years after first taking  
10 office.

11 (c) After a district school superintendent meets the  
12 requirements of paragraph (a), in order to remain certified  
13 the district school superintendent shall thereafter be  
14 required to complete each year a course of continuing  
15 education as prescribed by the Department of Education.

16 (5)(a) The Department of Education shall provide a  
17 leadership development and performance compensation program  
18 for district school superintendents, comparable to chief  
19 executive officer development programs for corporate executive  
20 officers, to include:

21 1. A content-knowledge-and-skills phase consisting of:  
22 creative leadership models and theory, demonstration of  
23 effective practice, simulation exercises and personal skills  
24 practice, and assessment with feedback, taught in a  
25 professional training setting under the direction of  
26 experienced, successful trainers.

27 2. A competency-acquisition phase consisting of  
28 on-the-job application of knowledge and skills for a period of  
29 not less than 6 months following the successful completion of  
30 the content-knowledge-and-skills phase. The  
31 competency-acquisition phase shall be supported by adequate

1 professional technical assistance provided by experienced  
2 trainers approved by the department. Competency acquisition  
3 shall be demonstrated through assessment and feedback.

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

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

15 Section 67. Section 1001.48, Florida Statutes, is  
16 created to read:

17 1001.48 Secretary and executive officer of the  
18 district school board.--The district school superintendent  
19 shall be the secretary and executive officer of the district  
20 school board; provided, that when the district school  
21 superintendent of any district is required to be absent on  
22 account of performing services in the volunteer forces of the  
23 United States or in the National Guard of the State or in the  
24 regular Army or Navy of the United States, when the said  
25 district school superintendent shall be called into active  
26 training or service of the United States under an Act of  
27 Congress or pursuant to a proclamation by the President of the  
28 United States, the district school superintendent shall then  
29 be entitled to a leave of absence for not to exceed the  
30 remaining portion of the term for which he or she was elected.

31

1 Section 68. Section 1001.49, Florida Statutes, is  
2 created to read:

3 1001.49 General powers of district school  
4 superintendent.--The district school superintendent shall have  
5 the authority, and when necessary for the more efficient and  
6 adequate operation of the district school system, the district  
7 school superintendent shall exercise the following powers:

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

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

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

19 (4) RECOMMEND AND EXECUTE RULES.--Prepare and organize  
20 by subjects and submit to the district school board for  
21 adoption such rules to supplement those adopted by the State  
22 Board of Education as, in the district school superintendent's  
23 opinion, will contribute to the efficient operation of any  
24 aspect of education in the district. When rules have been  
25 adopted, the district school superintendent shall see that  
26 they are executed.

27 (5) RECOMMEND AND EXECUTE MINIMUM STANDARDS.--From  
28 time to time to prepare, organize by subjects, and submit to  
29 the district school board for adoption such minimum standards  
30 relating to the operation of any phase of the district school  
31 system as are needed to supplement those adopted by the State

1 Board of Education and as will contribute to the efficient  
2 operation of any aspect of education in the district; to see  
3 that minimum standards adopted by the district school board  
4 and the state board are observed.

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

10 Section 69. Section 1001.50, Florida Statutes, is  
11 created to read:

12 1001.50 Superintendents employed under Art. IX, State  
13 Constitution.--

14 (1) In every district authorized to employ a district  
15 school superintendent under Art. IX of the State Constitution,  
16 the district school superintendent shall be the executive  
17 officer of the district school board and shall not be subject  
18 to the provisions of law, either general or special, relating  
19 to tenure of employment or contracts of other school  
20 personnel. The district school superintendent's duties  
21 relating to the district school system shall be as provided by  
22 law and rules of the State Board of Education.

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

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

31 (a) The population of the district;

- 1           (b) The rate and character of population growth;  
2           (c) The size and composition of the student body to be  
3 served;  
4           (d) The geographic extent of the district;  
5           (e) The number and character of the schools to be  
6 supervised; and  
7           (f) The educational qualifications, professional  
8 experience, and age of the candidate for the position of  
9 district school superintendent.

10           Section 70. Section 1001.51, Florida Statutes, is  
11 created to read:

12           1001.51 Duties and responsibilities of district school  
13 superintendent.--The district school superintendent shall  
14 exercise all powers and perform all duties listed below and  
15 elsewhere in the law; provided, that in so doing he or she  
16 shall advise and counsel with the district school board. The  
17 district school superintendent shall perform all tasks  
18 necessary to make sound recommendations, nominations,  
19 proposals, and reports required by law to be acted upon by the  
20 district school board. All such recommendations, nominations,  
21 proposals, and reports by the district school superintendent  
22 shall be either recorded in the minutes or shall be made in  
23 writing, noted in the minutes, and filed in the public records  
24 of the district school board. It shall be presumed that, in  
25 the absence of the record required in this paragraph, the  
26 recommendations, nominations, and proposals required of the  
27 district school superintendent were not contrary to the action  
28 taken by the district school board in such matters.

29           (1) ASSIST IN ORGANIZATION OF DISTRICT SCHOOL  
30 BOARD.--Preside at the organization meeting of the district  
31 school board and transmit to the Department of Education,



1 within 2 weeks following such meeting, a certified copy of the  
2 proceedings of organization, including the schedule of regular  
3 meetings, and the names and addresses of district school  
4 officials.

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

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

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

17 (5) SCHOOL PROGRAM; PREPARE PLANS.--Supervise the  
18 assembling of data and sponsor studies and surveys essential  
19 to the development of a planned school program for the entire  
20 district and prepare and recommend such a program to the  
21 district school board as the basis for operating the district  
22 school system.

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

28 (7) PERSONNEL.--Be responsible, as required herein,  
29 for directing the work of the personnel, subject to the  
30 requirements of chapter 1012.

31

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

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

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

11           (11) FINANCE.--Recommend measures to the district  
12 school board to assure adequate educational facilities  
13 throughout the district, in accordance with the financial  
14 procedure authorized in chapters 1010 and 1011 and as  
15 prescribed below:

16           (a) Plan for operating all schools for minimum  
17 term.--Determine and recommend district funds necessary in  
18 addition to state funds to provide for at least a 180-day  
19 school term or the equivalent on an hourly basis as specified  
20 by rules which shall be adopted by the State Board of  
21 Education and recommend plans for ensuring the operation of  
22 all schools for the term authorized by the district school  
23 board.

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

29           (c) Tax levies.--Recommend to the district school  
30 board, on the basis of the needs shown by the budget, the  
31 amount of district school tax levy necessary to provide the

1 district school funds needed for the maintenance of the public  
2 schools; recommend to the district school board the tax levy  
3 required on the basis of the needs shown in the budget for the  
4 district bond interest and sinking fund of each district; and  
5 recommend to the district school board to be included on the  
6 ballot at each district millage election the school district  
7 tax levies necessary to carry on the school program.

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

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

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

19 (g) Payrolls and accounts.--Maintain accurate and  
20 current statements of accounts due to be paid by the district  
21 school board; certify these statements as correct; liquidate  
22 board obligations in accordance with the official budget and  
23 rules of the district school board; and prepare periodic  
24 reports as required by rules of the state board, showing  
25 receipts, balances, and disbursements to date, and file copies  
26 of such periodic reports with the Department of Education.

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

30 (i) Contracts.--After study of the feasibility of  
31 contractual services with industry, recommend to the district

1 school board the desirable terms, conditions, and  
2 specifications for contracts for supplies, materials, or  
3 services to be rendered and see that materials, supplies, or  
4 services are provided according to contract.

5 (j) Investment policies.--The district school  
6 superintendent shall, after careful examination, recommend  
7 policies to the district school board which will provide for  
8 the investment or deposit of school funds not needed for  
9 immediate expenditures which shall earn the maximum possible  
10 yield under the circumstances on such investments or deposits.  
11 The district school superintendent shall cause to be invested  
12 at all times all school moneys not immediately needed for  
13 expenditures pursuant to the policies of the district school  
14 board.

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

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

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

28 (n) Bonds.--Recommend the amounts of bonds to be  
29 issued in the district and assist in the preparation of the  
30 necessary papers for an election to determine whether the  
31 proposed bond issue will be approved by the electors; if such

1 bond issue be approved by the electors, recommend plans for  
2 the sale of bonds and for the proper expenditure of the funds  
3 derived therefrom.

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

10 (a) Forms, blanks, and reports.--Require that all  
11 employees keep accurately all records and make promptly in  
12 proper form all reports required by the school code or by  
13 rules of the state board; recommend the keeping of such  
14 additional records and the making of such additional reports  
15 as may be deemed necessary to provide data essential for the  
16 operation of the school system; and prepare such forms and  
17 blanks as may be required and see that these records and  
18 reports are properly prepared.

19 (b) Reports to the department.--Prepare, for the  
20 approval of the district school board, all reports that may be  
21 required by law or rules of the State Board of Education to be  
22 made to the department and transmit promptly all such reports,  
23 when approved, to the department, as required by law. If any  
24 such reports are not transmitted at the time and in the manner  
25 prescribed by law or by state board rules, the salary of the  
26 district school superintendent must be withheld until the  
27 report has been properly submitted. Unless otherwise provided  
28 by rules of the State Board of Education, the annual report on  
29 attendance and personnel is due on or before July 1, and the  
30 annual school budget and the report on finance are due on the  
31 date prescribed by the commissioner.

1           (c) Failure to make reports; penalty.--Any district  
2 school superintendent who knowingly signs and transmits to any  
3 state official a false or incorrect report shall forfeit his  
4 or her right to any salary for the period of 1 year from that  
5 date.

6           (13) COOPERATION WITH OTHER AGENCIES.--

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

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

20           (14) ENFORCEMENT OF LAWS AND RULES.--Require that all  
21 laws and rules of the state board, as well as supplementary  
22 rules of the district school board, are properly observed and  
23 report to the district school board any violation that the  
24 district school superintendent does not succeed in having  
25 corrected.

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

30           (16) VISITATION OF SCHOOLS.--Visit the schools;  
31 observe the management and instruction; give suggestions for

1 improvement; and advise supervisors, principals, teachers,  
2 patrons, and other citizens with the view of promoting  
3 interest in education and improving the school conditions of  
4 the district.

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

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

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

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

29 (21) RECOMMEND PROCEDURES FOR INFORMING GENERAL  
30 PUBLIC.--Recommend to the district school board procedures  
31 whereby the general public can be adequately informed of the

1 educational programs, needs, and objectives of public  
2 education within the district.

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

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

11 Section 71. Section 1001.52, Florida Statutes, is  
12 created to read:

13 1001.52 Reproduction and destruction of district  
14 school records.--

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

20 (2) After complying with the provisions of s. 257.37,  
21 the district school superintendent may photograph,  
22 microphotograph, or reproduce documents, records, data, and  
23 information of a permanent character which in his or her  
24 discretion he or she may select, and the district school  
25 superintendent may destroy any of the said documents after  
26 they have been reproduced and after audit of the district  
27 school superintendent's office has been completed for the  
28 period embracing the dates of said instruments. Information  
29 made in compliance with the provisions of this section shall  
30 have the same force and effect as the originals thereof would  
31 have, and shall be treated as originals for the purpose of



1 their admissibility into evidence. Duly certified or  
2 authenticated reproductions shall be admitted into evidence  
3 equally with the originals.

4 (3) After complying with the provisions of s. 257.37,  
5 the district school superintendent may, in his or her  
6 discretion, destroy general correspondence which is over 3  
7 years old and other records, papers, and documents over 3  
8 years old which do not serve as part of an agreement or  
9 understanding nor have value as permanent records.

10 Section 72. Section 1001.53, Florida Statutes, is  
11 created to read:

12 1001.53 District school superintendent responsible for  
13 enforcement of attendance.--The district school superintendent  
14 shall be responsible for the enforcement of the attendance  
15 provisions of chapters 1003 and 1006. In a district in which  
16 no attendance assistant is employed, the district school  
17 superintendent shall have those duties and responsibilities  
18 and exercise those powers assigned by law to attendance  
19 assistants.

20 Section 73. Part II.c. of chapter 1001 shall be  
21 entitled "School Principals" and shall consist of ss.  
22 1001.54-1001.55.

23 Section 74. Section 1001.54, Florida Statutes, is  
24 created to read:

25 1001.54 Duties of school principals.--

26 (1) A district school board shall employ, through  
27 written contract, public school principals. The school  
28 principal has authority over school district personnel in  
29 accordance with s. 1012.28.

30  
31

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

4       (3) Each school principal must make the necessary  
5 provisions to ensure that all school reports are accurate and  
6 timely, and must provide the necessary training opportunities  
7 for staff to accurately report attendance, FTE program  
8 participation, student performance, teacher appraisal, and  
9 school safety and discipline data.

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

13       Section 75. Part III of chapter 1001 shall be entitled  
14 "Community Colleges" and shall consist of ss. 1001.61-1001.65.

15       Section 76. Section 1001.61, Florida Statutes, is  
16 created to read:

17       1001.61 Community college boards of trustees;  
18 membership.--

19       (1) Community college boards of trustees shall be  
20 comprised of five members when a community college district is  
21 confined to one school board district; seven members when a  
22 community college district is confined to one school board  
23 district and the board of trustees so elects; and not more  
24 than nine members when the district contains two or more  
25 school board districts, as provided by rules of the State  
26 Board of Education. However, all community college boards  
27 shall have an odd number of trustees.

28       (2) Trustees shall be appointed by the Governor and  
29 confirmed by the Senate in regular session.  
30  
31

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

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

15       (5) A community college president shall serve as the  
16 executive officer and corporate secretary of the board of  
17 trustees and shall be responsible to the board for setting the  
18 agenda for meetings of the board in consultation with the  
19 chair. The president also serves as the chief administrative  
20 officer of the community college, and all the components of  
21 the institution and all aspects of its operation are  
22 responsible to the board of trustees through the president.

23       Section 77. Section 1001.62, Florida Statutes, is  
24 created to read:

25       1001.62 Transfer of benefits arising under local or  
26 special acts.--All local or special acts in force on July 1,  
27 1968, which provide benefits for a community college through a  
28 school board shall continue in full force and effect, and such  
29 benefits shall be transmitted to the community college board  
30 of trustees.

31

1           Section 78. Section 1001.63, Florida Statutes, is  
2 created to read:

3           1001.63 Community college board of trustees; board to  
4 constitute a corporation.--Each community college board of  
5 trustees is constituted a body corporate by the name of "The  
6 District Board of Trustees of ...(name of community  
7 college)..., Florida" with all the powers and duties of a body  
8 corporate, including a corporate seal, the power to contract  
9 and be contracted with, to sue or be sued, to plead and be  
10 impleaded in all courts of law or equity, and to give and  
11 receive donations. In all suits against a board, service of  
12 process shall be made on the chair of the board or, in the  
13 absence of the chair, the corporate secretary or designee of  
14 the chair.

15           Section 79. Section 1001.64, Florida Statutes, is  
16 created to read:

17           1001.64 Community college boards of trustees; powers  
18 and duties.--

19           (1) The boards of trustees shall be responsible for  
20 cost-effective policy decisions appropriate to the college's  
21 mission, the implementation and maintenance of high-quality  
22 education programs within law and rules of the State Board of  
23 Education, the measurement of performance, the reporting of  
24 information, and the provision of input regarding state  
25 policy, budgeting, and education standards.

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

31

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

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

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

22       (5) Each board of trustees shall have responsibility  
23 for the use, maintenance, protection, and control of community  
24 college-owned or community college-controlled buildings and  
25 grounds, property and equipment, name, trademarks and other  
26 proprietary marks, and the financial and other resources of  
27 the community college. Such authority may include placing  
28 restrictions on activities and on access to facilities,  
29 firearms, food, tobacco, alcoholic beverages, distribution of  
30 printed materials, commercial solicitation, animals, and  
31 sound.

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

8       (7) Each board of trustees has responsibility for:  
9 ensuring that students have access to general education  
10 courses as identified in rule; requiring no more than 60  
11 semester hours of degree program coursework, including 36  
12 semester hours of general education coursework, for an  
13 associate in arts degree; notifying students that earned hours  
14 in excess of 60 semester hours may not be accepted by state  
15 universities; notifying students of unique program  
16 prerequisites; and ensuring that degree program coursework  
17 beyond general education coursework is consistent with degree  
18 program prerequisite requirements adopted pursuant to s.  
19 1007.25(5).

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

24       (a) Each board of trustees shall govern admission of  
25 students pursuant to s. 1007.263 and rules of the State Board  
26 of Education. A board of trustees may establish additional  
27 admissions criteria, which shall be included in the district  
28 interinstitutional articulation agreement developed according  
29 to s. 1007.235, to ensure student readiness for postsecondary  
30 instruction.

31

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

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

7       (d) Boards of trustees shall identify their core  
8 curricula, which shall include courses required by the State  
9 Board of Education, pursuant to the provisions of s.  
10 1007.25(6).

11       (e) Each board of trustees must adopt a written  
12 antihazinq policy, provide a program for the enforcement of  
13 such rules, and must adopt appropriate penalties for  
14 violations of such rules pursuant to the provisions of s.  
15 1006.63(1)-(3).

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

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

30       (9) A board of trustees may contract with the board of  
31 trustees of a state university for the community college to

1 provide college-preparatory instruction on the state  
2 university campus.

3 (10) Each board of trustees shall establish fees  
4 pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and  
5 1009.27.

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

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

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

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

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

23 (16) Each board of trustees must expend performance  
24 funds provided for workforce development education pursuant to  
25 the provisions of s. 1011.80.

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

29 (18) Each board of trustees shall establish the  
30 personnel program for all employees of the community college,  
31 including the president, pursuant to the provisions of chapter



1 1012 and rules and guidelines of the State Board of Education,  
2 including: compensation and other conditions of employment;  
3 recruitment and selection; nonreappointment; standards for  
4 performance and conduct; evaluation; benefits and hours of  
5 work; leave policies; recognition; inventions and work  
6 products; travel; learning opportunities; exchange programs;  
7 academic freedom and responsibility; promotion; assignment;  
8 demotion; transfer; ethical obligations and conflict of  
9 interest; restrictive covenants; disciplinary actions;  
10 complaints; appeals and grievance procedures; and separation  
11 and termination from employment.

12 (19) The board of trustees shall conduct annual  
13 evaluations of the president in accordance with rules of the  
14 State Board of Education and submit such evaluations to the  
15 State Board of Education for review. The evaluation must  
16 address the achievement of the performance goals established  
17 by the accountability process implemented pursuant to s.  
18 1008.45 and the performance of the president in achieving the  
19 annual and long-term goals and objectives established in the  
20 community college's employment accountability program  
21 implemented pursuant to s. 1012.86.

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

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

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

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

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

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

29       (26) Each board of trustees is authorized to contract  
30 for the purchase, sale, lease, license, or acquisition in any  
31 manner (including purchase by installment or lease-purchase

1 contract which may provide for the payment of interest on the  
2 unpaid portion of the purchase price and for the granting of a  
3 security interest in the items purchased) of goods, materials,  
4 equipment, and services required by the college. The board of  
5 trustees may choose to consolidate equipment contracts under  
6 master equipment financing agreements made pursuant to s.  
7 287.064.

8 (27) Each board of trustees shall be responsible for  
9 managing and protecting real and personal property acquired or  
10 held in trust for use by and for the benefit of such college.  
11 To that end, any board is authorized to be self-insured, to  
12 enter into risk management programs, or to purchase insurance  
13 for whatever coverage it may choose, or to have any  
14 combination thereof, in anticipation of any loss, damage, or  
15 destruction. A board of trustees may contract for  
16 self-insurance services pursuant to s. 1001.64(27).

17 (28) Each board of trustees is authorized to enter  
18 into agreements for, and accept, credit card, charge card, and  
19 debit card payments as compensation for goods, services,  
20 tuition, and fees. Each community college is further  
21 authorized to establish accounts in credit card, charge card,  
22 and debit card banks for the deposit of sales invoices.

23 (29) Each board of trustees may provide incubator  
24 facilities to eligible small business concerns pursuant to s.  
25 1004.79.

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

31

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

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

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

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

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

22        (36) Each board of trustees may enter into  
23 lease-purchase arrangements with private individuals or  
24 corporations for necessary grounds and buildings for community  
25 college purposes, other than dormitories, or for buildings  
26 other than dormitories to be erected for community college  
27 purposes. Such arrangements shall be paid from capital outlay  
28 and debt service funds as provided by s. 1011.84(2), with  
29 terms not to exceed 30 years at a stipulated rate. The  
30 provisions of such contracts, including building plans, are  
31

1 subject to approval by the Department of Education, and no  
2 such contract may be entered into without such approval.

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

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

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

23 (40) Each board of trustees may adopt policies  
24 pursuant to s. 1010.02 that provide procedures for  
25 transferring to the direct-support organization of that  
26 community college for administration by such organization  
27 contributions made to the community college.

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

30 (42) Each board of trustees shall implement a plan, in  
31 accordance with guidelines of the State Board of Education,

1 for working on a regular basis with the other community  
2 college boards of trustees, representatives of the university  
3 boards of trustees, and representatives of the district school  
4 boards to achieve the goals of the seamless education system.

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

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

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

18 Section 80. Section 1001.65, Florida Statutes, is  
19 created to read:

20 1001.65 Community college presidents; powers and  
21 duties.--The president is the chief executive officer of the  
22 community college, shall be corporate secretary of the  
23 community college board of trustees, and is responsible for  
24 the operation and administration of the community college.

25 Each community college president shall:

26 (1) Recommend the adoption of rules, as appropriate,  
27 to the community college board of trustees to implement  
28 provisions of law governing the operation and administration  
29 of the community college, which shall include the specific  
30 powers and duties enumerated in this section. Such rules shall

31

1 be consistent with law, the mission of the community college  
2 and the rules and policies of the State Board of Education.

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

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

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

16 (5) Approve, execute, and administer contracts for and  
17 on behalf of the community college board of trustees for  
18 licenses; the acquisition or provision of commodities, goods,  
19 equipment, and services; leases of real and personal property;  
20 and planning and construction to be rendered to or by the  
21 community college, provided such contracts are within law and  
22 guidelines of the State Board of Education and in conformance  
23 with policies of the community college board of trustees, and  
24 are for the implementation of approved programs of the  
25 community college.

26 (6) Act for the community college board of trustees as  
27 custodian of all community college property and financial  
28 resources. The authority vested in the community college  
29 president under this subsection includes the authority to  
30 prioritize the use of community college space, property,  
31

- 1 equipment, and resources and the authority to impose charges  
2 for the use of those items.
- 3 (7) Establish the internal academic calendar of the  
4 community college within general guidelines of the State Board  
5 of Education.
- 6 (8) Administer the community college's program of  
7 intercollegiate athletics.
- 8 (9) Recommend to the board of trustees the  
9 establishment and termination of programs within the approved  
10 role and scope of the community college.
- 11 (10) Award degrees.
- 12 (11) Recommend to the board of trustees a schedule of  
13 tuition and fees to be charged by the community college,  
14 within law and rules of the State Board of Education.
- 15 (12) Organize the community college to efficiently and  
16 effectively achieve the goals of the community college.
- 17 (13) Review periodically the operations of the  
18 community college in order to determine how effectively and  
19 efficiently the community college is being administered and  
20 whether it is meeting the goals of its strategic plan adopted  
21 by the State Board of Education.
- 22 (14) Enter into agreements for student exchange  
23 programs which involve students at the community college and  
24 students in other institutions of higher learning.
- 25 (15) Approve the internal procedures of student  
26 government organizations and provide purchasing, contracting,  
27 and budgetary review processes for these organizations.
- 28 (16) Ensure compliance with federal and state laws,  
29 regulations, and other requirements that are applicable to the  
30 community college.
- 31



1       (17) Maintain all data and information pertaining to  
2 the operation of the community college, and report on the  
3 attainment by the community college of institutional and  
4 statewide performance accountability goals.

5       (18) The college president shall certify to the  
6 department a project's compliance with the requirements for  
7 expenditure of PECO funds prior to release of funds pursuant  
8 to the provisions of chapter 1013.

9       (19) Each community college president must provide to  
10 the law enforcement agency and fire department that has  
11 jurisdiction over the community college a copy of the floor  
12 plans and other relevant documents for each educational  
13 facility as defined in s. 1013.01(6). After the initial  
14 submission of the floor plans and other relevant documents,  
15 the community college president shall submit, by October 1 of  
16 each year, revised floor plans and other relevant documents  
17 for each educational facility that was modified during the  
18 preceding year.

19       (20) Each community college president shall establish  
20 a committee to consider requests for waivers from the  
21 provisions of s. 1008.29 and approve or disapprove the  
22 committee's recommendations.

23       (21) Community college presidents shall jointly  
24 develop and implement with school superintendents a  
25 comprehensive articulated acceleration program, including a  
26 comprehensive interinstitutional articulation agreement, for  
27 the students enrolled in their respective school districts and  
28 service areas pursuant to the provisions of s. 1007.235.

29       (22) Each president of a community college shall have  
30 authority, after notice to the student of the charges and  
31 after a hearing thereon, to expel, suspend, or otherwise

1 discipline any student who is found to have violated any law,  
2 ordinance, or rule or regulation of the State Board of  
3 Education or of the board of trustees of the community college  
4 pursuant to the provisions of s. 1006.62.

5 (23) Each community college president shall submit an  
6 annual employment accountability plan to the Department of  
7 Education pursuant to the provisions of s. 1012.86.

8 (24) The community college presidents, or the  
9 presidents' designees, shall annually evaluate each department  
10 chairperson, dean, provost, and vice president in achieving  
11 the annual and long-term goals and objectives of the community  
12 college's employment accountability plan.

13 (25) The authority vested with a community college  
14 shall be vested with the president of the community college or  
15 his or her designee.

16 Section 81. Part IV of chapter 1001 shall be entitled  
17 "State Universities" and shall consist of ss. 1001.71-1001.75.

18 Section 82. Section 1001.71, Florida Statutes, is  
19 created to read:

20 1001.71 University boards of trustees; membership.--

21 (1) University boards of trustees shall be comprised  
22 of 12 members appointed by the Governor and confirmed by the  
23 Senate in the regular legislative session immediately  
24 following his or her appointment. In addition, a student body  
25 president shall serve as a voting member of his or her  
26 university board of trustees. There shall be no state  
27 residency requirement for university board members, but the  
28 Governor shall consider diversity and regional representation.

29 (2) Members of the boards of trustees shall receive no  
30 compensation but may be reimbursed for travel and per diem  
31 expenses as provided in s. 112.061.

1           (3) The Governor may remove a trustee upon the  
2 recommendation of the State Board of Education, or for cause.

3           (4) Boards of trustees' members shall be appointed for  
4 staggered 4-year terms, and may be reappointed for additional  
5 terms not to exceed 8 years of service.

6           (5) Each board of trustees shall select its chair and  
7 vice chair from the appointed members at its first regular  
8 meeting after July 1. The chair shall serve for 2 years and  
9 may be reselected for one additional consecutive term. The  
10 duties of the chair shall include presiding at all meetings of  
11 the board, calling special meetings of the board, attesting to  
12 actions of the board, and notifying the Governor in writing  
13 whenever a board member fails to attend three consecutive  
14 regular board meetings in any fiscal year, which failure may  
15 be grounds for removal. The duty of the vice chair is to act  
16 as chair during the absence or disability of the chair.

17           (6) The university president shall serve as executive  
18 officer and corporate secretary of the board of trustees and  
19 shall be responsible to the board for all operations of the  
20 university and for setting the agenda for meetings of the  
21 board in consultation with the chair.

22           Section 83. Section 1001.72, Florida Statutes, is  
23 created to read:

24           1001.72 University boards of trustees; boards to  
25 constitute a corporation.--

26           (1) Each board of trustees shall be a public body  
27 corporate by the name of "The (name of university) Board of  
28 Trustees," with all the powers of a body corporate, including  
29 a corporate seal, the power to contract and be contracted  
30 with, to sue and be sued, to plead and be impleaded in all  
31 courts of law or equity, and to give and receive donations. In

1 all suits against a board of trustees, service of process  
2 shall be made on the chair of the board or, in the absence of  
3 the chair, on the corporate secretary or designee.

4 (2) It is the intent of the Legislature that the  
5 university boards of trustees are not departments of the  
6 executive branch of state government within the scope and  
7 meaning of s. 6, Art. IV of the State Constitution.

8 (3) The corporation is constituted as a public  
9 instrumentality, and the exercise by the corporation of the  
10 power conferred by this section is considered to be the  
11 performance of an essential public function. The corporation  
12 shall constitute an agency for the purposes of s. 120.52. The  
13 corporation is subject to chapter 119, subject to exceptions  
14 applicable to the corporation, and to the provisions of  
15 chapter 286; however, the corporation shall be entitled to  
16 provide notice of internal review committee meetings for  
17 competitive proposals or procurement to applicants by mail or  
18 facsimile rather than by means of publication. The corporation  
19 is not governed by chapter 607, but by the provisions of this  
20 part.

21 (4) No bureau, department, division, agency, or  
22 subdivision of the state shall exercise any responsibility and  
23 authority to operate any state university except as  
24 specifically provided by law or rules of the State Board of  
25 Education. This section shall not prohibit any department,  
26 bureau, division, agency, or subdivision of the state from  
27 providing access to programs or systems or providing other  
28 assistance to a state university pursuant to an agreement  
29 between the board of trustees and such department, bureau,  
30 division, agency, or subdivision of the state.

31

1           Section 84. Section 1001.73, Florida Statutes, is  
2 created to read:

3           1001.73 University board empowered to act as  
4 trustee.--

5           (1) Whenever appointed by any competent court of the  
6 state, or by any statute, or in any will, deed, or other  
7 instrument, or in any manner whatever as trustee of any funds  
8 or real or personal property in which any of the institutions  
9 or agencies under its management, control, or supervision, or  
10 their departments or branches or students, faculty members,  
11 officers, or employees, may be interested as beneficiaries, or  
12 otherwise, or for any educational purpose, a university board  
13 of trustees is hereby authorized to act as trustee with full  
14 legal capacity as trustee to administer such trust property,  
15 and the title thereto shall vest in said board as trustee. In  
16 all such cases, the university board shall have the power and  
17 capacity to do and perform all things as fully as any  
18 individual trustee or other competent trustee might do or  
19 perform, and with the same rights, privileges, and duties,  
20 including the power, capacity, and authority to convey,  
21 transfer, mortgage, or pledge such property held in trust and  
22 to contract and execute all other documents relating to said  
23 trust property which may be required for, or appropriate to,  
24 the administration of such trust or to accomplish the purposes  
25 of any such trust.

26           (2) Deeds, mortgages, leases, and other contracts of  
27 the university board of trustees relating to real property of  
28 any such trust or any interest therein may be executed by the  
29 university board of trustees, as trustee, in the same manner  
30 as is provided by the laws of the state for the execution of  
31 similar documents by other corporations or may be executed by

1 the signatures of a majority of the members of the board;  
2 however, to be effective, any such deed, mortgage, or lease  
3 contract for more than 10 years of any trust property,  
4 executed hereafter by the university board of trustees, shall  
5 be approved by a resolution of the State Board of Education;  
6 and such approving resolution may be evidenced by the  
7 signature of either the chair or the secretary of the State  
8 Board of Education to an endorsement on the instrument  
9 approved, reciting the date of such approval, and bearing the  
10 seal of the State Board of Education. Such signed and sealed  
11 endorsement shall be a part of the instrument and entitled to  
12 record without further proof.

13 (3) Any and all such appointments of, and acts by, the  
14 Board of Regents as trustee of any estate, fund, or property  
15 prior to May 18, 1949, are hereby validated, and said board's  
16 capacity and authority to act as trustee in all of such cases  
17 is ratified and confirmed; and all deeds, conveyances, lease  
18 contracts, and other contracts heretofore executed by the  
19 Board of Regents, either by the signatures of a majority of  
20 the members of the board or in the board's name by its chair  
21 or chief executive officer, are hereby approved, ratified,  
22 confirmed, and validated.

23 (4) Nothing herein shall be construed to authorize a  
24 university board of trustees to contract a debt on behalf of,  
25 or in any way to obligate, the state; and the satisfaction of  
26 any debt or obligation incurred by the university board as  
27 trustee under the provisions of this section shall be  
28 exclusively from the trust property, mortgaged or encumbered;  
29 and nothing herein shall in any manner affect or relate to the  
30 provisions of ss. 1010.61-1010.619, or s. 1013.78.  
31

1           Section 85. Section 1001.74, Florida Statutes, is  
2 created to read:

3           1001.74 Powers and duties of university boards of  
4 trustees.--

5           (1) The boards of trustees shall be responsible for  
6 cost-effective policy decisions appropriate to the  
7 university's mission, the implementation and maintenance of  
8 high-quality education programs within law and rules of the  
9 State Board of Education, the measurement of performance, the  
10 reporting of information, and the provision of input regarding  
11 state policy, budgeting, and education standards.

12           (2) Each board of trustees is vested with the  
13 authority to govern its university, as necessary to provide  
14 proper governance and improvement of the university in  
15 accordance with law and with rules of the State Board of  
16 Education. Each board of trustees shall perform all duties  
17 assigned by law or by rule of the State Board of Education or  
18 the Commissioner of Education.

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

24           (4) Each board of trustees may adopt rules pursuant to  
25 ss. 120.536(1) and 120.54 to implement the provisions of law  
26 conferring duties upon it. Such rules must be consistent with  
27 rules of the State Board of Education.

28           (5) Each board of trustees shall have the authority to  
29 acquire real and personal property and contract for the sale  
30 and disposal of same and approve and execute contracts for the  
31 purchase, sale, lease, license, or acquisition of commodities,

1 goods, equipment, contractual services, leases of real and  
2 personal property, and construction. The acquisition may  
3 include purchase by installment or lease-purchase. Such  
4 contracts may provide for payment of interest on the unpaid  
5 portion of the purchase price. Title to all real property  
6 acquired prior to January 7, 2003, and to all real property  
7 acquired with funds appropriated by the Legislature shall be  
8 vested in the Board of Trustees of the Internal Improvement  
9 Trust Fund and shall be transferred and conveyed by it.  
10 Notwithstanding any other provisions of this subsection, each  
11 board of trustees shall comply with the provisions of s.  
12 287.055 for the procurement of professional services as  
13 defined therein.

14 (6) Each board of trustees shall have responsibility  
15 for the use, maintenance, protection, and control of  
16 university-owned or university-controlled buildings and  
17 grounds, property and equipment, name, trademarks and other  
18 proprietary marks, and the financial and other resources of  
19 the university. Such authority may include placing  
20 restrictions on activities and on access to facilities,  
21 firearms, food, tobacco, alcoholic beverages, distribution of  
22 printed materials, commercial solicitation, animals, and  
23 sound. The authority vested in the board in this subsection  
24 includes the prioritization of the use of space, property,  
25 equipment, and resources and the imposition of charges for  
26 those items.

27 (7) Each board of trustees has responsibility for the  
28 establishment and discontinuance of degree programs up to and  
29 including the master's degree level; the establishment and  
30 discontinuance of course offerings; provision of credit and  
31 noncredit educational offerings; location of classes; services



1 provided; and dissemination of information concerning such  
2 programs and services. Approval of new programs must be  
3 pursuant to criteria established by the State Board of  
4 Education.

5 (8) Each board of trustees is authorized to create  
6 divisions of sponsored research pursuant to the provisions of  
7 s. 1011.411 to serve the function of administration and  
8 promotion of the programs of research.

9 (9) Each board of trustees has responsibility for:  
10 ensuring that students have access to general education  
11 courses as identified in rule and requiring no more than 120  
12 semester hours of coursework for baccalaureate degree programs  
13 unless approved by the State Board of Education. At least half  
14 of the required coursework for any baccalaureate degree must  
15 be offered at the lower-division level, except in program  
16 areas approved by the State Board of Education.

17 (10) Each board of trustees has responsibility for  
18 policies related to students, enrollment of students, student  
19 activities and organizations, financial assistance, and other  
20 student services.

21 (a) Each board of trustees shall govern admission of  
22 students pursuant to s. 1007.261 and rules of the State Board  
23 of Education. Each board of trustees may consider the past  
24 actions of any person applying for admission or enrollment and  
25 may deny admission or enrollment to an applicant because of  
26 misconduct if determined to be in the best interest of the  
27 university.

28 (b) Each board of trustees shall establish student  
29 performance standards for the award of degrees and  
30 certificates.

31

1        (c) Each board of trustees must identify its core  
2 curricula and work with school districts to assure that its  
3 curricula coordinate with the core curricula and prepare  
4 students for college-level work.

5        (d) Each board of trustees must adopt a written  
6 antihazing policy, appropriate penalties for violations of  
7 such policy, and a program for enforcing such policy.

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

16        (f) Each board of trustees shall establish a  
17 committee, at least one-half of the members of which shall be  
18 students appointed by the student body president, to  
19 periodically review and evaluate the student judicial system.

20        (g) Each board of trustees must adopt a policy  
21 pursuant to s. 1006.53 which reasonably accommodates the  
22 religious observance, practice, and belief of individual  
23 students in regard to admissions, class attendance, and the  
24 scheduling of examinations and work assignments.

25        (h) A board of trustees may establish  
26 intrainstitutional and interinstitutional programs to maximize  
27 articulation pursuant to s. 1007.22.

28        (11) Each board of trustees shall establish fees  
29 pursuant to ss. 1009.24 and 1009.26.

30        (12) Each board of trustees shall submit an  
31 institutional budget request, including a request for fixed

1 capital outlay, and an operating budget to the State Board of  
2 Education for approval in accordance with guidelines  
3 established by the State Board of Education.

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

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

10 (15) Each board of trustees shall develop an  
11 accountability plan pursuant to guidelines established by the  
12 State Board of Education.

13 (16) Each board of trustees shall maintain an  
14 effective information system to provide accurate, timely, and  
15 cost-effective information about the university.

16 (17) Each board of trustees is authorized to secure  
17 comprehensive general liability insurance pursuant to s.  
18 1004.24.

19 (18) Each board of trustees may provide for payment of  
20 the costs of civil actions against officers, employees, or  
21 agents of the board pursuant to s. 1012.965.

22 (19) Each board of trustees shall establish the  
23 personnel program for all employees of the university,  
24 including the president, pursuant to the provisions of chapter  
25 1012 and, in accordance with rules and guidelines of the State  
26 Board of Education, including: compensation and other  
27 conditions of employment, recruitment and selection,  
28 nonreappointment, standards for performance and conduct,  
29 evaluation, benefits and hours of work, leave policies,  
30 recognition and awards, inventions and works, travel, learning  
31 opportunities, exchange programs, academic freedom and

1 responsibility, promotion, assignment, demotion, transfer,  
2 tenure and permanent status, ethical obligations and conflicts  
3 of interest, restrictive covenants, disciplinary actions,  
4 complaints, appeals and grievance procedures, and separation  
5 and termination from employment.

6 (20) Each board of trustees may consider the past  
7 actions of any person applying for employment and may deny  
8 employment to a person because of misconduct if determined to  
9 be in the best interest of the university.

10 (21) Each board of trustees shall appoint a  
11 presidential search committee to make recommendations to the  
12 full board of trustees, from which the board may select a  
13 candidate for ratification by the State Board of Education.

14 (22) Each board of trustees shall conduct an annual  
15 evaluation of the president in accordance with rules of the  
16 State Board of Education and submit such evaluations to the  
17 State Board of Education for review. The evaluation must  
18 address the achievement of the performance goals established  
19 by the accountability process implemented pursuant to s.  
20 1008.46 and the performance of the president in achieving the  
21 annual and long-term goals and objectives established in the  
22 institution's employment equity accountability program  
23 implemented pursuant to s. 1012.95.

24 (23) Each board of trustees constitutes the  
25 contracting agent of the university.

26 (24) Each board of trustees may enter into agreements  
27 for, and accept, credit card payments as compensation for  
28 goods, services, tuition, and fees.

29 (25) Each board of trustees may establish educational  
30 research centers for child development pursuant to s. 1011.48.

31

1       (26) Each board of trustees may develop and produce  
2 work products relating to educational endeavors which are  
3 subject to trademark, copyright, or patent statutes pursuant  
4 to s. 1004.23.

5       (27) Each board of trustees shall submit to the State  
6 Board of Education, for approval, all new campuses and  
7 instructional centers.

8       (28) Each board of trustees shall administer a program  
9 for the maintenance and construction of facilities pursuant to  
10 chapter 1013.

11       (29) Each board of trustees shall ensure compliance  
12 with the provisions of s. 287.09451 for all procurement and  
13 ss. 255.101 and 255.102 for construction contracts, and rules  
14 adopted pursuant thereto, relating to the utilization of  
15 minority business enterprises, except that procurements  
16 costing less than the amount provided for in CATEGORY FIVE as  
17 provided in s. 287.017 shall not be subject to s. 287.09451.

18       (30) Each board of trustees may exercise the right of  
19 eminent domain pursuant to the provisions of chapter 1013. Any  
20 suits or actions brought by the board shall be brought in the  
21 name of the board, and the Department of Legal Affairs shall  
22 conduct the proceedings for, and act as the counsel of, the  
23 board.

24       (31) Notwithstanding the provisions of s. 253.025,  
25 each board of trustees may, with the consent of the Board of  
26 Trustees of the Internal Improvement Trust Fund, sell, convey,  
27 transfer, exchange, trade, or purchase real property and  
28 related improvements necessary and desirable to serve the  
29 needs and purposes of the university.

30       (a) The board may secure appraisals and surveys. The  
31 board shall comply with the rules of the Board of Trustees of

1 the Internal Improvement Trust Fund in securing appraisals.  
2 Whenever the board finds it necessary for timely property  
3 acquisition, it may contract, without the need for competitive  
4 selection, with one or more appraisers whose names are  
5 contained on the list of approved appraisers maintained by the  
6 Division of State Lands in the Department of Environmental  
7 Protection.

8 (b) The board may negotiate and enter into an option  
9 contract before an appraisal is obtained. The option contract  
10 must state that the final purchase price may not exceed the  
11 maximum value allowed by law. The consideration for such an  
12 option contract may not exceed 10 percent of the estimate  
13 obtained by the board or 10 percent of the value of the  
14 parcel, whichever is greater, unless otherwise authorized by  
15 the board.

16 (c) This subsection is not intended to abrogate in any  
17 manner the authority delegated to the Board of Trustees of the  
18 Internal Improvement Trust Fund or the Division of State Lands  
19 to approve a contract for purchase of state lands or to  
20 require policies and procedures to obtain clear legal title to  
21 parcels purchased for state purposes. Title to property  
22 acquired by the board prior to January 7, 2003, and to  
23 property acquired with funds appropriated by the Legislature  
24 shall vest in the Board of Trustees of the Internal  
25 Improvement Trust Fund.

26 (32) Each board of trustees shall prepare and adopt a  
27 campus master plan pursuant to s. 1013.30.

28 (33) Each board of trustees shall prepare, adopt, and  
29 execute a campus development agreement pursuant to s. 1013.30.  
30  
31

1       (34) Each board of trustees has responsibility for  
2 compliance with state and federal laws, regulations, and  
3 requirements.

4       (35) Each board of trustees may govern traffic on the  
5 grounds of that campus pursuant to s. 1006.66.

6       (36) A board of trustees has responsibility for  
7 supervising faculty practice plans for the academic health  
8 science centers.

9       (37) Each board of trustees shall prescribe conditions  
10 for direct support organizations and university health  
11 services support organizations to be certified and to use  
12 university property and services. Conditions relating to  
13 certification must provide for audit review and oversight by  
14 the board of trustees.

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

22       (39) Notwithstanding the provisions of s. 216.351, a  
23 board of trustees may authorize the rent or lease of parking  
24 facilities, provided that such facilities are funded through  
25 parking fees or parking fines imposed by a university. A board  
26 of trustees may authorize a university to charge fees for  
27 parking at such rented or leased parking facilities.

28       (40) Each board of trustees may adopt rules and  
29 procedures related to data and technology, including  
30 information systems, communications systems, computer hardware  
31 and software, and networks.

1           (41) A board of trustees shall perform such other  
2 duties as are provided by law or rule of the State Board of  
3 Education.

4           Section 86. Section 1001.75, Florida Statutes, is  
5 created to read:

6           1001.75 University presidents; powers and duties.--The  
7 president is the chief executive officer of the university,  
8 shall be corporate secretary of the state university board of  
9 trustees, and is responsible for the operation and  
10 administration of the university. Each university president  
11 shall:

12           (1) Recommend the adoption of rules, as appropriate,  
13 to the state university board of trustees to implement  
14 provisions of law governing the operation and administration  
15 of the university, which shall include the specific powers and  
16 duties enumerated in this section. Such rules shall be  
17 consistent with the mission of the university and the rules  
18 and policies of the State Board of Education.

19           (2) Prepare a budget request and an operating budget  
20 for approval by the university board of trustees.

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

27           (4) Govern admissions, subject to law and rules or  
28 policies of the university board of trustees and the State  
29 Board of Education.

30           (5) Approve, execute, and administer contracts for and  
31 on behalf of the university board of trustees for licenses;



1 the acquisition or provision of commodities, goods, equipment,  
2 and services; leases of real and personal property; and  
3 planning and construction to be rendered to or by the  
4 university, provided such contracts are within law and rules  
5 of the State Board of Education and in conformance with  
6 policies of the university board of trustees, and are for the  
7 implementation of approved programs of the university.  
8 University presidents shall comply with the provisions of s.  
9 287.055 for the procurement of professional services and may  
10 approve and execute all contracts on behalf of the board of  
11 trustees for planning, construction, and equipment. For the  
12 purposes of a university president's contracting authority, a  
13 "continuing contract" for professional services under the  
14 provisions of s. 287.055 is one in which construction costs do  
15 not exceed \$1 million or the fee for study activity does not  
16 exceed \$100,000.

17 (6) Act for the university board of trustees as  
18 custodian of all university property.

19 (7) Establish the internal academic calendar of the  
20 university within general guidelines of the State Board of  
21 Education.

22 (8) Administer the university's program of  
23 intercollegiate athletics.

24 (9) Recommend to the board of trustees the  
25 establishment and termination of undergraduate and  
26 master's-level degree programs within the approved role and  
27 scope of the university.

28 (10) Award degrees.

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

1           (12) Organize the university to efficiently and  
2 effectively achieve the goals of the university.

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

8           (14) Enter into agreements for student exchange  
9 programs which involve students at the university and students  
10 in other institutions of higher learning.

11           (15) Approve the internal procedures of student  
12 government organizations and provide purchasing, contracting,  
13 and budgetary review processes for these organizations.

14           (16) Ensure compliance with federal and state laws,  
15 regulations, and other requirements that are applicable to the  
16 university.

17           (17) Maintain all data and information pertaining to  
18 the operation of the university, and report on the attainment  
19 by the university of institutional and statewide performance  
20 accountability goals.

21           (18) Adjust property records and dispose of  
22 state-owned tangible personal property in the university's  
23 custody in accordance with procedures established by the  
24 university board of trustees. Notwithstanding the provisions  
25 of s. 273.055(5), all moneys received from the disposition of  
26 state-owned tangible personal property shall be retained by  
27 the university and disbursed for the acquisition of tangible  
28 personal property and for all necessary operating  
29 expenditures. The university shall maintain records of the  
30 accounts into which such moneys are deposited.

31

1       (19) The powers, duties, and authority vested with a  
2 university shall be vested with the president of the  
3 university or his or her designee.

4           Section 87. Chapter 1002 shall be entitled "Student  
5 and Parental Rights and Educational Choices" and shall consist  
6 of ss. 1002.01-1002.44.

7           Section 88. Part I of chapter 1002 shall be entitled  
8 "General Provisions" and shall consist of s. 1002.01.

9           Section 89. Section 1002.01, Florida Statutes, is  
10 created to read:

11           1002.01 Definitions.--

12           (1) A "home education program" means the sequentially  
13 progressive instruction of a student directed by his or her  
14 parent in order to satisfy the attendance requirements of ss.  
15 1002.41, 1003.01(4), and 1003.21(1).

16           (2) A "private school" is a nonpublic school defined  
17 as an individual, association, copartnership, or corporation,  
18 or department, division, or section of such organizations,  
19 which designates itself as an educational center which  
20 includes kindergarten or a higher grade or as an elementary,  
21 secondary, business, technical, or trade school below college  
22 level or any organization which provides instructional  
23 services which meet the intent of s. 1003.01(14) or which  
24 gives preemployment or supplementary training in technology or  
25 in fields of trade or industry or which offers academic,  
26 literary, or career and technical training below college  
27 level, or any combination of the above, including an  
28 institution which performs the functions of the above schools  
29 through correspondence or extension, except those licensed  
30 under the provisions of chapter 1005. A private school may be  
31 a parochial, religious, denominational, for profit or

1 nonprofit school. This definition does not include home  
2 education programs conducted in accordance with s. 1002.41.

3 Section 90. Part II of chapter 1002 shall be entitled  
4 "Student and Parental Rights" and shall consist of ss.  
5 1002.20-1002.22.

6 Section 91. Section 1002.20, Florida Statutes, is  
7 created to read:

8 1002.20 K-12 student and parent rights.--K-12 students  
9 and their parents are afforded numerous statutory rights  
10 including, but not limited to, the following:

11 (1) SYSTEM OF EDUCATION.--In accordance with Article  
12 IX, Section 1 of the Florida Constitution all K-12 public  
13 school students are entitled to a uniform, safe, secure,  
14 efficient and high quality system of education, one that  
15 allows students the opportunity to obtain a high quality  
16 education. Parents are responsible to ready their children for  
17 school, however, the State of Florida cannot be the guarantor  
18 of each individual student's success.

19 (2) ATTENDANCE.--

20 (a) Compulsory school attendance.--The compulsory  
21 school attendance laws apply to all children between the ages  
22 of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a),  
23 and, in accordance with the provisions of s. 1003.21(1) and  
24 (2)(a):

25 1. A student who attains the age of 16 years during  
26 the school year has the right to file a formal declaration of  
27 intent to terminate school enrollment if the declaration is  
28 signed by the parent. The parent has the right to be notified  
29 by the school district of the district's receipt of the  
30 student's declaration of intent to terminate school  
31 enrollment.

1           2. A student who attains the age of 18 years during  
2 the school year is not subject to compulsory attendance beyond  
3 that date.

4           3. Students who become or have become married or who  
5 are pregnant and parenting have the right to attend school and  
6 receive the same or equivalent educational instruction as  
7 other students.

8           (b) Regular school attendance.--Parents of students  
9 who have attained the age of 6 years by February 1 of any  
10 school year but who have not attained the age of 16 years must  
11 comply with the compulsory school attendance laws. Parents  
12 have the option to comply with the school attendance laws by  
13 attendance of the student in a public school; a parochial,  
14 religious, or denominational school; a private school; a home  
15 education program; or a private tutoring program, in  
16 accordance with the provisions of s. 1003.01(14).

17           (c) Absence for religious purposes.--A parent of a  
18 public school student may request and be granted permission  
19 for absence of the student from school for religious  
20 instruction or religious holidays, in accordance with the  
21 provisions of s. 1003.21(2)(b).

22           (d) Dropout prevention and academic intervention  
23 programs.--The parent of a public school student has the right  
24 to receive written notice by certified mail prior to placement  
25 of the student in a dropout prevention and academic  
26 intervention program and shall be notified in writing and  
27 entitled to an administrative review of any action by school  
28 personnel relating to the student's placement, in accordance  
29 with the provisions of s. 1003.53(5).

30           (3) HEALTH ISSUES.--  
31

1        (a) School-entry health examinations.--The parent of  
2 any child attending a public or private school shall be exempt  
3 from the requirement of a health examination upon written  
4 request stating objections on religious grounds in accordance  
5 with the provisions of s. 1003.22(1) and (2).

6        (b) Immunizations.--The parent of any child attending  
7 a public or private school shall be exempt from the school  
8 immunization requirements upon written objection or meeting  
9 any of the other exemptions in accordance with the provisions  
10 of s. 1003.22(5).

11        (c) Biological experiments.--Parents may request that  
12 their child be excused from performing surgery or dissection  
13 in biological science classes in accordance with the  
14 provisions of s. 1003.47.

15        (d) Reproductive health and disease education.--A  
16 public school student whose parent makes written request to  
17 the school principal shall be exempted from the teaching of  
18 reproductive health or any disease, including HIV/AIDS, in  
19 accordance with the provisions of s. 1003.42(3).

20        (e) Contraceptive services to public school  
21 students.--In accordance with the provisions of s.  
22 1006.062(7), students may not be referred to or offered  
23 contraceptive services at school facilities without the  
24 parent's consent.

25        (f) Career education courses involving hazardous  
26 substances.--High school students must be given plano safety  
27 glasses or devices in career education courses involving the  
28 use of hazardous substances likely to cause eye injury, in  
29 accordance with the provisions of s. 1006.65.

30        (g) Substance abuse reports.--The parent of a public  
31 school student must be timely notified of any verified report

1 of a substance abuse violation by the student, in accordance  
2 with the provisions of s. 1006.09(8).

3 (h) Inhaler Use.--Asthmatic students whose parent and  
4 physician provide their approval to the school principal may  
5 carry a metered dose inhaler on their person while in school.  
6 The school principal shall be provided a copy of the parent's  
7 and physician's approval.

8 (4) DISCIPLINE.--

9 (a) Suspension of public school student.--In  
10 accordance with the provisions of s. 1006.09(1)-(4):

11 1. A student may be suspended only as provided by rule  
12 of the district school board. A good faith effort must be made  
13 to immediately inform the parent by telephone of the student's  
14 suspension and the reason. Each suspension and the reason  
15 must be reported in writing within 24 hours to the parent by  
16 U.S. mail. A good faith effort must be made to use parental  
17 assistance before suspension unless the situation requires  
18 immediate suspension.

19 2. A student with a disability may only be recommended  
20 for suspension or expulsion in accordance with State Board of  
21 Education rules.

22 (b) Expulsion.--Public school students and their  
23 parents have the right to written notice of a recommendation  
24 of expulsion, including the charges against the student and a  
25 statement of the right of the student to due process, in  
26 accordance with the provisions of s. 1001.51(8).

27 (c) Corporal punishment.--In accordance with the  
28 provisions of s. 1003.32, corporal punishment of a public  
29 school student may only be administered by a teacher or school  
30 principal within guidelines of the school principal and  
31 according to district school board policy. Another adult must

1 be present and must be informed in the student's presence of  
2 the reason for the punishment. Upon request, the teacher or  
3 school principal must provide the parent with a written  
4 explanation of the reason for the punishment and the name of  
5 the other adult who was present.

6 (5) SAFETY.--Student victims. In accordance with the  
7 provisions of s. 1006.13(5), students who have been victims of  
8 certain felony offenses by other students, as well as the  
9 siblings of the student victims, have the right to be kept  
10 separated from the student offender both at school and on  
11 school transportation.

12 (6) EDUCATIONAL CHOICE.--

13 (a) Public school choices.--Parents of public school  
14 students may seek whatever public school choice options that  
15 are applicable to their students and are available to students  
16 in their school districts. These options may include  
17 controlled open enrollment, lab schools, charter schools,  
18 charter technical career centers, magnet schools, alternative  
19 schools, special programs, advanced placement, dual  
20 enrollment, International Baccalaureate, early admissions,  
21 credit by examination or demonstration of competency, the New  
22 World School of the Arts, the Florida School for the Deaf and  
23 Blind, and the Florida Virtual High School. These options may  
24 also include the public school choice options of the  
25 Opportunity Scholarship Program and the McKay Scholarships for  
26 Students with Disabilities Program.

27 (b) Private school choices.--Parents of public school  
28 students may seek private school choice options under certain  
29 programs.

30 1. Under the Opportunity Scholarship Program, the  
31 parent of a student in a failing public school may request and



1 receive an opportunity scholarship for the student to attend a  
2 private school in accordance with the provisions of s.  
3 1002.38.

4 2. Under the McKay Scholarships for Students with  
5 Disabilities Program, the parent of a public school student  
6 with a disability who is dissatisfied with the student's  
7 progress may request and receive a McKay Scholarship for the  
8 student to attend a private school in accordance with the  
9 provisions of s. 1002.39.

10 3. Under the corporate income tax credit scholarship  
11 program, the parent of a student who qualifies for free or  
12 reduced-price school lunch may seek a scholarship from an  
13 eligible nonprofit scholarship-funding organization in  
14 accordance with the provisions of s. 220.187.

15 (c) Home education.--The parent of a student may  
16 choose to place the student in a home education program in  
17 accordance with the provisions of s. 1002.41.

18 (d) Private tutoring.--The parent of a student may  
19 choose to place the student in a private tutoring program in  
20 accordance with the provisions of s. 1002.43(1).

21 (7) NONDISCRIMINATION.--All education programs,  
22 activities, and opportunities offered by public educational  
23 institutions must be made available without discrimination on  
24 the basis of race, ethnicity, national origin, gender,  
25 disability, or marital status, in accordance with the  
26 provisions of s. 1000.05.

27 (8) STUDENTS WITH DISABILITIES.--Parents of public  
28 school students with disabilities and parents of public school  
29 students in residential care facilities are entitled to notice  
30 and due process in accordance with the provisions of ss.  
31 1003.57 and 1003.58. Public school students with disabilities

1 must be provided the opportunity to meet the graduation  
2 requirements for a standard high school diploma in accordance  
3 with the provisions of s. 1003.43(4). Certain public school  
4 students with disabilities may be awarded a special diploma  
5 upon high school graduation.

6 (9) BLIND STUDENTS.--Blind students have the right to  
7 an individualized written education program and appropriate  
8 instructional materials to attain literacy, in accordance with  
9 provisions of s. 1003.55.

10 (10) LIMITED ENGLISH PROFICIENT STUDENTS.--In  
11 accordance with the provisions of s. 1003.56, limited English  
12 proficient students have the right to receive ESOL (English  
13 for Speakers of Other Languages) instruction designed to  
14 develop the student's mastery of listening, speaking, reading,  
15 and writing in English as rapidly as possible; and the  
16 students' parents have the right of parental involvement in  
17 the ESOL program.

18 (11) BASIC RELIGIOUS FREEDOMS.--In accordance with the  
19 joint statement of current case law by the American Jewish  
20 Congress, the ACLU, the Anti-Defamation League, and others:

21 (a) Students have the right to pray individually or in  
22 groups or to discuss their religious views with their peers so  
23 long as they are not disruptive.

24 (b) Students may express their religious beliefs in  
25 the form of reports, homework and artwork, and such  
26 expressions are constitutionally protected. Teachers may not  
27 reject or correct such submissions simply because they include  
28 a religious symbol or address religious themes.

29 (c) Students have the right to distribute religious  
30 literature to their schoolmates, subject to those reasonable  
31 time, place and manner or other constitutionally acceptable

1 restrictions imposed on the distribution of all non-school  
2 literature.

3 (d) Student participation in before or after-school  
4 events, such as "see you at the pole" is permissible.

5 (e) Students have the right to speak to, and attempt  
6 to persuade, their peers about religious topics just as they  
7 do with regard to political topics.

8 (f) Student religious clubs in secondary schools must  
9 be permitted to meet and to have equal access to campus media  
10 to announce their meetings, if a school receives federal funds  
11 and permits any student non-curricular club to meet during  
12 non-instructional time.

13 (12) PLEDGE OF ALLEGIANCE.--A public school student  
14 must be excused from reciting the pledge of allegiance upon  
15 written request by the student's parent, in accordance with  
16 the provisions of s. 1003.44.

17 (13) STUDENT RECORDS.--

18 (a) Parents have rights regarding the student records  
19 of their children, including right of access, right of waiver  
20 of access, right to challenge and hearing, and right of  
21 privacy, in accordance with the provisions of s. 1002.22.

22 (b) In accordance with the provisions of s. 229.559, a  
23 student is not required to provide his or her social security  
24 number as a condition for enrollment or graduation.

25 (14) STUDENT REPORT CARDS.--Students and their parents  
26 have the right to receive student report cards on a regular  
27 basis which clearly depict and grade the student's academic  
28 performance in each class or course, the student's conduct,  
29 and the student's attendance, in accordance with the  
30 provisions of s. 1003.33.

31

1       (15) STUDENT PROGRESS REPORTS.--Parents of public  
2 school students shall be apprised at regular intervals of the  
3 academic progress and other needed information regarding their  
4 child, in accordance with the provisions of s. 1003.02(1)(h)2.

5       (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT  
6 RATING REPORTS.--Parents of public school students are  
7 entitled to an easy-to-read report card about the grade  
8 designation, school accountability (including the school  
9 financial report) and school improvement rating of their  
10 child's school in accordance with the provisions of ss.  
11 1008.22, 1003.02(3), and 236.685.

12       (17) ATHLETICS (PUBLIC HIGH SCHOOL).--

13       (a) Eligibility requirements for all students  
14 participating in high school athletic competition must allow a  
15 student to be eligible in the school in which he or she first  
16 enrolls each school year, or makes himself or herself a  
17 candidate for an athletic team by engaging in practice before  
18 enrolling, in accordance with the provisions of s.  
19 1006.20(2)(a).

20       (b) Students must satisfactorily pass a medical  
21 evaluation each year before participating in athletics, unless  
22 the parent objects in writing based on religious tenets or  
23 practices, in accordance with the provisions of s.  
24 1006.20(2)(d).

25       (18) EXTRACURRICULAR ACTIVITIES.--In accordance with  
26 the provisions of s. 1006.15:

27       (a) Students who meet specified academic and conduct  
28 requirements are eligible to participate in extracurricular  
29 activities.

30       (b) Home education students who meet specified  
31 academic and conduct requirements are eligible to participate

1 in extracurricular activities at the public school to which  
2 the student would be assigned or could choose to attend  
3 according to district school board policies, or may develop an  
4 agreement to participate at a private school.

5 (c) Charter school students who meet specified  
6 academic and conduct requirements are eligible to participate  
7 in extracurricular activities at the public school to which  
8 the student would be assigned or could choose to attend  
9 according to district school board policies, unless such  
10 activity is provided by the student's charter school.

11 (d) Organizations that regulate or govern  
12 extracurricular activities of public schools shall not  
13 discriminate against any eligible student based on an  
14 educational choice of public, private, or home education.

15 (19) INSTRUCTIONAL MATERIALS.--

16 (a) Each public school student is entitled to  
17 sufficient instructional materials in the core courses of  
18 mathematics, language arts, social studies, science, reading,  
19 and literature, in accordance with the provisions of ss.  
20 1003.02(1)(d) and 1006.40(2).

21 (b) The parent of each public school student has the  
22 right to receive effective communication from the school  
23 principal as to the manner in which instructional materials  
24 are used to implement the school's curricular objectives, in  
25 accordance with the provisions of s. 1006.28(3)(a).

26 (c) Upon request of the parent of a public school  
27 student, the school principal must sell to the parent any  
28 instructional materials used in the school, in accordance with  
29 the provisions of s. 1006.28(3)(c).

30 (d) Instructional materials purchased by a district  
31 school board or community college board of trustees on behalf

1 of public school dual enrollment students shall be made  
2 available to the dual enrollment students free of charge, in  
3 accordance with the provisions of s. 1007.271(14) and (15).

4 (20) JUVENILE JUSTICE PROGRAMS.--Students who are in  
5 juvenile justice programs have the right to receive  
6 educational programs and services in accordance with the  
7 provisions of s. 1003.52.

8 (21) PARENTAL INPUT AND MEETINGS.--

9 (a) Meetings with school district personnel.--Parents  
10 of public school students may be accompanied by another adult  
11 of their choice at any meeting with school district personnel.

12 (b) School district best financial management practice  
13 reviews.--Public school students and their parents may provide  
14 input regarding their concerns about the operations and  
15 management of the school district both during and after the  
16 conduct of a school district best financial management  
17 practices review, in accordance with the provisions of s.  
18 1008.35.

19 (c) District school board educational facilities  
20 programs.--Parents of public school students and other members  
21 of the public have the right to receive proper public notice  
22 and opportunity for public comment regarding the district  
23 school board's educational facilities work program, in  
24 accordance with the provisions of s. 1013.35.

25 (22) TRANSPORTATION.--

26 (a) Public school students shall be provided  
27 transportation to school, in accordance with the provisions of  
28 s. 1006.21(3)(a).

29 (b) Public K-6 school students shall be provided  
30 transportation if they are subjected to hazardous walking  
31

1 conditions, in accordance with the provisions of ss.  
2 1006.21(3)(b) and 1006.23.

3 (c) Each parent of a public school student must be  
4 notified in writing and give written consent before the  
5 student may be transported in a privately owned motor vehicle  
6 to a school function, in accordance with the provisions of s.  
7 1006.22(2)(b).

8 Section 92. Section 1002.21, Florida Statutes, is  
9 created to read:

10 1002.21 Postsecondary student and parent rights.--

11 (1) STUDENT RECORDS.--Parents have rights regarding  
12 the student records of their children, and students age 18 and  
13 over have rights regarding their student records, including  
14 right of access, right of waiver of access, right to challenge  
15 and hearing, and right of privacy, in accordance with the  
16 provisions of ss. 1002.22, 1005.36, and 1006.52.

17 (2) LEARNING DISABLED STUDENTS.--Impaired and learning  
18 disabled students may be eligible for reasonable substitution  
19 for admission, graduation, and upper-level division  
20 requirements to public postsecondary educational institutions,  
21 in accordance with the provisions of s. 1007.264.

22 (3) EXPULSION, SUSPENSION, DISCIPLINE.--Public  
23 postsecondary students may be expelled, suspended, or  
24 otherwise disciplined by the president of a public  
25 postsecondary educational institution after notice to the  
26 student of the charges and a hearing on the charges, in  
27 accordance with the provisions of s. 1006.62.

28 (4) RELIGIOUS BELIEFS.--Public postsecondary  
29 educational institutions must provide reasonable  
30 accommodations for the religious practices and beliefs of  
31 individual students in regard to admissions, class attendance,

1 and the scheduling of exams and work assignments, in  
2 accordance with the provisions of s. 1006.53, and must provide  
3 and describe in the student handbook a grievance procedure for  
4 students to seek redress when they feel they have been  
5 unreasonably denied an educational benefit due to their  
6 religious beliefs or practices.

7 (5) STUDENT HANDBOOKS.--Each state university and  
8 community college shall provide its students with an  
9 up-to-date student handbook that includes student rights and  
10 responsibilities, appeals processes available to students,  
11 contact persons available to help students, student conduct  
12 code, and information regarding HIV and AIDS, in accordance  
13 with the provisions of s. 1006.50.

14 (6) STUDENT OMBUDSMAN OFFICE.--Each state university  
15 and community college shall maintain a student ombudsman  
16 office and established procedures for students to appeal to  
17 the office regarding decisions about the student's access to  
18 courses and credit granted toward the student's degree, in  
19 accordance with the provisions of s. 1006.51.

20 Section 93. Section 1002.22, Florida Statutes, is  
21 created to read:

22 1002.22 Student records and reports; rights of parents  
23 and students; notification; penalty.--

24 (1) PURPOSE.--The purpose of this section is to  
25 protect the rights of students and their parents with respect  
26 to student records and reports as created, maintained, and  
27 used by public educational institutions in the state. The  
28 intent of the Legislature is that students and their parents  
29 shall have rights of access, rights of challenge, and rights  
30 of privacy with respect to such records and reports, and that  
31 rules shall be available for the exercise of these rights.



1           (2) DEFINITIONS.--As used in this section:

2           (a) "Chief executive officer" means that person,  
3 whether elected or appointed, who is responsible for the  
4 management and administration of any public educational body  
5 or unit, or the chief executive officer's designee for student  
6 records; that is, the district school superintendent, the  
7 director of an area technical center, the president of a  
8 public postsecondary institution, or their designees.

9           (b) "Directory information" includes the student's  
10 name, address, telephone number if it is a listed number, date  
11 and place of birth, major field of study, participation in  
12 officially recognized activities and sports, weight and height  
13 of members of athletic teams, dates of attendance, degrees and  
14 awards received, and the most recent previous educational  
15 agency or institution attended by the student.

16           (c) "Records" and "reports" mean official records,  
17 files, and data directly related to students which are  
18 created, maintained, and used by public educational  
19 institutions, including all material that is incorporated into  
20 each student's cumulative record folder and intended for  
21 school use or to be available to parties outside the school or  
22 school system for legitimate educational or research purposes.  
23 Materials which shall be considered as part of a student's  
24 record include, but are not necessarily limited to:  
25 identifying data, including a student's social security  
26 number; academic work completed; level of achievement records,  
27 including grades and standardized achievement test scores;  
28 attendance data; scores on standardized intelligence,  
29 aptitude, and psychological tests; interest inventory results;  
30 health data; family background information; teacher or  
31 counselor ratings and observations; verified reports of

1 serious or recurrent behavior patterns; and any other  
2 evidence, knowledge, or information recorded in any medium,  
3 including, but not limited to, handwriting, typewriting,  
4 print, magnetic tapes, film, microfilm, and microfiche, and  
5 maintained and used by an educational agency or institution or  
6 by a person acting for such agency or institution. However,  
7 the terms "records" and "reports" do not include:

8 1. Records of instructional, supervisory, and  
9 administrative personnel and educational personnel ancillary  
10 to those persons, that are kept in the sole possession of the  
11 maker of the record and are not accessible or revealed to any  
12 other person except a substitute for any of such persons. An  
13 example of records of this type is instructor's grade books.

14 2. Records of law enforcement units of the institution  
15 which are maintained solely for law enforcement purposes and  
16 which are not available to persons other than officials of the  
17 institution or law enforcement officials of the same  
18 jurisdiction in the exercise of that jurisdiction.

19 3. Records made and maintained by the institution in  
20 the normal course of business which relate exclusively to a  
21 student in his or her capacity as an employee and which are  
22 not available for use for any other purpose.

23 4. Records created or maintained by a physician,  
24 psychiatrist, psychologist, or other recognized professional  
25 or paraprofessional acting in his or her professional or  
26 paraprofessional capacity, or assisting in that capacity,  
27 which are created, maintained, or used only in connection with  
28 the provision of treatment to the student and which are not  
29 available to anyone other than persons providing such  
30 treatment. However, such records shall be open to a physician  
31 or other appropriate professional of the student's choice.

1           5. Directory information as defined in this section.

2           6. Other information, files, or data which do not  
3 permit the personal identification of a student.

4           7. Letters or statements of recommendation or  
5 evaluation which were confidential under Florida law and which  
6 were received and made a part of the student's educational  
7 records prior to July 1, 1977.

8           8. Copies of the student's fingerprints. No public  
9 educational institution shall maintain any report or record  
10 relative to a student which includes a copy of the student's  
11 fingerprints.

12           (d) "Student" means any child or adult who is enrolled  
13 or who has been enrolled in any instructional program or  
14 activity conducted under the authority and direction of an  
15 institution comprising a part of the state system of public  
16 education and with respect to whom an educational institution  
17 maintains educational records and reports or personally  
18 identifiable information, but does not include a person who  
19 has not been in attendance as an enrollee at such institution.

20           (3) RIGHTS OF PARENT OR STUDENT.--The parent of any  
21 student who attends or has attended any public school, area  
22 technical center, or public postsecondary institution shall  
23 have the following rights with respect to any records or  
24 reports created, maintained, and used by any public  
25 educational institution in the state. However, whenever a  
26 student has attained 18 years of age, or is attending a  
27 postsecondary education institution, the permission or consent  
28 required of, and the rights accorded to, the parents of the  
29 student shall thereafter be required of and accorded to the  
30 student only, unless the student is a dependent student of  
31 such parents as defined in 26 U.S.C. s. 152 (s. 152 of the

1 Internal Revenue Code of 1954). The State Board of Education  
2 shall adopt rules whereby parents or students may exercise  
3 these rights:  
4 (a) Right of access.--  
5 1. Such parent or student shall have the right, upon  
6 request directed to the appropriate school official, to be  
7 provided with a list of the types of records and reports,  
8 directly related to students, as maintained by the institution  
9 which the student attends or has attended.  
10 2. Such parent or student shall have the right, upon  
11 request, to be shown any record or report relating to such  
12 student maintained by any public educational institution.  
13 When the record or report includes information on more than  
14 one student, the parent or student shall be entitled to  
15 receive, or be informed of, only that part of the record or  
16 report which pertains to the student who is the subject of the  
17 request. Upon a reasonable request therefor, the institution  
18 shall furnish such parent or student with an explanation or  
19 interpretation of any such record or report.  
20 3. Copies of any list, record, or report requested  
21 under the provisions of this paragraph shall be furnished to  
22 the parent or student upon request.  
23 4. The State Board of Education shall adopt rules to  
24 be followed by all public educational institutions in granting  
25 requests for lists, or for access to reports and records or  
26 for copies or explanations thereof under this paragraph.  
27 However, access to any report or record requested under the  
28 provisions of subparagraph 2. shall be granted within 30 days  
29 after receipt of such request by the institution. Fees may be  
30 charged for furnishing any copies of reports or records  
31 requested under subparagraph 3., but such fees shall not

1 exceed the actual cost to the institution of producing such  
2 copies.

3 (b) Right of waiver of access to confidential letters  
4 or statements.--A parent or student shall have the right to  
5 waive the right of access to letters or statements of  
6 recommendation or evaluation, except that such waiver shall  
7 apply to recommendations or evaluations only if:

8 1. The parent or student is, upon request, notified of  
9 the names of all persons submitting confidential letters or  
10 statements; and

11 2. Such recommendations or evaluations are used solely  
12 for the purpose for which they were specifically intended.

13  
14 Such waivers may not be required as a condition for admission  
15 to, receipt of financial aid from, or receipt of any other  
16 services or benefits from, any public agency or public  
17 educational institution in this state.

18 (c) Right to challenge and hearing.--A parent or  
19 student shall have the right to challenge the content of any  
20 record or report to which such person is granted access under  
21 paragraph (a), in order to ensure that the record or report is  
22 not inaccurate, misleading, or otherwise in violation of the  
23 privacy or other rights of the student and to provide an  
24 opportunity for the correction, deletion, or expunction of any  
25 inaccurate, misleading, or otherwise inappropriate data or  
26 material contained therein. Any challenge arising under the  
27 provisions of this paragraph may be settled through informal  
28 meetings or discussions between the parent or student and  
29 appropriate officials of the educational institution. If the  
30 parties at such a meeting agree to make corrections, to make  
31 deletions, to expunge material, or to add a statement of

1 explanation or rebuttal to the file, such agreement shall be  
2 reduced to writing and signed by the parties; and the  
3 appropriate school officials shall take the necessary actions  
4 to implement the agreement. If the parties cannot reach an  
5 agreement, upon the request of either party, a hearing shall  
6 be held on such challenge under rules adopted by the State  
7 Board of Education. Upon the request of the parent or student,  
8 the hearing shall be exempt from the requirements of s.  
9 286.011. Such rules shall include at least the following  
10 provisions:  
11 1. The hearing shall be conducted within a reasonable  
12 period of time following the request for the hearing.  
13 2. The hearing shall be conducted, and the decision  
14 rendered, by an official of the educational institution or  
15 other party who does not have a direct interest in the outcome  
16 of the hearing.  
17 3. The parent or student shall be afforded a full and  
18 fair opportunity to present evidence relevant to the issues  
19 raised under this paragraph.  
20 4. The decision shall be rendered in writing within a  
21 reasonable period of time after the conclusion of the hearing.  
22 5. The appropriate school officials shall take the  
23 necessary actions to implement the decision.  
24 (d) Right of privacy.--Every student shall have a  
25 right of privacy with respect to the educational records kept  
26 on him or her. Personally identifiable records or reports of a  
27 student, and any personal information contained therein, are  
28 confidential and exempt from the provisions of s. 119.07(1).  
29 No state or local educational agency, board, public school,  
30 area technical center, or public postsecondary institution  
31 shall permit the release of such records, reports, or

1 information without the written consent of the student's  
2 parent, or of the student himself or herself if he or she is  
3 qualified as provided in this subsection, to any individual,  
4 agency, or organization. However, personally identifiable  
5 records or reports of a student may be released to the  
6 following persons or organizations without the consent of the  
7 student or the student's parent:

8 1. Officials of schools, school systems, area  
9 technical centers, or public postsecondary institutions in  
10 which the student seeks or intends to enroll; and a copy of  
11 such records or reports shall be furnished to the parent or  
12 student upon request.

13 2. Other school officials, including teachers within  
14 the educational institution or agency, who have legitimate  
15 educational interests in the information contained in the  
16 records.

17 3. The United States Secretary of Education, the  
18 Director of the National Institute of Education, the Assistant  
19 Secretary for Education, the Comptroller General of the United  
20 States, or state or local educational authorities who are  
21 authorized to receive such information subject to the  
22 conditions set forth in applicable federal statutes and  
23 regulations of the United States Department of Education, or  
24 in applicable state statutes and rules of the State Board of  
25 Education.

26 4. Other school officials, in connection with a  
27 student's application for or receipt of financial aid.

28 5. Individuals or organizations conducting studies for  
29 or on behalf of an institution or a board of education for the  
30 purpose of developing, validating, or administering predictive  
31 tests, administering student aid programs, or improving

1 instruction, if such studies are conducted in such a manner as  
2 will not permit the personal identification of students and  
3 their parents by persons other than representatives of such  
4 organizations and if such information will be destroyed when  
5 no longer needed for the purpose of conducting such studies.

6 6. Accrediting organizations, in order to carry out  
7 their accrediting functions.

8 7. School readiness coalitions and the Florida  
9 Partnership for School Readiness in order to carry out their  
10 assigned duties.

11 8. For use as evidence in student expulsion hearings  
12 conducted by a district school board pursuant to the  
13 provisions of chapter 120.

14 9. Appropriate parties in connection with an  
15 emergency, if knowledge of the information in the student's  
16 educational records is necessary to protect the health or  
17 safety of the student or other individuals.

18 10. The Auditor General and the Office of Program  
19 Policy Analysis and Government Accountability in connection  
20 with their official functions; however, except when the  
21 collection of personally identifiable information is  
22 specifically authorized by law, any data collected by the  
23 Auditor General and the Office of Program Policy Analysis and  
24 Government Accountability is confidential and exempt from the  
25 provisions of s. 119.07(1) and shall be protected in such a  
26 way as will not permit the personal identification of students  
27 and their parents by other than the Auditor General, the  
28 Office of Program Policy Analysis and Government  
29 Accountability, and their staff, and such personally  
30 identifiable data shall be destroyed when no longer needed for  
31



1 the Auditor General's and the Office of Program Policy  
2 Analysis and Government Accountability's official use.

3 11.a. A court of competent jurisdiction in compliance  
4 with an order of that court or the attorney of record pursuant  
5 to a lawfully issued subpoena, upon the condition that the  
6 student and the student's parent are notified of the order or  
7 subpoena in advance of compliance therewith by the educational  
8 institution or agency.

9 b. A person or entity pursuant to a court of competent  
10 jurisdiction in compliance with an order of that court or the  
11 attorney of record pursuant to a lawfully issued subpoena,  
12 upon the condition that the student, or his or her parent if  
13 the student is either a minor and not attending a  
14 postsecondary education institution or a dependent of such  
15 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal  
16 Revenue Code of 1954), is notified of the order or subpoena in  
17 advance of compliance therewith by the educational institution  
18 or agency.

19 12. Credit bureaus, in connection with an agreement  
20 for financial aid which the student has executed, provided  
21 that such information may be disclosed only to the extent  
22 necessary to enforce the terms or conditions of the financial  
23 aid agreement. Credit bureaus shall not release any  
24 information obtained pursuant to this paragraph to any person.

25 13. Parties to an interagency agreement among the  
26 Department of Juvenile Justice, school and law enforcement  
27 authorities, and other signatory agencies for the purpose of  
28 reducing juvenile crime and especially motor vehicle theft by  
29 promoting cooperation and collaboration, and the sharing of  
30 appropriate information in a joint effort to improve school  
31 safety, to reduce truancy, in-school and out-of-school

1 suspensions, to support alternatives to in-school and  
2 out-of-school suspensions and expulsions that provide  
3 structured and well-supervised educational programs  
4 supplemented by a coordinated overlay of other appropriate  
5 services designed to correct behaviors that lead to truancy,  
6 suspensions, and expulsions, and which support students in  
7 successfully completing their education. Information provided  
8 in furtherance of such interagency agreements is intended  
9 solely for use in determining the appropriate programs and  
10 services for each juvenile or the juvenile's family, or for  
11 coordinating the delivery of such programs and services, and  
12 as such is inadmissible in any court proceedings prior to a  
13 dispositional hearing unless written consent is provided by a  
14 parent or other responsible adult on behalf of the juvenile.

15  
16 This paragraph does not prohibit any educational institution  
17 from publishing and releasing to the general public directory  
18 information relating to a student if the institution elects to  
19 do so. However, no educational institution shall release, to  
20 any individual, agency, or organization which is not listed in  
21 subparagraphs 1.-13., directory information relating to the  
22 student body in general or a portion thereof unless it is  
23 normally published for the purpose of release to the public in  
24 general. Any educational institution making directory  
25 information public shall give public notice of the categories  
26 of information which it has designated as directory  
27 information with respect to all students attending the  
28 institution and shall allow a reasonable period of time after  
29 such notice has been given for a parent or student to inform  
30 the institution in writing that any or all of the information  
31 designated should not be released.

1           (4) NOTIFICATION.--Every parent and student entitled  
2 to rights relating to student records and reports under the  
3 provisions of subsection (3) shall be notified annually, in  
4 writing, of such rights and that the institution has a policy  
5 of supporting the law; the types of information and data  
6 generally entered in the student records as maintained by the  
7 institution; and the procedures to be followed in order to  
8 exercise such rights. The notification shall be general in  
9 form and in a manner to be determined by the State Board of  
10 Education and may be incorporated with other printed materials  
11 distributed to students, such as being printed on the back of  
12 school assignment forms or report cards for students attending  
13 kindergarten or grades 1 through 12 in the public school  
14 system and being printed in college catalogs or in other  
15 program announcement bulletins for students attending  
16 postsecondary institutions.

17           (5) PENALTY.--In the event that any public school  
18 official or employee, district school board official or  
19 employee, area technical center official or employee, or  
20 public postsecondary education institution official or  
21 employee refuses to comply with any of the provisions of this  
22 section, the aggrieved parent or student shall have an  
23 immediate right to bring an action in the circuit court to  
24 enforce the violated right by injunction. Any aggrieved  
25 parent or student who brings such an action and whose rights  
26 are vindicated may be awarded attorney's fees and court costs.

27           (6) APPLICABILITY TO RECORDS OF DEFUNCT  
28 INSTITUTIONS.--The provisions of this section also apply to  
29 student records which any nonpublic educational institution  
30 that is no longer operating has deposited with the district  
31

1 school superintendent in the county where the nonpublic  
2 educational institution was located.

3 Section 94. Part III of chapter 1002 shall be entitled  
4 "Educational Choice" and shall consist of ss. 1002.31-1002.39.

5 Section 95. Section 1002.31, Florida Statutes, is  
6 created to read:

7 1002.31 Public school parental choice.--

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

13 (2) Each district school board may offer controlled  
14 open enrollment within the public schools. The controlled open  
15 enrollment program shall be offered in addition to the  
16 existing choice programs such as magnet schools, alternative  
17 schools, special programs, advanced placement, and dual  
18 enrollment.

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

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

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

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

31

- 1           (b) A process that allows parents to declare school  
2 preferences.
- 3           (c) A process that encourages placement of siblings  
4 within the same school.
- 5           (d) A lottery procedure used by the school district to  
6 determine student assignment.
- 7           (e) An appeals process for hardship cases.
- 8           (f) The procedures to maintain socioeconomic,  
9 demographic, and racial balance.
- 10           (g) The availability of transportation.
- 11           (h) A process that promotes strong parental  
12 involvement, including the designation of a parent liaison.
- 13           (i) A strategy that establishes a clearinghouse of  
14 information designed to assist parents in making informed  
15 choices.
- 16           (6) Plans shall be submitted to the Commissioner of  
17 Education. The Commissioner of Education shall develop an  
18 annual report on the status of school choice and deliver the  
19 report to the Governor, the President of the Senate, and the  
20 Speaker of the House of Representatives at least 90 days prior  
21 to the convening of the regular session of the Legislature.
- 22           (7) Notwithstanding any provision of this section, a  
23 school district with schools operating on both multiple  
24 session schedules and single session schedules shall afford  
25 parents of students in multiple session schools preferred  
26 access to the controlled open enrollment program of the school  
27 district.
- 28           (8) Each school district shall annually report the  
29 number of students applying for and attending the various  
30 types of public schools of choice in the district, including  
31

1 schools such as magnet schools and public charter schools,  
2 according to rules adopted by the State Board of Education.

3 Section 96. Section 1002.32, Florida Statutes, is  
4 created to read:

5 1002.32 Developmental research (laboratory) schools.--

6 (1) SHORT TITLE.--This section may be cited as the  
7 "Sidney Martin Developmental Research School Act."

8 (2) ESTABLISHMENT.--There is established a category of  
9 public schools to be known as developmental research  
10 (laboratory) schools (lab schools). Each lab school shall  
11 provide sequential instruction and shall be affiliated with  
12 the college of education within the state university of  
13 closest geographic proximity. A lab school to which a charter  
14 has been issued under s. 1002.33(5)(b) must be affiliated with  
15 the college of education within the state university that  
16 issued the charter, but is not subject to the requirement that  
17 the state university be of closest geographic proximity. For  
18 the purpose of state funding, Florida Agricultural and  
19 Mechanical University, Florida Atlantic University, Florida  
20 State University, the University of Florida, and other  
21 universities approved by the State Board of Education and the  
22 Legislature are authorized to sponsor lab schools.

23 (3) MISSION.--The mission of a lab school shall be the  
24 provision of a vehicle for the conduct of research,  
25 demonstration, and evaluation regarding management, teaching,  
26 and learning. Programs to achieve the mission of a lab school  
27 shall embody the goals and standards established pursuant to  
28 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate  
29 education for its students.

30 (a) Each lab school shall emphasize mathematics,  
31 science, computer science, and foreign languages. The primary

1 goal of a lab school is to enhance instruction and research in  
2 such specialized subjects by using the resources available on  
3 a state university campus, while also providing an education  
4 in nonspecialized subjects. Each lab school shall provide  
5 sequential elementary and secondary instruction where  
6 appropriate. A lab school may not provide instruction at grade  
7 levels higher than grade 12 without authorization from the  
8 State Board of Education. Each developmental research school  
9 shall develop and implement a school improvement plan pursuant  
10 to s. 1003.02(3).

11 (b) Research, demonstration, and evaluation conducted  
12 at a lab school may be generated by the college of education  
13 and other colleges within the university with which the school  
14 is affiliated.

15 (c) Research, demonstration, and evaluation conducted  
16 at a lab school may be generated by the State Board of  
17 Education. Such research shall respond to the needs of the  
18 education community at large, rather than the specific needs  
19 of the affiliated college.

20 (d) Research, demonstration, and evaluation conducted  
21 at a lab school may consist of pilot projects to be generated  
22 by the affiliated college, the State Board of Education, or  
23 the Legislature.

24 (e) The exceptional education programs offered at a  
25 lab school shall be determined by the research and evaluation  
26 goals and the availability of students for efficiently sized  
27 programs. The fact that a lab school offers an exceptional  
28 education program in no way lessens the general responsibility  
29 of the local school district to provide exceptional education  
30 programs.

31

1           (4) STUDENT ADMISSIONS.--Each lab school may establish  
2 a primary research objective related to fundamental issues and  
3 problems which occur in the public elementary and secondary  
4 schools of the state. A student population reflective of the  
5 student population of the public school environment in which  
6 the issues and problems are most prevalent shall be promoted  
7 and encouraged through the establishment and implementation of  
8 an admission process, notwithstanding the provisions of s.  
9 1000.05, which is designed to result in a representative  
10 sample of public school enrollment based on sex, race,  
11 socioeconomic status, and academic ability.

12           (5) STUDENT FEES.--Each lab school may charge a  
13 student activity and service fee. Any school that elects to  
14 charge such a fee shall provide information regarding the use  
15 of the fee as well as an annual report that documents the  
16 manner in which the moneys provided by such fee were expended.  
17 The annual report prescribed in this subsection shall be  
18 distributed to the parents of each student. No additional fees  
19 shall be charged.

20           (6) SUPPLEMENTAL-SUPPORT ORGANIZATIONS.--Each lab  
21 school may accrue supplemental revenue from voluntary-support  
22 organizations, which include, but are not limited to, alumni  
23 associations, foundations, parent-teacher associations, and  
24 booster associations. The governing body of each  
25 supplemental-support organization shall recommend the  
26 expenditure of moneys collected by the organization for the  
27 benefit of the school. Such expenditures shall be contingent  
28 upon the recommendations of the school advisory council and  
29 review of the director. The director may override any proposed  
30 expenditure of the organization that would violate Florida  
31 Statutes or breach sound educational management.



1           (7) PERSONNEL.--

2           (a) Each lab school may employ either a director or a  
3 principal, or both, at the discretion of the university. The  
4 duties of such personnel shall be as follows:

5           1. Each director shall be the chief executive officer  
6 and shall oversee the education, research, and evaluation  
7 goals of the school. The director shall be responsible for  
8 recommending policy to the advisory board. The director shall  
9 be accountable for the financial resources of the school.

10           2. Each principal shall be the chief educational  
11 officer and shall oversee the educational program of the  
12 school. The principal shall be accountable for the daily  
13 operation and administration of the school.

14           (b) Faculty may serve simultaneously as instructional  
15 personnel for the developmental research school and the  
16 university with which the school is affiliated. Nothing in  
17 this section is intended to affect the collective bargaining  
18 rights of lab school employees, except as specifically  
19 provided in this section.

20           (c) Lab school faculty members shall meet the  
21 certification requirements of ss. 1012.32 and 1012.42.

22           (8) ADVISORY BOARDS.--Each public school in the state  
23 shall establish a school advisory council that is reflective  
24 of the population served by the school, pursuant to s. 229.58,  
25 and is responsible for the development and implementation of  
26 the school improvement plan pursuant to s. 1003.02(3). Lab  
27 schools shall comply with the provisions of s. 229.58 in one  
28 of two ways:

29           (a) Two advisory bodies.--Each lab school may:

30           1. Establish an advisory body pursuant to the  
31 provisions and requirements of s. 229.58 to be responsible for

1 the development and implementation of the school improvement  
2 plan, pursuant to s. 1003.02(3).  
3 2. Establish an advisory board to provide general  
4 oversight and guidance. The dean of the affiliated college of  
5 education shall be a standing member of the board, and the  
6 president of the university shall appoint four faculty members  
7 from the related university, at least two of which are from  
8 the college of education, one layperson who resides in the  
9 county in which the school is located, two parents of students  
10 who attend the lab school, and one lab school student  
11 appointed by the principal to serve on the advisory board. The  
12 term of each member shall be for 2 years, and any vacancy  
13 shall be filled with a person of the same classification as  
14 his or her predecessor for the balance of the unexpired term.  
15 The president shall stagger the terms of the initial  
16 appointees in a manner that results in the expiration of terms  
17 of no more than two members in any year. The president shall  
18 call the organizational meeting of the board. The board shall  
19 annually elect a chair and a vice chair. There shall be no  
20 limitation on successive appointments to the board or  
21 successive terms that may be served by a chair or vice chair.  
22 The board shall adopt internal organizational procedures or  
23 bylaws necessary for efficient operation as provided in  
24 chapter 120. Board members shall not receive per diem or  
25 travel expenses for the performance of their duties. The  
26 board shall:  
27 a. Meet at least quarterly.  
28 b. Monitor the operations of the school and the  
29 distribution of moneys allocated for such operations.  
30 c. Establish necessary policy, program, and  
31 administration modifications.

1           d. Evaluate biennially the performance of the director  
2 and principal and recommend corresponding action to the dean  
3 of the college of education.

4           e. Annually review evaluations of the school's  
5 operation and research findings.

6           (b) One advisory body.--Each lab school may establish  
7 an advisory body responsible for the development and  
8 implementation of the school improvement plan, pursuant to s.  
9 1003.02(3), in addition to general oversight and guidance  
10 responsibilities. The advisory body shall reflect the  
11 membership composition requirements established in s. 229.58,  
12 but may also include membership by the dean of the college of  
13 education and additional members appointed by the president of  
14 the university that represent faculty members from the college  
15 of education, the university, or other bodies deemed  
16 appropriate for the mission of the school.

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

19           (a) Each lab school shall be allocated its  
20 proportional share of operating funds from the Florida  
21 Education Finance Program as provided in s. 1011.62 and the  
22 General Appropriations Act. The nonvoted ad valorem millage  
23 that would otherwise be required for lab schools shall be  
24 allocated from state funds. The required local effort funds  
25 calculated pursuant to s. 1011.62 shall be allocated from  
26 state funds to the schools as a part of the allocation of  
27 operating funds pursuant to s. 1011.62. Each eligible lab  
28 school shall also receive a proportional share of the sparsity  
29 supplement as calculated pursuant to s. 1011.62. In addition,  
30 each lab school shall receive its proportional share of all  
31 categorical funds, with the exception of s. 1011.68, and new

1 category funds enacted after July 1, 1994, for the purpose  
2 of elementary or secondary academic program enhancement. The  
3 sum of funds available as provided in this paragraph shall be  
4 included annually in the Florida Education Finance Program and  
5 appropriate categorical programs funded in the General  
6 Appropriations Act.

7 (b) There is created a Lab School Educational Facility  
8 Trust Fund to be administered by the Commissioner of  
9 Education. Allocations from such fund shall be expended solely  
10 for the purpose of facility construction, repair, renovation,  
11 remodeling, site improvement, or maintenance. The commissioner  
12 shall administer the fund in accordance with ss. 1013.60,  
13 1013.64, 1013.65, and 1013.66.

14 (c) All operating funds provided under this section  
15 shall be deposited in a Lab School Trust Fund and shall be  
16 expended for the purposes of this section. The university  
17 assigned a lab school shall be the fiscal agent for these  
18 funds, and all rules of the university governing the budgeting  
19 and expenditure of state funds shall apply to these funds  
20 unless otherwise provided by law or rule of the State Board of  
21 Education. The State Board of Education shall be the public  
22 employer of lab school personnel for collective bargaining  
23 purposes.

24 (d) Each lab school shall receive funds for operating  
25 purposes in an amount determined as follows: multiply the  
26 maximum allowable nonvoted discretionary millage for  
27 operations pursuant to s. 1011.71(1) by the value of 95  
28 percent of the current year's taxable value for school  
29 purposes for the district in which each lab school is located;  
30 divide the result by the total full-time equivalent membership  
31 of the district; and multiply the result by the full-time

1 equivalent membership of the lab school. The amount thus  
2 obtained shall be discretionary operating funds and shall be  
3 appropriated from state funds in the General Appropriations  
4 Act to the Lab School Trust Fund.

5 (e) Each lab school shall receive funds for capital  
6 improvement purposes in an amount determined as follows:  
7 multiply the maximum allowable nonvoted discretionary millage  
8 for capital improvements pursuant to s. 1011.71(2) by the  
9 value of 95 percent of the current year's taxable value for  
10 school purposes for the district in which each lab school is  
11 located; divide the result by the total full-time equivalent  
12 membership of the district; and multiply the result by the  
13 full-time equivalent membership of the lab school. The amount  
14 thus obtained shall be discretionary capital improvement funds  
15 and shall be appropriated from state funds in the General  
16 Appropriations Act to the Lab School Educational Facility  
17 Trust Fund.

18 (f) In addition to the funds appropriated for capital  
19 outlay budget needs, lab schools may receive specific funding  
20 as specified in the General Appropriations Act for upgrading,  
21 renovating, and remodeling science laboratories.

22 (g) Each lab school is designated a teacher education  
23 center and may provide inservice training to school district  
24 personnel. The Department of Education shall provide funds to  
25 the Lab School Trust Fund for this purpose from appropriations  
26 for inservice teacher education.

27 (h) A lab school to which a charter has been issued  
28 under s. 1002.33(5)(b) is eligible to receive funding for  
29 charter school capital outlay if it meets the eligibility  
30 requirements of s. 1013.62. If the lab school receives funds  
31 from charter school capital outlay, the school shall receive

1 capital outlay funds otherwise provided in this subsection  
2 only to the extent that funds allocated pursuant to s. 1013.62  
3 are insufficient to provide capital outlay funds to the lab  
4 school at one-fifteenth of the cost per student station.

5 (10) IMPLEMENTATION.--The State Board of Education  
6 shall adopt rules necessary to facilitate the implementation  
7 of this section.

8 (11) EXCEPTIONS TO LAW.--To encourage innovative  
9 practices and facilitate the mission of the lab schools, in  
10 addition to the exceptions to law specified in s. 1001.23(2),  
11 the following exceptions shall be permitted for lab schools:

12 The methods and requirements of the following statutes  
13 shall be held in abeyance: ss. 1001.30; 1001.31; 1001.32;  
14 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;  
15 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;  
16 1001.395; 1001.40; 1001.41; 1001.44; 1001.46; 1001.461;  
17 1001.462; 1001.463; 1001.464; 1001.47; 1001.48; 1001.49;  
18 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4); 1006.23;  
19 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44;  
20 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51;  
21 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5);  
22 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72;  
23 1011.73; 1011.74; 1013.77; and 316.75. With the exception of  
24 s. 1001.42(16), s. 1001.42 shall be held in abeyance.  
25 Reference to district school boards in s. 1001.42(16) shall  
26 mean the president of the university or the president's  
27 designee.

28 Section 97. Section 1002.33, Florida Statutes, is  
29 created to read:

30 1002.33 Charter schools.--  
31

1           (1) AUTHORIZATION.--Charter schools shall be part of  
2 the state's program of public education. All charter schools  
3 in Florida are public schools. A charter school may be formed  
4 by creating a new school or converting an existing public  
5 school to charter status. A public school may not use the term  
6 charter in its name unless it has been approved under this  
7 section.

8           (2) PURPOSE.--The purpose of charter schools shall be  
9 to:

10           (a) Provide additional academic choices for parents  
11 and students.

12           (b) Increase learning opportunity choices for  
13 students.

14           (c) Increase learning opportunities for all students,  
15 with special emphasis on expanded learning experiences for  
16 students who are identified as academically low achieving.

17           (d) Encourage the use of different and innovative  
18 learning methods.

19           (e) Improve student learning.

20           (f) Establish a new form of accountability for  
21 schools.

22           (g) Require the measurement of learning outcomes and  
23 create innovative measurement tools.

24           (h) Make the school the unit for improvement.

25           (i) Provide rigorous competition within the public  
26 school district to stimulate continual improvement in all  
27 public schools.

28           (j) Expand the capacity of the public school system.

29           (k) Create new professional opportunities for  
30 teachers.

31           (3) APPLICATION FOR CHARTER STATUS.--

1       (a) An application for a new charter school may be  
2 made by an individual, teachers, parents, a group of  
3 individuals, a municipality, or a legal entity organized under  
4 the laws of this state.

5       (b) An application for a conversion charter school  
6 shall be made by the district school board, the principal,  
7 teachers, parents, and/or the school advisory council at an  
8 existing public school that has been in operation for at least  
9 2 years prior to the application to convert, including a  
10 public school-within-a-school that is designated as a school  
11 by the district school board. An application submitted  
12 proposing to convert an existing public school to a charter  
13 school shall demonstrate the support of at least 50 percent of  
14 the teachers employed at the school and 50 percent of the  
15 parents voting whose children are enrolled at the school,  
16 provided that a majority of the parents eligible to vote  
17 participate in the ballot process, according to rules adopted  
18 by the State Board of Education. A district school board  
19 denying an application for a conversion charter school shall  
20 provide notice of denial to the applicants in writing within  
21 30 days after the meeting at which the district school board  
22 denied the application. The notice must specify the exact  
23 reasons for denial and must provide documentation supporting  
24 those reasons. A private school, parochial school, or home  
25 education program shall not be eligible for charter school  
26 status.

27       (4) UNLAWFUL REPRISAL.--

28       (a) No district school board, or district school board  
29 employee who has control over personnel actions, shall take  
30 unlawful reprisal against another district school board  
31 employee because that employee is either directly or



1 indirectly involved with an application to establish a charter  
2 school. As used in this subsection, the term "unlawful  
3 reprisal" means an action taken by a district school board or  
4 a school system employee against an employee who is directly  
5 or indirectly involved in a lawful application to establish a  
6 charter school, which occurs as a direct result of that  
7 involvement, and which results in one or more of the  
8 following: disciplinary or corrective action; adverse transfer  
9 or reassignment, whether temporary or permanent; suspension,  
10 demotion, or dismissal; an unfavorable performance evaluation;  
11 a reduction in pay, benefits, or rewards; elimination of the  
12 employee's position absent of a reduction in workforce as a  
13 result of lack of moneys or work; or other adverse significant  
14 changes in duties or responsibilities that are inconsistent  
15 with the employee's salary or employment classification. The  
16 following procedures shall apply to an alleged unlawful  
17 reprisal which occurs as a consequence of an employee's direct  
18 or indirect involvement with an application to establish a  
19 charter school:

20 1. Within 60 days after a reprisal prohibited by this  
21 subsection, an employee may file a complaint with the  
22 Department of Education.

23 2. Within 3 working days after receiving a complaint  
24 under this section, the Department of Education shall  
25 acknowledge receipt of the complaint and provide copies of the  
26 complaint and any other relevant preliminary information  
27 available to each of the other parties named in the complaint,  
28 which parties shall each acknowledge receipt of such copies to  
29 the complainant.

30 3. If the Department of Education determines that the  
31 complaint demonstrates reasonable cause to suspect that an

1 unlawful reprisal has occurred, the Department of Education  
2 shall conduct an investigation to produce a fact-finding  
3 report.

4 4. Within 90 days after receiving the complaint, the  
5 Department of Education shall provide the district school  
6 superintendent of the complainant's district and the  
7 complainant with a fact-finding report that may include  
8 recommendations to the parties or a proposed resolution of the  
9 complaint. The fact-finding report shall be presumed  
10 admissible in any subsequent or related administrative or  
11 judicial review.

12 5. If the Department of Education determines that  
13 reasonable grounds exist to believe that an unlawful reprisal  
14 has occurred, is occurring, or is to be taken, and is unable  
15 to conciliate a complaint within 60 days after receipt of the  
16 fact-finding report, the Department of Education shall  
17 terminate the investigation. Upon termination of any  
18 investigation, the Department of Education shall notify the  
19 complainant and the district school superintendent of the  
20 termination of the investigation, providing a summary of  
21 relevant facts found during the investigation and the reasons  
22 for terminating the investigation. A written statement under  
23 this paragraph is presumed admissible as evidence in any  
24 judicial or administrative proceeding.

25 6. The Department of Education shall either contract  
26 with the Division of Administrative Hearings under s. 120.65,  
27 or otherwise provide for a complaint for which the Department  
28 of Education determines reasonable grounds exist to believe  
29 that an unlawful reprisal has occurred, is occurring, or is to  
30 be taken, and is unable to conciliate, to be heard by a panel  
31 of impartial persons. Upon hearing the complaint, the panel

1 shall make findings of fact and conclusions of law for a final  
2 decision by the Department of Education.

3  
4 It shall be an affirmative defense to any action brought  
5 pursuant to this section that the adverse action was  
6 predicated upon grounds other than, and would have been taken  
7 absent, the employee's exercise of rights protected by this  
8 section.

9 (b) In any action brought under this section for which  
10 it is determined reasonable grounds exist to believe that an  
11 unlawful reprisal has occurred, is occurring, or is to be  
12 taken, the relief shall include the following:

13 1. Reinstatement of the employee to the same position  
14 held before the unlawful reprisal was commenced, or to an  
15 equivalent position, or payment of reasonable front pay as  
16 alternative relief.

17 2. Reinstatement of the employee's full fringe  
18 benefits and seniority rights, as appropriate.

19 3. Compensation, if appropriate, for lost wages,  
20 benefits, or other lost remuneration caused by the unlawful  
21 reprisal.

22 4. Payment of reasonable costs, including attorney's  
23 fees, to a substantially prevailing employee, or to the  
24 prevailing employer if the employee filed a frivolous action  
25 in bad faith.

26 5. Issuance of an injunction, if appropriate, by a  
27 court of competent jurisdiction.

28 6. Temporary reinstatement to the employee's former  
29 position or to an equivalent position, pending the final  
30 outcome of the complaint, if it is determined that the action  
31 was not made in bad faith or for a wrongful purpose, and did

1 not occur after a district school board's initiation of a  
2 personnel action against the employee which includes  
3 documentation of the employee's violation of a disciplinary  
4 standard or performance deficiency.

5 (5) SPONSOR.--

6 (a) A district school board may sponsor a charter  
7 school in the county over which the board has jurisdiction.

8 (b) A state university may grant a charter to a lab  
9 school created under s. 1002.32 and shall be considered to be  
10 the school's sponsor. Such school shall be considered a  
11 charter lab school.

12 (c) The sponsor shall monitor and review the charter  
13 school in its progress towards the goals established in the  
14 charter.

15 (d) The sponsor shall monitor the revenues and  
16 expenditures of the charter school.

17 (e) The sponsor may approve a charter for a charter  
18 school before the applicant has secured space, equipment, or  
19 personnel, if the applicant indicates approval is necessary  
20 for it to raise working capital.

21 (f) The sponsor's policies shall not apply to a  
22 charter school.

23 (g) A sponsor shall ensure that the charter is  
24 innovative and consistent with the state education goals  
25 established by s. 1000.03(5).

26 (6) APPLICATION PROCESS AND REVIEW.--

27 (a) A district school board shall receive and review  
28 all applications for a charter school. A district school board  
29 shall receive and consider charter school applications  
30 received on or before October 1 of each calendar year for  
31 charter schools to be opened at the beginning of the school

1 district's next school year, or to be opened at a time agreed  
2 to by the applicant and the district school board. A district  
3 school board may receive applications later than this date if  
4 it chooses. A sponsor may not charge an applicant for a  
5 charter any fee for the processing or consideration of an  
6 application, and a sponsor may not base its consideration or  
7 approval of an application upon the promise of future payment  
8 of any kind.

9 1. In order to facilitate an accurate budget  
10 projection process, a district school board shall be held  
11 harmless for FTE students which are not included in the FTE  
12 projection due to approval of charter school applications  
13 after the FTE projection deadline. In a further effort to  
14 facilitate an accurate budget projection, within 15 calendar  
15 days after receipt of a charter school application, a district  
16 school board or other sponsor shall report to the Department  
17 of Education the name of the applicant entity, the proposed  
18 charter school location, and its projected FTE.

19 2. A district school board shall by a majority vote  
20 approve or deny an application no later than 60 calendar days  
21 after the application is received, unless the district school  
22 board and the applicant mutually agree to temporarily postpone  
23 the vote to a specific date, at which time the district school  
24 board shall by a majority vote approve or deny the  
25 application. If the district school board fails to act on the  
26 application, an applicant may appeal to the State Board of  
27 Education as provided in paragraph (b). If an application is  
28 denied, the district school board shall, within 10 calendar  
29 days, articulate in writing the specific reasons based upon  
30 good cause supporting its denial of the charter application.

1           3. For budget projection purposes, the district school  
2 board or other sponsor shall report to the Department of  
3 Education the approval or denial of a charter application  
4 within 10 calendar days after such approval or denial. In the  
5 event of approval, the report to the Department of Education  
6 shall include the final projected FTE for the approved charter  
7 school.

8           4. Upon approval of a charter application, the initial  
9 startup shall commence with the beginning of the public school  
10 calendar for the district in which the charter is granted  
11 unless the district school board allows a waiver of this  
12 provision for good cause.

13           (b) An applicant may appeal any denial of that  
14 applicant's application or failure to act on an application to  
15 the State Board of Education no later than 30 calendar days  
16 after receipt of the district school board's decision or  
17 failure to act and shall notify the district school board of  
18 its appeal. Any response of the district school board shall  
19 be submitted to the State Board of Education within 30  
20 calendar days after notification of the appeal. The State  
21 Board of Education shall by majority vote accept or reject the  
22 decision of the district school board no later than 60  
23 calendar days after an appeal is filed in accordance with  
24 State Board of Education rule. The State Board of Education  
25 may reject an appeal submission for failure to comply with  
26 procedural rules governing the appeals process. The rejection  
27 shall describe the submission errors. The appellant may have  
28 up to 15 calendar days from notice of rejection to resubmit an  
29 appeal that meets requirements of State Board of Education  
30 rule. An application for appeal submitted subsequent to such  
31 rejection shall be considered timely if the original appeal

1 was filed within 30 calendar days after receipt of notice of  
2 the specific reasons for the district school board's denial of  
3 the charter application. The State Board of Education shall  
4 remand the application to the district school board with its  
5 written recommendation that the district school board approve  
6 or deny the application consistent with the State Board of  
7 Education's decision. The decision of the State Board of  
8 Education is not subject to the provisions of the  
9 Administrative Procedure Act, chapter 120.

10 (c) The district school board shall act upon the  
11 recommendation of the State Board of Education within 30  
12 calendar days after it is received. The district school board  
13 may fail to act in accordance with the recommendation of the  
14 State Board of Education only for good cause. Good cause for  
15 failing to act in accordance with the State Board of  
16 Education's recommendation arises only if the district school  
17 board determines by competent substantial evidence that  
18 approving the State Board of Education's recommendation would  
19 be contrary to law or contrary to the best interests of the  
20 students or the community. The district school board shall  
21 articulate in written findings the specific reasons based upon  
22 good cause supporting its failure to act in accordance with  
23 the State Board of Education's recommendation. The district  
24 school board's action on the State Board of Education's  
25 recommendation is a final action subject to judicial review.

26 (d) The Department of Education may provide technical  
27 assistance to an applicant upon written request.

28 (e) In considering charter applications for a lab  
29 school, a state university shall consult with the district  
30 school board of the county in which the lab school is located.

31

1 The decision of a state university may be appealed pursuant to  
2 the procedure established in this subsection.

3 (f) The terms and conditions for the operation of a  
4 charter school shall be set forth by the sponsor and the  
5 applicant in a written contractual agreement, called a  
6 charter. The sponsor shall not impose unreasonable rules or  
7 regulations that violate the intent of giving charter schools  
8 greater flexibility to meet educational goals. The applicant  
9 and sponsor shall have 6 months in which to mutually agree to  
10 the provisions of the charter. The Department of Education  
11 shall provide mediation services for any dispute regarding  
12 this section subsequent to the approval of a charter  
13 application and for any dispute relating to the approved  
14 charter, except disputes regarding charter school application  
15 denials. If the Commissioner of Education determines that the  
16 dispute cannot be settled through mediation, the dispute may  
17 be appealed to an administrative law judge appointed by the  
18 Division of Administrative Hearings. The administrative law  
19 judge may rule on issues of equitable treatment of the charter  
20 school as a public school, whether proposed provisions of the  
21 charter violate the intended flexibility granted charter  
22 schools by statute, or on any other matter regarding this  
23 section except a charter school application denial, and shall  
24 award the prevailing party reasonable attorney's fees and  
25 costs incurred to be paid by the losing party. The costs of  
26 the administrative hearing shall be paid by the party whom the  
27 administrative law judge rules against.

28 (7) CHARTER.--The major issues involving the operation  
29 of a charter school shall be considered in advance and written  
30 into the charter. The charter shall be signed by the governing  
31



1 body of the charter school and the sponsor, following a public  
2 hearing to ensure community input.

3 (a) The charter shall address, and criteria for  
4 approval of the charter shall be based on:

5 1. The school's mission, the students to be served,  
6 and the ages and grades to be included.

7 2. The focus of the curriculum, the instructional  
8 methods to be used, any distinctive instructional techniques  
9 to be employed, and identification and acquisition of  
10 appropriate technologies needed to improve educational and  
11 administrative performance which include a means for promoting  
12 safe, ethical, and appropriate uses of technology which comply  
13 with legal and professional standards.

14 3. The current incoming baseline standard of student  
15 academic achievement, the outcomes to be achieved, and the  
16 method of measurement that will be used. The criteria listed  
17 in this subparagraph shall include a detailed description for  
18 each of the following:

19 a. How the baseline student academic achievement  
20 levels and prior rates of academic progress will be  
21 established.

22 b. How these baseline rates will be compared to rates  
23 of academic progress achieved by these same students while  
24 attending the charter school.

25 c. To the extent possible, how these rates of progress  
26 will be evaluated and compared with rates of progress of other  
27 closely comparable student populations.

28  
29 The district school board is required to provide academic  
30 student performance data to charter schools for each of their  
31 students coming from the district school system, as well as

1 rates of academic progress of comparable student populations  
2 in the district school system.

3 4. The methods used to identify the educational  
4 strengths and needs of students and how well educational goals  
5 and performance standards are met by students attending the  
6 charter school. Included in the methods is a means for the  
7 charter school to ensure accountability to its constituents by  
8 analyzing student performance data and by evaluating the  
9 effectiveness and efficiency of its major educational  
10 programs. Students in charter schools shall, at a minimum,  
11 participate in the statewide assessment program created under  
12 s. 1008.22.

13 5. In secondary charter schools, a method for  
14 determining that a student has satisfied the requirements for  
15 graduation in s. 1003.43.

16 6. A method for resolving conflicts between the  
17 governing body of the charter school and the sponsor.

18 7. The admissions procedures and dismissal procedures,  
19 including the school's code of student conduct.

20 8. The ways by which the school will achieve a  
21 racial/ethnic balance reflective of the community it serves or  
22 within the racial/ethnic range of other public schools in the  
23 same school district.

24 9. The financial and administrative management of the  
25 school, including a reasonable demonstration of the  
26 professional experience or competence of those individuals or  
27 organizations applying to operate the charter school or those  
28 hired or retained to perform such professional services and  
29 the description of clearly delineated responsibilities and the  
30 policies and practices needed to effectively manage the  
31 charter school. A description of internal audit procedures and

1 establishment of controls to ensure that financial resources  
2 are properly managed must be included. Both public sector and  
3 private sector professional experience shall be equally valid  
4 in such a consideration.

5 10. A description of procedures that identify various  
6 risks and provide for a comprehensive approach to reduce the  
7 impact of losses; plans to ensure the safety and security of  
8 students and staff; plans to identify, minimize, and protect  
9 others from violent or disruptive student behavior; and the  
10 manner in which the school will be insured, including whether  
11 or not the school will be required to have liability  
12 insurance, and, if so, the terms and conditions thereof and  
13 the amounts of coverage.

14 11. The term of the charter which shall provide for  
15 cancellation of the charter if insufficient progress has been  
16 made in attaining the student achievement objectives of the  
17 charter and if it is not likely that such objectives can be  
18 achieved before expiration of the charter. The initial term of  
19 a charter shall be for 3, 4, or 5 years. In order to  
20 facilitate access to long-term financial resources for charter  
21 school construction, charter schools that are operated by a  
22 municipality or other public entity as provided by law are  
23 eligible for up to a 15-year charter, subject to approval by  
24 the local district school board. A charter lab school is  
25 eligible for a charter for a term of up to 15 years. In  
26 addition, to facilitate access to long-term financial  
27 resources for charter school construction, charter schools  
28 that are operated by a private, not-for-profit, s. 501(c)(3)  
29 status corporation are eligible for up to a 10-year charter,  
30 subject to approval by the local district school board. Such  
31 long-term charters remain subject to annual review and may be

1 terminated during the term of the charter, but only for  
2 specific good cause according to the provisions set forth in  
3 subsection (8).

4 12. The facilities to be used and their location.

5 13. The qualifications to be required of the teachers  
6 and the potential strategies used to recruit, hire, train, and  
7 retain qualified staff to achieve best value.

8 14. The governance structure of the school, including  
9 the status of the charter school as a public or private  
10 employer as required in paragraph (12)(i).

11 15. A timetable for implementing the charter which  
12 addresses the implementation of each element thereof and the  
13 date by which the charter shall be awarded in order to meet  
14 this timetable.

15 16. In the case of an existing public school being  
16 converted to charter status, alternative arrangements for  
17 current students who choose not to attend the charter school  
18 and for current teachers who choose not to teach in the  
19 charter school after conversion in accordance with the  
20 existing collective bargaining agreement or district school  
21 board rule in the absence of a collective bargaining  
22 agreement. However, alternative arrangements shall not be  
23 required for current teachers who choose not to teach in a  
24 charter lab school, except as authorized by the employment  
25 policies of the state university which grants the charter to  
26 the lab school.

27 (b) A charter may be renewed every 5 school years,  
28 provided that a program review demonstrates that the criteria  
29 in paragraph (a) have been successfully accomplished and that  
30 none of the grounds for nonrenewal established by paragraph  
31 (8)(a) have been documented. In order to facilitate long-term

1 financing for charter school construction, charter schools  
2 operating for a minimum of 2 years and demonstrating exemplary  
3 academic programming and fiscal management are eligible for a  
4 15-year charter renewal. Such long-term charter is subject to  
5 annual review and may be terminated during the term of the  
6 charter.

7 (c) A charter may be modified during its initial term  
8 or any renewal term upon the recommendation of the sponsor or  
9 the charter school governing board and the approval of both  
10 parties to the agreement.

11 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--

12 (a) At the end of the term of a charter, the sponsor  
13 may choose not to renew the charter for any of the following  
14 grounds:

15 1. Failure to meet the requirements for student  
16 performance stated in the charter.

17 2. Failure to meet generally accepted standards of  
18 fiscal management.

19 3. Violation of law.

20 4. Other good cause shown.

21 (b) During the term of a charter, the sponsor may  
22 terminate the charter for any of the grounds listed in  
23 paragraph (a).

24 (c) At least 90 days prior to renewing or terminating  
25 a charter, the sponsor shall notify the governing body of the  
26 school of the proposed action in writing. The notice shall  
27 state in reasonable detail the grounds for the proposed action  
28 and stipulate that the school's governing body may, within 14  
29 calendar days after receiving the notice, request an informal  
30 hearing before the sponsor. The sponsor shall conduct the  
31 informal hearing within 30 calendar days after receiving a

1 written request. The charter school's governing body may,  
2 within 14 calendar days after receiving the sponsor's decision  
3 to terminate or refuse to renew the charter, appeal the  
4 decision pursuant to the procedure established in subsection  
5 (6).

6 (d) A charter may be terminated immediately if the  
7 sponsor determines that good cause has been shown or if the  
8 health, safety, or welfare of the students is threatened. The  
9 school district in which the charter school is located shall  
10 assume operation of the school under these circumstances. The  
11 charter school's governing board may, within 14 days after  
12 receiving the sponsor's decision to terminate the charter,  
13 appeal the decision pursuant to the procedure established in  
14 subsection (6).

15 (e) When a charter is not renewed or is terminated,  
16 the school shall be dissolved under the provisions of law  
17 under which the school was organized, and any unencumbered  
18 public funds from the charter school shall revert to the  
19 district school board. In the event a charter school is  
20 dissolved or is otherwise terminated, all district school  
21 board property and improvements, furnishings, and equipment  
22 purchased with public funds shall automatically revert to full  
23 ownership by the district school board, subject to complete  
24 satisfaction of any lawful liens or encumbrances.

25 (f) If a charter is not renewed or is terminated, the  
26 charter school is responsible for all debts of the charter  
27 school. The district may not assume the debt from any contract  
28 for services made between the governing body of the school and  
29 a third party, except for a debt that is previously detailed  
30 and agreed upon in writing by both the district and the  
31

1 governing body of the school and that may not reasonably be  
2 assumed to have been satisfied by the district.

3 (g) If a charter is not renewed or is terminated, a  
4 student who attended the school may apply to, and shall be  
5 enrolled in, another public school. Normal application  
6 deadlines shall be disregarded under such circumstances.

7 (9) CHARTER SCHOOL REQUIREMENTS.--

8 (a) A charter school shall be nonsectarian in its  
9 programs, admission policies, employment practices, and  
10 operations.

11 (b) A charter school shall admit students as provided  
12 in subsection (10).

13 (c) A charter school shall be accountable to its  
14 sponsor for performance as provided in subsection (7).

15 (d) A charter school shall not charge tuition or  
16 registration fees, except those fees normally charged by other  
17 public schools. However, a charter lab school may charge a  
18 student activity and service fee as authorized by s.  
19 1002.32(5).

20 (e) A charter school shall meet all applicable state  
21 and local health, safety, and civil rights requirements.

22 (f) A charter school shall not violate the  
23 antidiscrimination provisions of s. 1000.05.

24 (g) A charter school shall provide for an annual  
25 financial audit in accordance with s. 218.39.

26 (h) No organization shall hold more than 15 charters  
27 statewide.

28 (i) In order to provide financial information that is  
29 comparable to that reported for other public schools, charter  
30 schools are to maintain all financial records which constitute  
31 their accounting system:

1           1. In accordance with the accounts and codes  
2 prescribed in the most recent issuance of the publication  
3 titled "Financial and Program Cost Accounting and Reporting  
4 for Florida Schools"; or

5           2. At the discretion of the charter school governing  
6 board, a charter school may elect to follow generally accepted  
7 accounting standards for not-for-profit organizations, but  
8 must reformat this information for reporting according to this  
9 paragraph.

10  
11 Charter schools are to provide annual financial report and  
12 program cost report information in the state-required formats  
13 for inclusion in district reporting in compliance with s.  
14 1011.60(1). Charter schools which are operated by a  
15 municipality or are a component unit of a parent nonprofit  
16 organization may use the accounting system of the municipality  
17 or the parent, but must reformat this information for  
18 reporting according to this paragraph.

19           (j) The governing board of the charter school shall  
20 annually adopt and maintain an operating budget.

21           (k) The governing body of the charter school shall  
22 exercise continuing oversight over charter school operations  
23 and make annual progress reports to its sponsor, which upon  
24 verification shall be forwarded to the Commissioner of  
25 Education at the same time as other annual school  
26 accountability reports. The report shall contain at least the  
27 following information:

28           1. The charter school's progress towards achieving the  
29 goals outlined in its charter.

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



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

3           4. Salary and benefit levels of charter school  
4 employees.

5           (l) A charter school shall not levy taxes or issue  
6 bonds secured by tax revenues.

7           (m) A charter school shall provide instruction for at  
8 least the number of days required by law for other public  
9 schools, and may provide instruction for additional days.

10           (10) ELIGIBLE STUDENTS.--

11           (a) A charter school shall be open to any student  
12 covered in an interdistrict agreement or residing in the  
13 school district in which the charter school is located;  
14 however, in the case of a charter lab school, the charter lab  
15 school shall be open to any student eligible to attend the lab  
16 school as provided in s. 1002.32 or who resides in the school  
17 district in which the charter lab school is located. Any  
18 eligible student shall be allowed interdistrict transfer to  
19 attend a charter school when based on good cause.

20           (b) The charter school shall enroll an eligible  
21 student who submits a timely application, unless the number of  
22 applications exceeds the capacity of a program, class, grade  
23 level, or building. In such case, all applicants shall have an  
24 equal chance of being admitted through a random selection  
25 process.

26           (c) When a public school converts to charter status,  
27 enrollment preference shall be given to students who would  
28 have otherwise attended that public school.

29           (d) A charter school may give enrollment preference to  
30 the following student populations:

31

- 1           1. Students that are siblings of a student enrolled in  
2 the charter school.
- 3           2. Students that are the children of a member of the  
4 governing board of the charter school
- 5           3. Students that are the children of an employee of  
6 the charter school.
- 7           (e) A charter school may limit the enrollment process  
8 only to target the following student populations:
- 9           1. Students within specific age groups or grade  
10 levels.
- 11           2. Students considered at risk of dropping out of  
12 school or academic failure. Such students shall include  
13 exceptional education students.
- 14           3. Students enrolling in a charter  
15 school-in-the-workplace or charter school-in-a-municipality  
16 established pursuant to subsection (16).
- 17           4. Students residing within a reasonable distance of  
18 the charter school, as described in paragraph (21)(c). Such  
19 students shall be subject to a random lottery and to the  
20 racial/ethnic balance provisions described in subparagraph  
21 (7)(a)8. or any federal provisions which require a school to  
22 achieve a racial/ethnic balance reflective of the community it  
23 serves or within the racial/ethnic range of other public  
24 schools in the same school district.
- 25           5. Students who meet reasonable academic, artistic, or  
26 other eligibility standards established by the charter school  
27 and included in the charter school application and charter or,  
28 in the case of existing charter schools, standards that are  
29 consistent with the school's mission and purpose. Such  
30 standards shall be in accordance with current state law and  
31

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 which 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

1        (c) The employees of a conversion charter school shall  
2 remain public employees for all purposes, unless such  
3 employees choose not to do so.

4        (d) The teachers at a charter school may choose to be  
5 part of a professional group that subcontracts with the  
6 charter school to operate the instructional program under the  
7 auspices of a partnership or cooperative that they  
8 collectively own. Under this arrangement, the teachers would  
9 not be public employees.

10       (e) Employees of a school district may take leave to  
11 accept employment in a charter school upon the approval of the  
12 district school board. While employed by the charter school  
13 and on leave that is approved by the district school board,  
14 the employee may retain seniority accrued in that school  
15 district and may continue to be covered by the benefit  
16 programs of that school district, if the charter school and  
17 the district school board agree to this arrangement and its  
18 financing. School districts shall not require resignations of  
19 teachers desiring to teach in a charter school. This paragraph  
20 shall not prohibit a district school board from approving  
21 alternative leave arrangements consistent with chapter 1012.

22       (f) Teachers employed by or under contract to a  
23 charter school shall be certified as required by chapter 1012.  
24 A charter school governing board may employ or contract with  
25 skilled selected noncertified personnel to provide  
26 instructional services or to assist instructional staff  
27 members as education paraprofessionals in the same manner as  
28 defined in chapter 1012, and as provided by State Board of  
29 Education rule for charter school governing boards. A charter  
30 school may not knowingly employ an individual to provide  
31 instructional services or to serve as an education

1 paraprofessional if the individual's certification or  
2 licensure as an educator is suspended or revoked by this or  
3 any other state. A charter school may not knowingly employ an  
4 individual who has resigned from a school district in lieu of  
5 disciplinary action with respect to child welfare or safety,  
6 or who has been dismissed for just cause by any school  
7 district with respect to child welfare or safety. The  
8 qualifications of teachers shall be disclosed to parents.

9 (g) A charter school shall employ or contract with  
10 employees who have been fingerprinted as provided in s.  
11 1012.32. Members of the governing board of the charter school  
12 shall also be fingerprinted in a manner similar to that  
13 provided in s. 1012.32.

14 (h) For the purposes of tort liability, the governing  
15 body and employees of a charter school shall be governed by s.  
16 768.28.

17 (i) A charter school shall organize as, or be operated  
18 by, a nonprofit organization. A charter school may be operated  
19 by a municipality or other public entity as provided for by  
20 law. As such, the charter school may be either a private or a  
21 public employer. As a public employer, a charter school may  
22 participate in the Florida Retirement System upon application  
23 and approval as a "covered group" under s. 121.021(34). If a  
24 charter school participates in the Florida Retirement System,  
25 the charter school employees shall be compulsory members of  
26 the Florida Retirement System. As either a private or a public  
27 employer, a charter school may contract for services with an  
28 individual or group of individuals who are organized as a  
29 partnership or a cooperative. Individuals or groups of  
30 individuals who contract their services to the charter school  
31 are not public employees.

1           (13) NUMBER OF SCHOOLS.--

2           (a) The number of newly created charter schools is  
3 limited to no more than 28 in each school district that has  
4 100,000 or more students, no more than 20 in each school  
5 district that has 50,000 to 99,999 students, and no more than  
6 12 in each school district with fewer than 50,000 students.

7           (b) An existing public school which converts to a  
8 charter school shall not be counted towards the limit  
9 established by paragraph (a).

10           (c) Notwithstanding any limit established by this  
11 subsection, a district school board or a charter school  
12 applicant shall have the right to request an increase of the  
13 limit on the number of charter schools authorized to be  
14 established within the district from the State Board of  
15 Education.

16           (d) Whenever a municipality has submitted charter  
17 applications for the establishment of a charter school feeder  
18 pattern (elementary, middle, and senior high schools), and  
19 upon approval of each individual charter application by the  
20 district school board, such applications will then be  
21 designated as one charter school for all purposes listed  
22 pursuant to this section.

23           (14) CHARTER SCHOOL COOPERATIVES.--Charter schools may  
24 enter into cooperative agreements to form charter school  
25 cooperative organizations that may provide the following  
26 services: charter school planning and development, direct  
27 instructional services, contracts with charter school  
28 governing boards to provide personnel administrative services,  
29 payroll services, human resource management, evaluation and  
30 assessment services, teacher preparation, and professional  
31 development.

1           (15) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;  
2 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR  
3 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into  
4 to borrow or otherwise secure funds for a charter school  
5 authorized in this section from a source other than the state  
6 or a school district shall indemnify the state and the school  
7 district from any and all liability, including, but not  
8 limited to, financial responsibility for the payment of the  
9 principal or interest. Any loans, bonds, or other financial  
10 agreements are not obligations of the state or the school  
11 district but are obligations of the charter school authority  
12 and are payable solely from the sources of funds pledged by  
13 such agreement. The credit or taxing power of the state or the  
14 school district shall not be pledged and no debts shall be  
15 payable out of any moneys except those of the legal entity in  
16 possession of a valid charter approved by a district school  
17 board pursuant to this section.

18           (16) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER  
19 SCHOOLS-IN-A-MUNICIPALITY.--

20           (a) In order to increase business partnerships in  
21 education, to reduce school and classroom overcrowding  
22 throughout the state, and to offset the high costs for  
23 educational facilities construction, the Legislature intends  
24 to encourage the formation of business partnership schools or  
25 satellite learning centers and municipal-operated schools  
26 through charter school status.

27           (b) A charter school-in-the-workplace may be  
28 established when a business partner provides the school  
29 facility to be used; enrolls students based upon a random  
30 lottery which involves all of the children of employees of  
31 that business or corporation who are seeking enrollment, as

1 provided for in subsection (10); and enrolls students  
2 according to the racial/ethnic balance provisions described in  
3 subparagraph (7)(a)8. Any portion of a facility used for a  
4 public charter school shall be exempt from ad valorem taxes,  
5 as provided for in s. 1013.54, for the duration of its use as  
6 a public school.

7 (c) A charter school-in-a-municipality designation may  
8 be granted to a municipality that possesses a charter; enrolls  
9 students based upon a random lottery that involves all of the  
10 children of the residents of that municipality who are seeking  
11 enrollment, as provided for in subsection (10); and enrolls  
12 students according to the racial/ethnic balance provisions  
13 described in subparagraph (7)(a)8. Any portion of the land and  
14 facility used for a public charter school shall be exempt from  
15 ad valorem taxes, as provided for in s. 1013.54, for the  
16 duration of its use as a public school.

17 (d) As used in this subsection, the terms "business  
18 partner" or "municipality" may include more than one business  
19 or municipality to form a charter school-in-the-workplace or  
20 charter school-in-a-municipality.

21 (17) EXEMPTION FROM STATUTES.--

22 (a) A charter school shall operate in accordance with  
23 its charter and shall be exempt from all statutes in chapters  
24 1000-1013. However, a charter school shall be in compliance  
25 with the following statutes in chapters 1000-1013:

26 1. Those statutes specifically applying to charter  
27 schools, including this section;

28 2. Those statutes pertaining to the student assessment  
29 program and school grading system.

30 3. Those statutes pertaining to the provision of  
31 services to students with disabilities;



1           4. Those statutes pertaining to civil rights,  
2 including s. 1000.05, relating to discrimination; and

3           5. Those statutes pertaining to student health,  
4 safety, and welfare.

5           (b) Additionally, a charter school shall be in  
6 compliance with the following statutes:

7           1. Section 286.011, relating to public meetings and  
8 records, public inspection, and criminal and civil penalties;  
9 and

10           2. Chapter 119, relating to public records.

11           (18) FUNDING.--Students enrolled in a charter school,  
12 regardless of the sponsorship, shall be funded as if they are  
13 in a basic program or a special program, the same as students  
14 enrolled in other public schools in the school district.  
15 Funding for a charter lab school shall be as provided in s.  
16 1002.32.

17           (a) Each charter school shall report its student  
18 enrollment to the district school board as required in s.  
19 1011.62, and in accordance with the definitions in s. 1011.61.  
20 The district school board shall include each charter school's  
21 enrollment in the district's report of student enrollment. All  
22 charter schools submitting student record information required  
23 by the Department of Education shall comply with the  
24 Department of Education's guidelines for electronic data  
25 formats for such data, and all districts shall accept  
26 electronic data that complies with the Department of  
27 Education's electronic format.

28           (b) The basis for the agreement for funding students  
29 enrolled in a charter school shall be the sum of the school  
30 district's operating funds from the Florida Education Finance  
31 Program as provided in s. 1011.62 and the General

1 Appropriations Act, including gross state and local funds,  
2 discretionary lottery funds, and funds from the school  
3 district's current operating discretionary millage levy;  
4 divided by total funded weighted full-time equivalent students  
5 in the school district; multiplied by the weighted full-time  
6 equivalent students for the charter school. Charter schools  
7 whose students or programs meet the eligibility criteria in  
8 law shall be entitled to their proportionate share of  
9 categorical program funds included in the total funds  
10 available in the Florida Education Finance Program by the  
11 Legislature, including transportation. Total funding for each  
12 charter school shall be recalculated during the year to  
13 reflect the revised calculations under the Florida Education  
14 Finance Program by the state and the actual weighted full-time  
15 equivalent students reported by the charter school during the  
16 full-time equivalent student survey periods designated by the  
17 Commissioner of Education.

18 (c) If the district school board is providing programs  
19 or services to students funded by federal funds, any eligible  
20 students enrolled in charter schools in the school district  
21 shall be provided federal funds for the same level of service  
22 provided students in the schools operated by the district  
23 school board. Pursuant to provisions of 20 U.S.C. 8061 s.  
24 10306, all charter schools shall receive all federal funding  
25 for which the school is otherwise eligible, including Title I  
26 funding, not later than 5 months after the charter school  
27 first opens and within 5 months after any subsequent expansion  
28 of enrollment.

29 (d) District school boards shall make every effort to  
30 ensure that charter schools receive timely and efficient  
31 reimbursement, including processing paperwork required to

1 access special state and federal funding for which they may be  
2 eligible. The district school board may distribute funds to a  
3 charter school for up to 3 months based on the projected  
4 full-time equivalent student membership of the charter school.  
5 Thereafter, the results of full-time equivalent student  
6 membership surveys shall be used in adjusting the amount of  
7 funds distributed monthly to the charter school for the  
8 remainder of the fiscal year. The payment shall be issued no  
9 later than 10 working days after the district school board  
10 receives a distribution of state or federal funds. If a  
11 warrant for payment is not issued within 30 working days after  
12 receipt of funding by the district school board, the school  
13 district shall pay to the charter school, in addition to the  
14 amount of the scheduled disbursement, interest at a rate of 1  
15 percent per month calculated on a daily basis on the unpaid  
16 balance from the expiration of the 30-day period until such  
17 time as the warrant is issued.

18 (19) FACILITIES.--

19 (a) A charter school shall utilize facilities which  
20 comply with the State Uniform Building Code for Public  
21 Educational Facilities Construction adopted pursuant to s.  
22 1013.37 or with applicable state minimum building codes  
23 pursuant to chapter 553 and state minimum fire protection  
24 codes pursuant to s. 633.025, as adopted by the authority in  
25 whose jurisdiction the facility is located.

26 (b) Any facility, or portion thereof, used to house a  
27 charter school whose charter has been approved by the sponsor  
28 and the governing board, pursuant to subsection (7), shall be  
29 exempt from ad valorem taxes pursuant to s. 196.1983.

30 (c) Charter school facilities shall utilize facilities  
31 which comply with the Florida Building Code, pursuant to

1 chapter 553, and the Florida Fire Prevention Code, pursuant to  
2 chapter 633.

3 (d) If a district school board facility or property is  
4 available because it is surplus, marked for disposal, or  
5 otherwise unused, it shall be provided for a charter school's  
6 use on the same basis as it is made available to other public  
7 schools in the district. A charter school receiving property  
8 from the school district may not sell or dispose of such  
9 property without written permission of the school district.  
10 Similarly, for an existing public school converting to charter  
11 status, no rental or leasing fee for the existing facility or  
12 for the property normally inventoried to the conversion school  
13 may be charged by the district school board to the parents and  
14 teachers organizing the charter school. The charter organizers  
15 shall agree to reasonable maintenance provisions in order to  
16 maintain the facility in a manner similar to district school  
17 board standards. The Public Education Capital Outlay  
18 maintenance funds or any other maintenance funds generated by  
19 the facility operated as a conversion school shall remain with  
20 the conversion school.

21 (20) CAPITAL OUTLAY FUNDING.--Charter schools are  
22 eligible for capital outlay funds pursuant to s. 1013.62.

23 (21) SERVICES.--

24 (a) A sponsor shall provide certain administrative and  
25 educational services to charter schools. These services shall  
26 include contract management services, full-time equivalent and  
27 data reporting services, exceptional student education  
28 administration services, test administration services,  
29 processing of teacher certificate data services, and  
30 information services. Any administrative fee charged by the  
31

1 sponsor for the provision of services shall be limited to 5  
2 percent of the available funds defined in paragraph (18)(b).

3 (b) If goods and services are made available to the  
4 charter school through the contract with the school district,  
5 they shall be provided to the charter school at a rate no  
6 greater than the district's actual cost. To maximize the use  
7 of state funds, school districts shall allow charter schools  
8 to participate in the sponsor's bulk purchasing program if  
9 applicable.

10 (c) Transportation of charter school students shall be  
11 provided by the charter school consistent with the  
12 requirements of part I.E. of chapter 1006. The governing body  
13 of the charter school may provide transportation through an  
14 agreement or contract with the district school board, a  
15 private provider, or parents. The charter school and the  
16 sponsor shall cooperate in making arrangements that ensure  
17 that transportation is not a barrier to equal access for all  
18 students residing within a reasonable distance of the charter  
19 school as determined in its charter.

20 (22) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The  
21 Department of Education shall provide information to the  
22 public, directly and through sponsors, both on how to form and  
23 operate a charter school and on how to enroll in charter  
24 schools once they are created. This information shall include  
25 a standard application format which shall include the  
26 information specified in subsection (7). This application  
27 format may be used by chartering entities.

28 (23) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE  
29 REVIEW.--

30 (a) The Department of Education shall regularly  
31 convene a Charter School Review Panel in order to review

1 issues, practices, and policies regarding charter schools. The  
2 composition of the review panel shall include individuals with  
3 experience in finance, administration, law, education, and  
4 school governance, and individuals familiar with charter  
5 school construction and operation. The panel shall include two  
6 appointees each from the Commissioner of Education, the  
7 President of the Senate, and the Speaker of the House of  
8 Representatives. The Governor shall appoint three members of  
9 the panel and shall designate the chair. Each member of the  
10 panel shall serve a 1-year term, unless renewed by the office  
11 making the appointment. The panel shall make recommendations  
12 to the Legislature, to the Department of Education, to charter  
13 schools, and to school districts for improving charter school  
14 operations and oversight and for ensuring best business  
15 practices at and fair business relationships with charter  
16 schools.

17 (b) The Legislature shall review the operation of  
18 charter schools during the 2005 Regular Session of the  
19 Legislature.

20 (24) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon  
21 receipt of the annual report required by paragraph (9)(k), the  
22 Department of Education shall provide to the State Board of  
23 Education, the Commissioner of Education, the President of the  
24 Senate, and the Speaker of the House of Representatives an  
25 analysis and comparison of the overall performance of charter  
26 school students, to include all students whose scores are  
27 counted as part of the statewide assessment program, versus  
28 comparable public school students in the district as  
29 determined by the statewide assessment program currently  
30 administered in the school district, and other assessments  
31 administered pursuant to s. 1008.22(3).

1           (25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--

2           (a) The conversion charter school pilot program is  
3 hereby established with the intent to provide incentives for  
4 local school districts to approve conversion charter schools.

5           (b) The conversion charter school pilot program shall  
6 be a statewide pilot program in which 10 schools shall be  
7 selected based on a competitive application process in  
8 accordance with this section.

9           (c) The purpose of the pilot program is to produce  
10 significant improvements in student achievement and school  
11 management, to encourage and measure the use of innovative  
12 learning methods, and to make the school the unit for  
13 improvement.

14           (d) Each school principal or a majority of the parents  
15 of students attending the school, a majority of the school's  
16 teachers, or a majority of the members of the school advisory  
17 council, may apply to the school district to participate in  
18 this pilot program on forms which shall be provided by the  
19 Department of Education. The forms shall include  
20 acknowledgment by the school principal of applicable  
21 provisions of this section and s. 1013.62. For purposes of  
22 this paragraph, "a majority of the parents of students  
23 attending the school" means more than 50 percent of the  
24 parents voting whose children are enrolled at the school,  
25 provided that a majority of the parents eligible to vote  
26 participate in the ballot process; and "a majority of the  
27 school's teachers" means more than 50 percent of the teachers  
28 employed at the school, according to procedures established by  
29 rule of the State Board of Education pursuant to subsections  
30 (3) and (4).

31

1       (e) A person or group who has applied to participate  
2 in the pilot program created by this section, pursuant to  
3 paragraph (d), shall not be subject to an unlawful reprisal,  
4 as defined by paragraph (4)(a), as a consequence of such  
5 application. The procedures established by subsections (3) and  
6 (4) shall apply to any alleged unlawful reprisal which occurs  
7 as a consequence of such application.

8       (f) A district school board shall receive and review  
9 all applications by school principals, parents, teachers, or  
10 school advisory council members to participate in the pilot  
11 project; shall select the best applications; and shall submit  
12 these applications, together with the district school board's  
13 letter of endorsement and commitment of support and  
14 cooperation toward the success of program implementation, for  
15 review by the statewide selection panel established pursuant  
16 to paragraph (g).

17       (g) A conversion charter school pilot program  
18 statewide selection panel is established. The panel shall be  
19 comprised of the following nine members who are not elected  
20 public officials:

21           1. Three members shall be appointed by the Governor.

22           2. Two members shall be appointed by the Commissioner  
23 of Education.

24           3. Two members shall be appointed by the President of  
25 the Senate.

26           4. Two members shall be appointed by the Speaker of  
27 the House of Representatives.

28  
29 The panel shall review the conversion charter school pilot  
30 program applications submitted by the district school boards  
31 and shall select the 10 applications which the panel deems



1 best comply with the purpose of the program pursuant to  
2 paragraph (c).

3 (h) Each district school board in which there is a  
4 school selected by the statewide panel for participation in  
5 the pilot program shall receive a grant as provided in the  
6 General Appropriations Act:

7 1. One hundred thousand dollars for planning and  
8 development for each conversion charter school selected; and

9 2.a. Eighty thousand dollars for each conversion  
10 charter school selected with 500 or fewer students;

11 b. One hundred thousand dollars for each conversion  
12 charter school selected with more than 500 but fewer than  
13 1,001 students; or

14 c. One hundred twenty thousand dollars for each  
15 conversion charter school selected with more than 1,000  
16 students.

17  
18 The Commissioner of Education is authorized to reduce the  
19 district's FEFP funding entitlement by the amount of the grant  
20 awarded under this subsection if he or she determines that the  
21 district has failed to comply with its letter of endorsement  
22 and commitment of support and cooperation submitted under  
23 paragraph (f).

24 (i) Each conversion charter school selected for  
25 participation in the pilot program shall make annual progress  
26 reports to the district school board and the Commissioner of  
27 Education detailing the school's progress in achieving the  
28 purpose of the program as described in paragraph (c).

29 (26) RULEMAKING.--The Department of Education, after  
30 consultation with school districts and charter school  
31 directors, shall recommend that the State Board of Education

1 adopt rules to implement specific subsections of this section.  
2 Such rules shall require minimum paperwork and shall not limit  
3 charter school flexibility authorized by statute.

4 Section 98. Section 1002.34, Florida Statutes, is  
5 created to read:

6 1002.34 Charter technical career centers.--

7 (1) AUTHORIZATION.--The Legislature finds that the  
8 establishment of charter technical career centers can assist  
9 in promoting advances and innovations in workforce preparation  
10 and economic development. A charter technical career center  
11 may provide a learning environment that better serves the  
12 needs of a specific population group or a group of  
13 occupations, thus promoting diversity and choices within the  
14 public education and public postsecondary technical education  
15 community in this state. Therefore, the creation of such  
16 centers is authorized as part of the state's program of public  
17 education. A charter technical career center may be formed by  
18 creating a new school or converting an existing school  
19 district or community college program to charter technical  
20 status.

21 (2) PURPOSE.--The purpose of a charter technical  
22 career center is to:

23 (a) Develop a competitive workforce to support local  
24 business and industry and economic development.

25 (b) Create a training and education model that is  
26 reflective of marketplace realities.

27 (c) Offer a continuum of career educational  
28 opportunities using a school-to-work, tech-prep, technical,  
29 academy, and magnet school model.

30 (d) Provide career pathways for lifelong learning and  
31 career mobility.

1           (e) Enhance career and technical training.

2           (3) DEFINITIONS.--As used in this act, the term:

3           (a) "Charter technical career center" or "center"  
4 means a public school or a public technical center operated  
5 under a charter granted by a district school board or  
6 community college board of trustees or a consortium, including  
7 one or more district school boards and community college  
8 boards of trustees that includes the district in which the  
9 facility is located, which is nonsectarian in its programs,  
10 admission policies, employment practices, and operations and  
11 is managed by a board of directors.

12           (b) "Sponsor" means a district school board, a  
13 community college board of trustees, or a consortium of one or  
14 more of each.

15           (4) CHARTER.--A sponsor may designate centers as  
16 provided in this section. An application to establish a  
17 center may be submitted by a sponsor or another organization  
18 that is determined, by rule of the State Board of Education,  
19 to be appropriate. However, an independent school is not  
20 eligible for status as a center. The charter must be signed  
21 by the governing body of the center and the sponsor, and must  
22 be approved by the district school board and community college  
23 board of trustees in whose geographic region the facility is  
24 located. If a charter technical career center is established  
25 by the conversion to charter status of a public technical  
26 center formerly governed by a district school board, the  
27 charter status of that center takes precedence in any question  
28 of governance. The governance of the center or of any program  
29 within the center remains with its board of directors unless  
30 the board agrees to a change in governance or its charter is  
31 revoked as provided in subsection (15). Such a conversion

1 charter technical career center is not affected by a change in  
2 the governance of public technical centers or of programs  
3 within other centers that are or have been governed by  
4 district school boards. A charter technical career center, or  
5 any program within such a center, that was governed by a  
6 district school board and transferred to a community college  
7 prior to the effective date of this act is not affected by  
8 this provision. An applicant who wishes to establish a center  
9 must submit to the district school board or community college  
10 board of trustees, or a consortium of one or more of each, an  
11 application that includes:

12 (a) The name of the proposed center.

13 (b) The proposed structure of the center, including a  
14 list of proposed members of the board of directors or a  
15 description of the qualifications for and method of their  
16 appointment or election.

17 (c) The workforce development goals of the center, the  
18 curriculum to be offered, and the outcomes and the methods of  
19 assessing the extent to which the outcomes are met.

20 (d) The admissions policy and criteria for evaluating  
21 the admission of students.

22 (e) A description of the staff responsibilities and  
23 the proposed qualifications of the teaching staff.

24 (f) A description of the procedures to be implemented  
25 to ensure significant involvement of representatives of  
26 business and industry in the operation of the center.

27 (g) A method for determining whether a student has  
28 satisfied the requirements for graduation specified in s.  
29 1003.43 and for completion of a postsecondary certificate or  
30 degree.

31

1           (h) A method for granting secondary and postsecondary  
2 diplomas, certificates, and degrees.

3           (i) A description of and address for the physical  
4 facility in which the center will be located.

5           (j) A method of resolving conflicts between the  
6 governing body of the center and the sponsor and between  
7 consortium members, if applicable.

8           (k) A method for reporting student data as required by  
9 law and rule.

10           (l) Other information required by the district school  
11 board or community college board of trustees.

12  
13 Students at a center must meet the same testing and academic  
14 performance standards as those established by law and rule for  
15 students at public schools and public technical centers. The  
16 students must also meet any additional assessment indicators  
17 that are included within the charter approved by the district  
18 school board or community college board of trustees.

19           (5) APPLICATION.--An application to establish a center  
20 must be submitted by February 1 of the year preceding the  
21 school year in which the center will begin operation. The  
22 sponsor must review the application and make a final decision  
23 on whether to approve the application and grant the charter by  
24 March 1, and may condition the granting of a charter on the  
25 center's taking certain actions or maintaining certain  
26 conditions. Such actions and conditions must be provided to  
27 the applicant in writing. The district school board or  
28 community college board of trustees is not required to issue a  
29 charter to any person.

30           (6) SPONSOR.--A district school board or community  
31 college board of trustees or a consortium of one or more of

1 each may sponsor a center in the county in which the board has  
2 jurisdiction.

3 (a) A sponsor must review all applications for centers  
4 received through at least February 1 of each calendar year for  
5 centers to be opened at the beginning of the sponsor's next  
6 school year. A sponsor may receive applications later than  
7 this date if it so chooses. To facilitate an accurate budget  
8 projection process, a sponsor shall be held harmless for FTE  
9 students that are not included in the FTE projection due to  
10 approval of applications after the FTE projection deadline. A  
11 sponsor must, by a majority vote, approve or deny an  
12 application no later than 60 days after the application is  
13 received. If an application is denied, the sponsor must,  
14 within 10 days, notify the applicant in writing of the  
15 specific reasons for denial, which must be based upon good  
16 cause. Upon approval of a charter application, the initial  
17 startup must be consistent with the beginning of the public  
18 school or community college calendar for the district in which  
19 the charter is granted, unless the sponsor allows a waiver of  
20 this provision for good cause.

21 (b) An applicant may appeal any denial of its  
22 application to the State Board of Education within 30 days  
23 after the sponsor's denial and shall notify the sponsor of its  
24 appeal. Any response of the sponsor must be submitted to the  
25 state board within 30 days after notification of the appeal.  
26 The State Board of Education must, by majority vote, accept or  
27 reject the decision of the sponsor no later than 60 days after  
28 an appeal is filed, pursuant to State Board of Education rule.  
29 The State Board of Education may reject an appeal for failure  
30 to comply with procedural rules governing the appeals process,  
31 and the rejection must describe the submission errors. The

1 appellant may have up to 15 days after notice of rejection to  
2 resubmit an appeal. An application for appeal submitted after  
3 a rejection is timely if the original appeal was filed within  
4 30 days after the sponsor's denial. The State Board of  
5 Education shall remand the application to the sponsor with a  
6 written recommendation that the sponsor approve or deny the  
7 application, consistent with the state board's decision. The  
8 decision of the State Board of Education is not subject to the  
9 provisions of chapter 120.

10 (c) The sponsor must act upon the recommendation of  
11 the State Board of Education within 30 days after it is  
12 received, unless the sponsor determines by competent  
13 substantial evidence that approving the state board's  
14 recommendation would be contrary to law or the best interests  
15 of the students or the community. The sponsor must notify the  
16 applicant in writing concerning the specific reasons for its  
17 failure to follow the state board's recommendation. The  
18 sponsor's action on the state board's recommendation is a  
19 final action, subject to judicial review.

20 (d) The Department of Education may provide technical  
21 assistance to an applicant upon written request.

22 (e) The terms and conditions for the operation of a  
23 center must be agreed to by the sponsor and the applicant in a  
24 written contract. The sponsor may not impose unreasonable  
25 requirements that violate the intent of giving centers greater  
26 flexibility to meet educational goals. The applicant and  
27 sponsor must reach an agreement on the provisions of the  
28 contract or the application is deemed denied.

29 (f) The sponsor shall monitor and review the center's  
30 progress towards charter goals and shall monitor the center's  
31 revenues and expenditures.

1           (7) LEGAL ENTITY.--A center must organize as a  
2 nonprofit organization and adopt a name and corporate seal. A  
3 center is a body corporate and politic, with all powers to  
4 implement its charter program. The center may:

5           (a) Be a private or a public employer.

6           (b) Sue and be sued, but only to the same extent and  
7 upon the same conditions that a public entity can be sued.

8           (c) Acquire real property by purchase, lease, lease  
9 with an option to purchase, or gift, to use as a center  
10 facility.

11           (d) Receive and disburse funds.

12           (e) Enter into contracts or leases for services,  
13 equipment, or supplies.

14           (f) Incur temporary debts in anticipation of the  
15 receipt of funds.

16           (g) Solicit and accept gifts or grants for career  
17 center purposes.

18           (h) Take any other action that is not inconsistent  
19 with this section and rules adopted under this section.

20           (8) ELIGIBLE STUDENTS.--A center must be open to all  
21 students as space is available and may not discriminate in  
22 admissions policies or practices on the basis of an  
23 individual's physical disability or proficiency in English or  
24 on any other basis that would be unlawful if practiced by a  
25 public school or a community college. A center may establish  
26 reasonable criteria by which to evaluate prospective students,  
27 which criteria must be outlined in the charter.

28           (9) FACILITIES.--A center may be located in any  
29 suitable location, including part of an existing public school  
30 or community college building, space provided on a public  
31 worksite, or a public building. A center's facilities must



1 comply with the State Uniform Building Code for Public  
2 Educational Facilities Construction adopted pursuant to s.  
3 1013.37, or with applicable state minimum building codes  
4 pursuant to chapter 553, and state minimum fire protection  
5 codes pursuant to s. 633.025, adopted by the authority in  
6 whose jurisdiction the facility is located. If K-12 public  
7 school funds are used for construction, the facility must  
8 remain on the local school district's Florida Inventory of  
9 School Houses (FISH) school building inventory of the district  
10 school board and must revert to the district school board if  
11 the consortium dissolves and the program is discontinued. If  
12 community college public school funds are used for  
13 construction, the facility must remain on the local community  
14 college's facilities inventory and must revert to the local  
15 community college board if the consortium dissolves and the  
16 program is discontinued. The additional student capacity  
17 created by the addition of the center to the local school  
18 district's FISH may not be calculated in the permanent student  
19 capacity for the purpose of determining need or eligibility  
20 for state capital outlay funds while the facility is used as a  
21 center. If the construction of the center is funded jointly by  
22 K-12 public school funds and community college funds, the  
23 sponsoring entities must agree, before granting the charter,  
24 on the appropriate owner and terms of transfer of the facility  
25 if the charter is dissolved.

26 (10) EXEMPTION FROM STATUTES.--

27 (a) A center must operate pursuant to its charter and  
28 is exempt from all statutes of the Florida School Code except  
29 provisions pertaining to civil rights and to student health,  
30 safety, and welfare, or as otherwise required by law.

31

1           (b) A center must comply with the Florida School Code  
2 with respect to providing services to students with  
3 disabilities.

4           (c) A center must comply with the antidiscrimination  
5 provisions of s. 1000.05.

6           (11) FUNDING.--

7           (a) Each school board and community college that  
8 sponsors a charter technical career center shall pay directly  
9 to the center an amount stated in the charter. State funding  
10 shall be generated for the center for its student enrollment  
11 and program outcomes as provided in law. A center is eligible  
12 for funding from the Florida Workforce Development Education  
13 Fund, the Florida Education Finance Program, and the Community  
14 College Program Fund, depending upon the programs conducted by  
15 the center.

16           (b) A center may receive other state and federal aid,  
17 grants, and revenue through the district school board or  
18 community college board of trustees.

19           (c) A center may receive gifts and grants from private  
20 sources.

21           (d) A center may not levy taxes or issue bonds, but it  
22 may charge a student tuition fee consistent with authority  
23 granted in its charter and permitted by law.

24           (e) A center shall provide for an annual financial  
25 audit in accordance with s. 218.39.

26           (f) A center must provide instruction for at least the  
27 number of days required by law for other public schools or  
28 community colleges, as appropriate, and may provide  
29 instruction for additional days.

30           (12) EMPLOYEES OF A CENTER.--

31           (a) A center may select its own employees.

1       (b) A center may contract for services with an  
2 individual, partnership, or a cooperative. Such persons  
3 contracted with are not public employees.

4       (c) If a center contracts with a public educational  
5 agency for services, the terms of employment must follow  
6 existing state law and rule and local policies and procedures.

7       (d) The employees of a center may bargain  
8 collectively, as a separate unit or as part of the existing  
9 district collective bargaining unit, as determined by the  
10 structure of the center.

11       (e) As a public employer, a center may participate in:

12       1. The Florida Retirement System upon application and  
13 approval as a "covered group" under s. 121.021(34). If a  
14 center participates in the Florida Retirement System, its  
15 employees are compulsory members of the Florida Retirement  
16 System.

17       2. The State Community College System Optional  
18 Retirement Program pursuant to s. 1012.875(2), if the charter  
19 is granted by a community college that participates in the  
20 optional retirement program and meets the eligibility criteria  
21 of s. 121.051(2)(c).

22       (f) Teachers who are considered qualified by the  
23 career center are exempt from state certification  
24 requirements.

25       (g) A public school or community college teacher or  
26 administrator may take a leave of absence to accept employment  
27 in a charter technical career center upon the approval of the  
28 school district or community college.

29       (h) An employee who is on a leave of absence under  
30 this section may retain seniority accrued in that school  
31 district or community college and may continue to be covered

1 by the benefit programs of that district or community college  
2 if the center and the district school board or community  
3 college board of trustees agree to this arrangement and its  
4 financing.

5 (13) BOARD OF DIRECTORS AUTHORITY.--The board of  
6 directors of a center may decide matters relating to the  
7 operation of the school, including budgeting, curriculum, and  
8 operating procedures, subject to the center's charter.

9 (14) ACCOUNTABILITY.--Each center must submit a report  
10 to the participating district school board or community  
11 college board of trustees by August 1 of each year. The  
12 report must be in such form as the sponsor prescribes and must  
13 include:

14 (a) A discussion of progress made toward the  
15 achievement of the goals outlined in the center's charter; and

16 (b) A financial statement setting forth by appropriate  
17 categories the revenue and expenditures for the previous  
18 school year.

19 (15) TERMS OF THE CHARTER.--The term of an initial  
20 charter may not exceed 5 years. Thereafter, the sponsor may  
21 renew a charter for a period up to 5 years. The sponsor may  
22 refuse to renew a charter or may revoke a charter if the  
23 center has not fulfilled a condition imposed under the charter  
24 or if the center has violated any provision of the charter.  
25 The sponsor may place the center on probationary status to  
26 allow the implementation of a remedial plan, after which, if  
27 the plan is unsuccessful, the charter may be summarily  
28 revoked. The sponsor shall develop procedures and guidelines  
29 for the revocation and renewal of a center's charter. The  
30 sponsor must give written notice of its intent not to renew  
31 the charter at least 12 months before the charter expires. If

1 the sponsor revokes a charter before the scheduled expiration  
2 date, the sponsor must provide written notice to the governing  
3 board of the center at least 60 days before the date of  
4 termination, stating the grounds for the proposed revocation.  
5 The governing board of the center may request in writing an  
6 informal hearing before the sponsor within 14 days after  
7 receiving the notice of revocation. A revocation takes effect  
8 at the conclusion of a school year, unless the sponsor  
9 determines that earlier revocation is necessary to protect the  
10 health, safety, and welfare of students. The sponsor shall  
11 monitor and review the center in its progress towards the  
12 goals established in the charter and shall monitor the  
13 revenues and expenditures of the center.

14 (16) TRANSPORTATION.--The center may provide  
15 transportation, pursuant to chapter 1006, through a contract  
16 with the district school board or the community college board  
17 of trustees, a private provider, or parents of students. The  
18 center must ensure that transportation is not a barrier to  
19 equal access for all students in grades K-12 residing within a  
20 reasonable distance of the facility.

21 (17) IMMUNITY.--For the purposes of tort liability,  
22 the governing body and employees of a center are governed by  
23 s. 768.28.

24 (18) RULES.--The State Board of Education shall adopt  
25 rules, pursuant to chapter 120, relating to the implementation  
26 of charter technical career centers.

27 (19) EVALUATION; REPORT.--The Commissioner of  
28 Education shall provide for an annual comparative evaluation  
29 of charter technical career centers and public technical  
30 centers. The evaluation may be conducted in cooperation with  
31 the sponsor, through private contracts, or by department

1 staff. At a minimum, the comparative evaluation must address  
2 the demographic and socioeconomic characteristics of the  
3 students served, the types and costs of services provided, and  
4 the outcomes achieved. By December 30 of each year, the  
5 Commissioner of Education shall submit to the Governor, the  
6 President of the Senate, the Speaker of the House of  
7 Representatives, and the Senate and House committees that have  
8 responsibility for secondary and postsecondary career  
9 education a report of the comparative evaluation completed for  
10 the previous school year.

11 Section 99. Section 1002.35, Florida Statutes, is  
12 created to read:

13 1002.35 New World School of the Arts.--

14 (1) This section shall be known and may be cited as  
15 the "New World School of the Arts Act."

16 (2) As Florida strives to achieve excellence in all  
17 aspects of public education, it is the intent of the  
18 Legislature that specific attention be given to the needs of  
19 artistically talented high school and college students. It is  
20 further intended that such students who are occupationally  
21 oriented to the arts be provided with the means for achieving  
22 both an academic education and artistic training appropriate  
23 to their gifts.

24 (3) There is hereby created the New World School of  
25 the Arts, a center of excellence for the performing and visual  
26 arts, to serve all of the State of Florida. The school shall  
27 offer a program of academic and artistic studies in the visual  
28 and performing arts which shall be available to talented high  
29 school and college students.

30 (4)(a) For purposes of governance, the New World  
31 School of the Arts is assigned to the University of Florida,

1 Miami-Dade Community College, and the Miami-Dade County School  
2 District. The respective boards shall appoint members to an  
3 executive board for administration of the school. The  
4 executive board may include community members and shall  
5 reflect proportionately the participating institutions.  
6 Miami-Dade Community College shall serve as fiscal agent for  
7 the school.

8 (b) The New World School of the Arts Foundation is  
9 hereby created for the purpose of providing auxiliary  
10 financial support for the school's programs, including, but  
11 not limited to, the promotion and sponsorship of special  
12 events and scholarships. Foundation membership shall be  
13 determined by the executive board.

14 (c) The school may affiliate with other public or  
15 private educational or arts institutions. The school shall  
16 serve as a professional school for all qualified students  
17 within appropriations and limitations established by the  
18 Legislature and the respective educational institutions.

19 (5) The school shall submit annually a formula-driven  
20 budget request to the Commissioner of Education and the  
21 Legislature. This formula shall be developed in consultation  
22 with the Department of Education, the State Board of  
23 Education, and staff of the Legislature. However, the actual  
24 funding for the school shall be determined by the Legislature  
25 in the General Appropriations Act.

26 Section 100. Section 1002.36, Florida Statutes, is  
27 created to read:

28 1002.36 Florida School for the Deaf and the Blind.--

29 (1) RESPONSIBILITIES.--The Florida School for the Deaf  
30 and the Blind is a state-supported residential school for  
31 hearing-impaired and visually impaired students in preschool

1 through 12th grade. The school is a part of the state system  
2 of public education and shall be funded through the Department  
3 of Education. The school shall provide educational programs  
4 and support services appropriate to meet the education and  
5 related evaluation and counseling needs of hearing-impaired  
6 and visually impaired students in the state who meet  
7 enrollment criteria. Education services may be provided on an  
8 outreach basis for sensory-impaired children ages 0 through 5  
9 years and their parents. Graduates of the Florida School for  
10 the Deaf and the Blind shall be eligible for the William L.  
11 Boyd, IV, Florida Resident Access Grant Program as provided in  
12 s. 1009.89.

13 (2) MISSION.--The mission of the Florida School for  
14 the Deaf and the Blind is to utilize all available talent,  
15 energy, and resources to provide free appropriate public  
16 education for eligible sensory-impaired students of Florida.  
17 As a school of academic excellence, the school shall strive to  
18 provide students an opportunity to maximize their individual  
19 potential in a caring, safe, unique learning environment to  
20 prepare them to be literate, employable, and independent  
21 lifelong learners. The school shall encourage input from  
22 students, staff, parents, and the community. As a diverse  
23 organization, the school shall foster respect and  
24 understanding for each individual.

25 (3) AUDITS.--The Auditor General shall audit the  
26 Florida School for the Deaf and the Blind as provided in  
27 chapter 11.

28 (4)(a) BOARD OF TRUSTEES.--There is hereby created a  
29 Board of Trustees for the Florida School for the Deaf and the  
30 Blind which shall consist of seven members. Of these seven  
31 members, one appointee shall be a blind person, and one



1 appointee shall be a deaf person. Each member shall have been  
2 a resident of the state for a period of at least 10 years.  
3 Their terms of office shall be 4 years. The appointment of the  
4 trustees shall be by the Governor with the confirmation of the  
5 Senate. The Governor may remove any member for cause and shall  
6 fill all vacancies which occur.

7 (b) The board of trustees shall elect a chair  
8 annually. The trustees shall be reimbursed for travel expenses  
9 as provided in s. 112.061, the accounts of which shall be paid  
10 by the Treasurer upon itemized vouchers duly approved by the  
11 chair.

12 (c) The board of trustees has authority to adopt rules  
13 pursuant to ss. 120.536(1) and 120.54 to implement provisions  
14 of law relating to operation of the Florida School for the  
15 Deaf and the Blind. Such rules shall be submitted to the State  
16 Board of Education for approval or disapproval. If any rule is  
17 not disapproved by the State Board of Education within 60 days  
18 of its receipt by the State Board of Education, the rule shall  
19 be filed immediately with the Department of State. The board  
20 of trustees shall act at all times in conjunction with the  
21 rules of the State Board of Education.

22 (d) The Board of Trustees for the Florida School for  
23 the Deaf and the Blind is a body corporate and shall have a  
24 corporate seal. Title to any gift, donation, or bequest  
25 received by the board of trustees pursuant to subsection (5)  
26 shall vest in the board of trustees. Title to all other  
27 property and other assets of the Florida School for the Deaf  
28 and the Blind shall vest in the State Board of Education, but  
29 the board of trustees shall have complete jurisdiction over  
30 the management of the school and is invested with full power  
31 and authority to appoint a president, faculty, teachers, and

1 other employees and remove the same as in its judgment may be  
2 best and fix their compensation; to procure professional  
3 services, such as medical, mental health, architectural,  
4 engineering, and legal services; to determine eligibility of  
5 students and procedure for admission; to provide for the  
6 students of the school necessary bedding, clothing, food, and  
7 medical attendance and such other things as may be proper for  
8 the health and comfort of the students without cost to their  
9 parents or guardians, except that the board may set tuition  
10 and other fees for nonresidents; to provide for the proper  
11 keeping of accounts and records and for budgeting of funds; to  
12 enter into contracts; to sue and be sued; to secure public  
13 liability insurance; and to do and perform every other matter  
14 or thing requisite to the proper management, maintenance,  
15 support, and control of the school at the highest efficiency  
16 economically possible, the board of trustees taking into  
17 consideration the purposes of the establishment.

18 (e)1. The Board of Trustees for the Florida School for  
19 the Deaf and the Blind is authorized to receive gifts,  
20 donations, and bequests of money or property, real or  
21 personal, tangible or intangible, from any person, firm,  
22 corporation, or other legal entity. However, the board of  
23 trustees may not obligate the state to any expenditure or  
24 policy that is not specifically authorized by law.

25 2. If the bill of sale, will, trust indenture, deed,  
26 or other legal conveyance specifies terms and conditions  
27 concerning the use of such money or property, the board of  
28 trustees shall observe such terms and conditions.

29 3. The board of trustees may deposit outside the State  
30 Treasury such moneys as are received as gifts, donations, or  
31 bequests and may disburse and expend such moneys, upon its own

1 warrant, for the use and benefit of the Florida School for the  
2 Deaf and the Blind and its students, as the board of trustees  
3 deems to be in the best interest of the school and its  
4 students. Such money or property shall not constitute or be  
5 considered a part of any legislative appropriation, and such  
6 money shall not be used to compensate any person for engaging  
7 in lobbying activities before the House of Representatives or  
8 Senate or any committee thereof.

9 4. The board of trustees may sell or convey by bill of  
10 sale, deed, or other legal instrument any property, real or  
11 personal, received as a gift, donation, or bequest, upon such  
12 terms and conditions as the board of trustees deems to be in  
13 the best interest of the school and its students.

14 5. The board of trustees may invest such moneys in  
15 securities enumerated under s. 215.47, and in The Common Fund,  
16 an Investment Management Fund exclusively for nonprofit  
17 educational institutions.

18 (f) The board of trustees shall:

19 1. Prepare and submit legislative budget requests,  
20 including fixed capital outlay requests, in accordance with  
21 chapter 216 and s. 1013.60.

22 2. Administer and maintain personnel programs for all  
23 employees of the board of trustees and the Florida School for  
24 the Deaf and the Blind who shall be state employees, including  
25 the personnel classification and pay plan established in  
26 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for  
27 academic and academic administrative personnel, the provisions  
28 of chapter 110, and the provisions of law that grant authority  
29 to the Department of Management Services over such programs  
30 for state employees.

31

1           3. Adopt a master plan which specifies the mission and  
2 objectives of the Florida School for the Deaf and the Blind.  
3 The plan shall include, but not be limited to, procedures for  
4 systematically measuring the school's progress toward meeting  
5 its objectives, analyzing changes in the student population,  
6 and modifying school programs and services to respond to such  
7 changes. The plan shall be for a period of 5 years and shall  
8 be reviewed for needed modifications every 2 years. The board  
9 of trustees shall submit the initial plan and subsequent  
10 modifications to the Speaker of the House of Representatives  
11 and the President of the Senate.

12           4. Seek the advice of the Division of Public Schools  
13 within the Department of Education.

14           (g) The Board of Trustees for the Florida School for  
15 the Deaf and the Blind, located in St. Johns County, shall  
16 designate a portion of the school as "The Verle Allyn Pope  
17 Complex for the Deaf," in tribute to the late Senator Verle  
18 Allyn Pope.

19           (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.--The Board  
20 of Trustees for the Florida School for the Deaf and the Blind  
21 shall provide for the content and custody of student and  
22 employee personnel records. Student records shall be subject  
23 to the provisions of s. 1002.22. Employee personnel records  
24 shall be subject to the provisions of s. 1012.31.

25           (6) USE OF OUT-OF-STATE EDUCATIONAL FACILITIES,  
26 FINANCING.--

27           (a) The Board of Trustees for the Florida School for  
28 the Deaf and the Blind may expend funds for the purpose of  
29 sending children under the age of 20, who are deaf as well as  
30 blind, and for whom there are no facilities for education in  
31 this state, to any school, institution, or other place outside

1 the state which provides a qualified program of education for  
2 such children. Such funds may be spent for room, board,  
3 tuition, transportation, and other items which are necessarily  
4 relevant to the education of such children.

5 (b) In interpreting and carrying out the provisions of  
6 this act, the words "deaf-blind children," wherever used, will  
7 be construed to include any child whose combination of  
8 disabilities of deafness and blindness would prevent him or  
9 her from profiting satisfactorily from educational programs  
10 provided for the blind child or the deaf child.

11 (c) The Florida School for the Deaf and the Blind may  
12 determine if such children should be sent to such out-of-state  
13 places, and the Board of Trustees for the Florida School for  
14 the Deaf and the Blind may adopt rules necessary to carry out  
15 the purposes and intents of this section.

16 (7) LEGAL SERVICES.--The Board of Trustees for the  
17 Florida School for the Deaf and the Blind may provide legal  
18 services for officers and employees of the board of trustees  
19 who are charged with civil or criminal actions arising out of  
20 and in the course of the performance of assigned duties and  
21 responsibilities. The board of trustees may provide for  
22 reimbursement of reasonable expenses for legal services for  
23 officers and employees of said board of trustees who are  
24 charged with civil or criminal actions arising out of and in  
25 the course of the performance of assigned duties and  
26 responsibilities upon successful defense by the employee or  
27 officer. However, in any case in which the officer or employee  
28 pleads guilty or nolo contendere or is found guilty of any  
29 such action, the officer or employee shall reimburse the board  
30 of trustees for any legal services which the board of trustees  
31 may have supplied pursuant to this section. The board of

1 trustees may also reimburse an officer or employee thereof for  
2 any judgment which may be entered against him or her in a  
3 civil action arising out of and in the course of the  
4 performance of his or her assigned duties and  
5 responsibilities. Each expenditure by the board of trustees  
6 for legal defense of an officer or employee, or for  
7 reimbursement pursuant to this section, shall be made at a  
8 public meeting with notice pursuant to s. 120.525(1). The  
9 providing of such legal services or reimbursement under the  
10 conditions described above is declared to be a school purpose  
11 for which school funds may be expended.

12 (8) PERSONNEL SCREENING.--

13 (a) The Board of Trustees of the Florida School for  
14 the Deaf and the Blind shall, because of the special trust or  
15 responsibility of employees of the school, require all  
16 employees and applicants for employment to undergo personnel  
17 screening and security background investigations as provided  
18 in chapter 435, using the level 2 standards for screening set  
19 forth in that chapter, as a condition of employment and  
20 continued employment. The cost of a personnel screening and  
21 security background investigation for an employee of the  
22 school shall be paid by the school. The cost of such a  
23 screening and investigation for an applicant for employment  
24 may be paid by the school.

25 (b) As a prerequisite for initial and continuing  
26 employment at the Florida School for the Deaf and the Blind:

27 1. The applicant or employee shall submit to the  
28 Florida School for the Deaf and the Blind a complete set of  
29 fingerprints taken by an authorized law enforcement agency or  
30 an employee of the Florida School for the Deaf and the Blind  
31 who is trained to take fingerprints. The Florida School for

1 the Deaf and the Blind shall submit the fingerprints to the  
2 Department of Law Enforcement for state processing and the  
3 Federal Bureau of Investigation for federal processing.

4 2.a. The applicant or employee shall attest to the  
5 minimum standards for good moral character as contained in  
6 chapter 435, using the level 2 standards set forth in that  
7 chapter under penalty of perjury.

8 b. New personnel shall be on a probationary status  
9 pending a determination of compliance with such minimum  
10 standards for good moral character. This paragraph is in  
11 addition to any probationary status provided for by Florida  
12 law or Florida School for the Deaf and the Blind rules or  
13 collective bargaining contracts.

14 3. The Florida School for the Deaf and the Blind shall  
15 review the record of the applicant or employee with respect to  
16 the crimes contained in s. 435.04 and shall notify the  
17 applicant or employee of its findings. When disposition  
18 information is missing on a criminal record, it shall be the  
19 responsibility of the applicant or employee, upon request of  
20 the Florida School for the Deaf and the Blind, to obtain and  
21 supply within 30 days the missing disposition information to  
22 the Florida School for the Deaf and the Blind. Failure to  
23 supply missing information within 30 days or to show  
24 reasonable efforts to obtain such information shall result in  
25 automatic disqualification of an applicant and automatic  
26 termination of an employee.

27 4. After an initial personnel screening and security  
28 background investigation, written notification shall be given  
29 to the affected employee within a reasonable time prior to any  
30 subsequent screening and investigation.

31

1           (c) The Florida School for the Deaf and the Blind may  
2 grant exemptions from disqualification as provided in s.  
3 435.07.

4           (d) The Florida School for the Deaf and the Blind may  
5 not use the criminal records, private investigator findings,  
6 or information reference checks obtained by the school  
7 pursuant to this section for any purpose other than  
8 determining if a person meets the minimum standards for good  
9 moral character for personnel employed by the school. The  
10 criminal records, private investigator findings, and  
11 information from reference checks obtained by the Florida  
12 School for the Deaf and the Blind for determining the moral  
13 character of employees of the school are confidential and  
14 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
15 I of the State Constitution.

16           (e) It is a misdemeanor of the first degree,  
17 punishable as provided in s. 775.082 or s. 775.083, for any  
18 person willfully, knowingly, or intentionally to:

19           1. Fail, by false statement, misrepresentation,  
20 impersonation, or other fraudulent means, to disclose in any  
21 application for voluntary or paid employment a material fact  
22 used in making a determination as to such person's  
23 qualifications for a position of special trust.

24           2. Use the criminal records, private investigator  
25 findings, or information from reference checks obtained under  
26 this section or information obtained from such records or  
27 findings for purposes other than screening for employment or  
28 release such information or records to persons for purposes  
29 other than screening for employment.

30           (9) CAMPUS POLICE.--  
31



1       (a) The Board of Trustees for the Florida School for  
2 the Deaf and the Blind is permitted and empowered to employ  
3 police officers for the school, who must be designated Florida  
4 School for the Deaf and the Blind campus police.

5       (b) Each Florida School for the Deaf and the Blind  
6 campus police officer is a law enforcement officer of the  
7 state and a conservator of the peace who has the authority to  
8 arrest, in accordance with the laws of this state, any person  
9 for a violation of state law or applicable county or municipal  
10 ordinance if that violation occurs on or in any property or  
11 facilities of the school. A campus police officer may also  
12 arrest a person off campus for a violation committed on campus  
13 after a hot pursuit of that person which began on campus. A  
14 campus police officer shall have full authority to bear arms  
15 in the performance of the officer's duties and carry out a  
16 search pursuant to a search warrant on the campus. Florida  
17 School for the Deaf and the Blind campus police, upon request  
18 of the sheriff or local police authority, may serve subpoenas  
19 or other legal process and may make arrests of persons against  
20 whom arrest warrants have been issued or against whom charges  
21 have been made for violations of federal or state laws or  
22 county or municipal ordinances.

23       (c) The campus police shall promptly deliver all  
24 persons arrested and charged with felonies to the sheriff of  
25 the county within which the school is located and all persons  
26 arrested and charged with misdemeanors to the applicable  
27 authority as provided by law, but otherwise to the sheriff of  
28 the county in which the school is located.

29       (d) The campus police must meet the minimum standards  
30 established by the Criminal Justice Standards and Training  
31 Commission of the Department of Law Enforcement and chapter

1 943 for law enforcement officers. Each campus police officer  
2 must, before entering into the performance of the officer's  
3 duties, take the oath of office established by the board of  
4 trustees. The board of trustees may obtain and approve a bond  
5 on each campus police officer, conditioned upon the officer's  
6 faithful performance of the officer's duties, which bond must  
7 be payable to the Governor. The board of trustees may  
8 determine the amount of the bond. In determining the amount of  
9 the bond, the board may consider the amount of money or  
10 property likely to be in the custody of the officer at any one  
11 time. The board of trustees must provide a uniform set of  
12 identifying credentials to each campus police officer it  
13 employs.

14 (e) In performance of any of the powers, duties, and  
15 functions authorized by law, campus police have the same  
16 rights, protections, and immunities afforded other law  
17 enforcement officers.

18 (f) The board of trustees shall adopt rules,  
19 including, without limitation, rules for the appointment,  
20 employment, and removal of campus police in accordance with  
21 the State Career Service System and shall establish in writing  
22 a policy manual, that includes, without limitation, procedures  
23 for managing routine law enforcement situations and emergency  
24 law enforcement situations. The board of trustees shall  
25 furnish a copy of the policy manual to each of the campus  
26 police officers it employs. A campus police officer appointed  
27 by the board of trustees must have completed the training  
28 required by the school in the special needs and proper  
29 procedures for dealing with students served by the school.

30 (10) REPORT OF CAMPUS CRIME STATISTICS.--  
31

1           (a) The school shall prepare an annual report of  
2 statistics of crimes committed on its campus and shall submit  
3 the report to the board of trustees and the Commissioner of  
4 Education. The data for these reports may be taken from the  
5 annual report of the Department of Law Enforcement. The board  
6 of trustees shall prescribe the form for submission of these  
7 reports.

8           (b) The school shall prepare annually a report of  
9 statistics of crimes committed on its campus for the preceding  
10 3 years. The school shall give students and prospective  
11 students notice that this report is available upon request.

12           (11) CONSTRUCTION OF STATE SCHOOL IN ST. JOHNS  
13 COUNTY.--If and when the State School for Deaf and Blind as  
14 provided for by law is separated and there is created a  
15 special state school for the blind and a state school for the  
16 deaf, such schools shall both be located in St. Johns County.

17           Section 101. Section 1002.37, Florida Statutes, is  
18 created to read:

19           1002.37 The Florida Virtual High School.--

20           (1)(a) The Florida Virtual High School is established  
21 for the development and delivery of on-line and distance  
22 learning education and shall be administratively housed within  
23 the Commissioner of Education's Office of Technology and  
24 Information Services. The Commissioner of Education shall  
25 monitor the school's performance and report its performance to  
26 the State Board of Education and the Legislature.

27           (b) The mission of the Florida Virtual High School is  
28 to provide students with technology-based educational  
29 opportunities to gain the knowledge and skills necessary to  
30 succeed. The school shall serve any student in the state who  
31

1 meets the profile for success in this educational delivery  
2 context and shall give priority to:

3 1. Students who need expanded access to courses in  
4 order to meet their educational goals, such as home education  
5 students and students in inner-city and rural high schools who  
6 do not have access to higher-level courses.

7 2. Students seeking accelerated access in order to  
8 obtain a high school diploma at least one semester early.

9 (c) To ensure students are informed of the  
10 opportunities offered by the Florida Virtual High School, the  
11 commissioner shall provide the board of trustees access to the  
12 records of public school students in a format prescribed by  
13 the board of trustees.

14  
15 The board of trustees of the Florida Virtual High School shall  
16 identify appropriate performance measures and standards based  
17 on student achievement that reflect the school's statutory  
18 mission and priorities, and shall implement an accountability  
19 system for the school that includes assessment of its  
20 effectiveness and efficiency in providing quality services  
21 that encourage high student achievement, seamless  
22 articulation, and maximum access.

23 (2) The Florida Virtual High School shall be governed  
24 by a board of trustees comprised of seven members appointed by  
25 the Governor to 4-year staggered terms. The board shall be a  
26 public agency entitled to sovereign immunity pursuant to s.  
27 768.28, and board members shall be public officers who shall  
28 bear fiduciary responsibility for the Florida Virtual High  
29 School. The board of trustees shall have the following powers  
30 and duties:

31

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

4           2. The fiscal year for the Florida Virtual High School  
5 shall be the state fiscal year as provided in s.  
6 216.011(1)(o).

7           (b) The board of trustees shall be responsible for the  
8 Florida Virtual High School's development of a  
9 state-of-the-art technology-based education delivery system  
10 that is cost-effective, educationally sound, marketable, and  
11 capable of sustaining a self-sufficient delivery system  
12 through the Florida Education Finance Program, by fiscal year  
13 2003-2004. The school shall collect and report data for all  
14 students served and credit awarded. This data shall be  
15 segregated by private, public, and home school students by  
16 program. Information shall also be collected which reflects  
17 any other school in which a virtual high school student is  
18 enrolled.

19           (c) The board of trustees shall aggressively seek  
20 avenues to generate revenue to support its future endeavors,  
21 and shall enter into agreements with distance learning  
22 providers. The board of trustees may acquire, enjoy, use, and  
23 dispose of patents, copyrights, and trademarks and any  
24 licenses and other rights or interests thereunder or therein.  
25 Ownership of all such patents, copyrights, trademarks,  
26 licenses, and rights or interests thereunder or therein shall  
27 vest in the state, with the board having full right of use and  
28 full right to retain the revenues derived therefrom. Any funds  
29 realized from patents, copyrights, trademarks, or licenses  
30 shall be used to support the school's research and development  
31

1 activities in order to improve courseware and services to its  
2 students.

3 (d) The board of trustees shall annually prepare and  
4 submit to the State Board of Education a legislative budget  
5 request, including funding requests for computers for public  
6 school students who do not have access to public school  
7 computers, in accordance with chapter 216 and s. 1013.60. The  
8 legislative budget request of the Florida Virtual High School  
9 shall be prepared using the same format, procedures, and  
10 timelines required for the submission of the legislative  
11 budget of the Department of Education. Nothing in this  
12 section shall be construed to guarantee a computer to any  
13 individual student.

14 (e) In accordance with law and rules of the State  
15 Board of Education, the board of trustees shall administer and  
16 maintain personnel programs for all employees of the board of  
17 trustees and the Florida Virtual High School. The board of  
18 trustees may adopt rules, policies, and procedures related to  
19 the appointment, employment, and removal of personnel.

20 1. The board of trustees shall determine the  
21 compensation, including salaries and fringe benefits, and  
22 other conditions of employment for such personnel.

23 2. The board of trustees may establish and maintain a  
24 personnel loan or exchange program by which persons employed  
25 by the board for the Florida Virtual High School as academic  
26 administrative and instructional staff may be loaned to, or  
27 exchanged with persons employed in like capacities by, public  
28 agencies either within or without this state, or by private  
29 industry. With respect to public agency employees, the program  
30 authorized by this subparagraph shall be consistent with the  
31 requirements of part II of chapter 112. The salary and

1 benefits of board personnel participating in the loan or  
2 exchange program shall be continued during the period of time  
3 they participate in a loan or exchange program, and such  
4 personnel shall be deemed to have no break in creditable or  
5 continuous service or employment during such time. The salary  
6 and benefits of persons participating in the personnel loan or  
7 exchange program who are employed by public agencies or  
8 private industry shall be paid by the originating employers of  
9 those participants, and such personnel shall be deemed to have  
10 no break in creditable or continuous service or employment  
11 during such time.

12 3. The employment of all Florida Virtual High School  
13 academic administrative and instructional personnel shall be  
14 subject to rejection for cause by the board of trustees, and  
15 shall be subject to policies of the board of trustees relative  
16 to certification, tenure, leaves of absence, sabbaticals,  
17 remuneration, and such other conditions of employment as the  
18 board deems necessary and proper, not inconsistent with law.

19 4. Each person employed by the board of trustees in an  
20 academic administrative or instructional capacity with the  
21 Florida Virtual High School shall be entitled to a contract as  
22 provided by rules of the board.

23 5. All employees except temporary, seasonal, and  
24 student employees may be state employees for the purpose of  
25 being eligible to participate in the Florida Retirement System  
26 and receive benefits. The classification and pay plan,  
27 including terminal leave and other benefits, and any  
28 amendments thereto, shall be subject to review and approval by  
29 the Department of Management Services and the Executive Office  
30 of the Governor prior to adoption. In the event that the board  
31 of trustees assumes responsibility for governance pursuant to

1 this section before approval is obtained, employees shall be  
2 compensated pursuant to the system in effect for the employees  
3 of the fiscal agent.

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

6 (g) The board of trustees shall establish and  
7 distribute to all school districts and high schools in the  
8 state procedures for enrollment of students into courses  
9 offered by the Florida Virtual High School. Such procedures  
10 shall be designed to minimize paperwork and fairly resolve the  
11 issue of double funding students taking courses online.

12 (h) The board of trustees shall annually submit to the  
13 State Board of Education both forecasted and actual  
14 enrollments for the Florida Virtual High School, according to  
15 procedures established by the State Board of Education. At a  
16 minimum, such procedures must include the number of public,  
17 private, and home school students served by district.

18 (i) The board of trustees shall provide for the  
19 content and custody of student and employee personnel records.  
20 Student records shall be subject to the provisions of s.  
21 1002.22. Employee records shall be subject to the provisions  
22 of s. 1012.31.

23 (j) The financial records and accounts of the Florida  
24 Virtual High School shall be maintained under the direction of  
25 the board of trustees and under rules adopted by the State  
26 Board of Education for the uniform system of financial records  
27 and accounts for the schools of the state.

28  
29 The Governor shall designate the initial chair of the board of  
30 trustees to serve a term of 4 years. Members of the board of  
31 trustees shall serve without compensation, but may be



1 reimbursed for per diem and travel expenses pursuant to s.  
2 112.061. The board of trustees shall be a body corporate with  
3 all the powers of a body corporate and such authority as is  
4 needed for the proper operation and improvement of the Florida  
5 Virtual High School. The board of trustees is specifically  
6 authorized to adopt rules, policies, and procedures,  
7 consistent with law and rules of the State Board of Education  
8 related to governance, personnel, budget and finance,  
9 administration, programs, curriculum and instruction, travel  
10 and purchasing, technology, students, contracts and grants,  
11 and property as necessary for optimal, efficient operation of  
12 the Florida Virtual High School. Tangible personal property  
13 owned by the board of trustees shall be subject to the  
14 provisions of chapter 273.

15 (3)(a) Until fiscal year 2003-2004, the Commissioner  
16 of Education shall include the Florida Virtual High School as  
17 a grant-in-aid appropriation in the department's legislative  
18 budget request to the State Board of Education, the Governor,  
19 and the Legislature, subject to any guidelines imposed in the  
20 General Appropriations Act.

21 (b) The Orange County District School Board shall be  
22 the temporary fiscal agent of the Florida Virtual High School.

23 (4) Under no circumstance may the credit of the state  
24 be pledged on behalf of the Florida Virtual High School.

25 (5) The board of trustees shall annually submit to the  
26 Governor, the Legislature, the Commissioner of Education, and  
27 the State Board of Education a complete and detailed report  
28 setting forth:

29 (a) The operations and accomplishments of the Florida  
30 Virtual High School.

31

1           (b) The marketing and operational plan for the Florida  
2 Virtual High School, including recommendations regarding  
3 methods for improving the delivery of education through the  
4 Internet and other distance learning technology.

5           (c) The assets and liabilities of the Florida Virtual  
6 High School at the end of the fiscal year.

7           (d) A copy of an annual financial and compliance audit  
8 of the accounts and records of the Florida Virtual High  
9 School, conducted by an independent certified public  
10 accountant and performed in accordance with rules adopted by  
11 the Auditor General.

12           (e) Recommendations regarding the unit cost of  
13 providing services to students. In order to most effectively  
14 develop public policy regarding any future funding of the  
15 Florida Virtual High School, it is imperative that the cost of  
16 the program is accurately identified. The identified cost of  
17 the program must be based on reliable data.

18           (f) Recommendations regarding an accountability  
19 mechanism to assess the effectiveness of the services provided  
20 by the Florida Virtual High School.

21           (6) The State Board of Education may adopt rules it  
22 deems necessary to implement reporting requirements for the  
23 Florida Virtual High School.

24           Section 102. Section 1002.38, Florida Statutes, is  
25 created to read:

26           1002.38 Opportunity Scholarship Program.--

27           (1) FINDINGS AND INTENT.--The purpose of this section  
28 is to provide enhanced opportunity for students in this state  
29 to gain the knowledge and skills necessary for postsecondary  
30 education, a technical education, or the world of work. The  
31 Legislature recognizes that the voters of the State of

1 Florida, in the November 1998 general election, amended s. 1,  
2 Art. IX of the Florida Constitution so as to make education a  
3 paramount duty of the state. The Legislature finds that the  
4 State Constitution requires the state to provide a uniform,  
5 safe, secure, efficient, and high-quality system which allows  
6 the opportunity to obtain a high-quality education. The  
7 Legislature further finds that a student should not be  
8 compelled, against the wishes of the student's parent, to  
9 remain in a school found by the state to be failing for 2  
10 years in a 4-year period. The Legislature shall make available  
11 opportunity scholarships in order to give parents the  
12 opportunity for their children to attend a public school that  
13 is performing satisfactorily or to attend an eligible private  
14 school when the parent chooses to apply the equivalent of the  
15 public education funds generated by his or her child to the  
16 cost of tuition in the eligible private school as provided in  
17 paragraph (6)(a). Eligibility of a private school shall  
18 include the control and accountability requirements that,  
19 coupled with the exercise of parental choice, are reasonably  
20 necessary to secure the educational public purpose, as  
21 delineated in subsection (4).

22 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public  
23 school student's parent may request and receive from the state  
24 an opportunity scholarship for the student to enroll in and  
25 attend a private school in accordance with the provisions of  
26 this section if:

27 (a)1. By assigned school attendance area or by special  
28 assignment, the student has spent the prior school year in  
29 attendance at a public school that has been designated  
30 pursuant to s. 1008.34 as performance grade category "F,"  
31 failing to make adequate progress, and that has had two school

1 years in a 4-year period of such low performance, and the  
2 student's attendance occurred during a school year in which  
3 such designation was in effect; or

4 2. the student has been in attendance elsewhere in the  
5 public school system and has been assigned to such school for  
6 the next school year; or

7 3. the student is entering kindergarten or first grade  
8 and has been notified that the student has been assigned to  
9 such school for the next school year;

10 (b) The parent has obtained acceptance for admission  
11 of the student to a private school eligible for the program  
12 pursuant to subsection (4), and has notified the Department of  
13 Education and the school district of the request for an  
14 opportunity scholarship no later than July 1 of the first year  
15 in which the student intends to use the scholarship.

16  
17 The provisions of this section shall not apply to a student  
18 who is enrolled in a school operating for the purpose of  
19 providing educational services to youth in Department of  
20 Juvenile Justice commitment programs. For purposes of  
21 continuity of educational choice, the opportunity scholarship  
22 shall remain in force until the student returns to a public  
23 school or, if the student chooses to attend a private school  
24 the highest grade of which is grade 8, until the student  
25 matriculates to high school and the public high school to  
26 which the student is assigned is an accredited school with a  
27 performance grade category designation of "C" or better.

28 However, at any time upon reasonable notice to the Department  
29 of Education and the school district, the student's parent may  
30 remove the student from the private school and place the  
31

1 student in a public school, as provided in subparagraph  
2 (3)(a)2.

3 (3) SCHOOL DISTRICT OBLIGATIONS.--

4 (a) A school district shall, for each student enrolled  
5 in or assigned to a school that has been designated as  
6 performance grade category "F" for 2 school years in a 4-year  
7 period:

8 1. Timely notify the parent of the student as soon as  
9 such designation is made of all options available pursuant to  
10 this section; and

11 2. Offer that student's parent an opportunity to  
12 enroll the student in the public school within the district  
13 that has been designated by the state pursuant to s. 1008.34  
14 as a school performing higher than that in which the student  
15 is currently enrolled or to which the student has been  
16 assigned, but not less than performance grade category "C."  
17 The parent is not required to accept this offer in lieu of  
18 requesting a state opportunity scholarship to a private  
19 school. The opportunity to continue attending the higher  
20 performing public school shall remain in force until the  
21 student graduates from high school.

22 (b) The parent of a student enrolled in or assigned to  
23 a school that has been designated performance grade category  
24 "F" for 2 school years in a 4-year period may choose as an  
25 alternative to enroll the student in and transport the student  
26 to a higher-performing public school that has available space  
27 in an adjacent school district, and that school district shall  
28 accept the student and report the student for purposes of the  
29 district's funding pursuant to the Florida Education Finance  
30 Program.

31

1       (c) For students in the district who are participating  
2 in the state Opportunity Scholarship Program, the district  
3 shall provide locations and times to take all statewide  
4 assessments required pursuant to s. 1008.22.

5       (d) Students with disabilities who are eligible to  
6 receive services from the school district under federal or  
7 state law, and who participate in this program, remain  
8 eligible to receive services from the school district as  
9 provided by federal or state law.

10       (e) If for any reason a qualified private school is  
11 not available for the student or if the parent chooses to  
12 request that the student be enrolled in the higher performing  
13 public school, rather than choosing to request the state  
14 opportunity scholarship, transportation costs to the higher  
15 performing public school shall be the responsibility of the  
16 school district. The district may utilize state categorical  
17 transportation funds or state-appropriated public school  
18 choice incentive funds for this purpose.

19       (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to  
20 participate in the opportunity scholarship program, a private  
21 school must be a Florida private school, may be sectarian or  
22 nonsectarian, and must:

23       (a) Demonstrate fiscal soundness by being in operation  
24 for one school year or provide the Department of Education  
25 with a statement by a certified public accountant confirming  
26 that the private school desiring to participate is insured and  
27 the owner or owners have sufficient capital or credit to  
28 operate the school for the upcoming year serving the number of  
29 students anticipated with expected revenues from tuition and  
30 other sources that may be reasonably expected. In lieu of such  
31 a statement, a surety bond or letter of credit for the amount

1 equal to the opportunity scholarship funds for any quarter may  
2 be filed with the department.

3 (b) Notify the Department of Education and the school  
4 district in whose service area the school is located of its  
5 intent to participate in the program under this section by May  
6 1 of the school year preceding the school year in which it  
7 intends to participate. The notice shall specify the grade  
8 levels and services that the private school has available for  
9 the opportunity scholarship program.

10 (c) Comply with the antidiscrimination provisions of  
11 42 U.S.C. s. 2000d.

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

14 (e) Accept scholarship students on an entirely random  
15 and religious-neutral basis without regard to the student's  
16 past academic history; however, the private school may give  
17 preference in accepting applications to siblings of students  
18 who have already been accepted on a random and  
19 religious-neutral basis.

20 (f) Be subject to the instruction, curriculum, and  
21 attendance criteria adopted by an appropriate nonpublic school  
22 accrediting body and be academically accountable to the parent  
23 for meeting the educational needs of the student. The private  
24 school must furnish a school profile which includes student  
25 performance.

26 (g) Employ or contract with teachers who hold a  
27 baccalaureate or higher degree, or have at least 3 years of  
28 teaching experience in public or private schools, or have  
29 special skills, knowledge, or expertise that qualifies them to  
30 provide instruction in subjects taught.

31

1       (h) Comply with all state statutes relating to private  
2 schools.

3       (i) Accept as full tuition and fees the amount  
4 provided by the state for each student.

5       (j) Agree not to compel any student attending the  
6 private school on an opportunity scholarship to profess a  
7 specific ideological belief, to pray, or to worship.

8       (k) Adhere to the tenets of its published disciplinary  
9 procedures prior to the expulsion of any opportunity  
10 scholarship student.

11       (5) OBLIGATION OF PROGRAM PARTICIPATION.--

12       (a) Any student participating in the opportunity  
13 scholarship program must remain in attendance throughout the  
14 school year, unless excused by the school for illness or other  
15 good cause, and must comply fully with the school's code of  
16 conduct.

17       (b) The parent of each student participating in the  
18 opportunity scholarship program must comply fully with the  
19 private school's parental involvement requirements, unless  
20 excused by the school for illness or other good cause.

21       (c) The parent shall ensure that the student  
22 participating in the opportunity scholarship program takes all  
23 statewide assessments required pursuant to s. 1008.22.

24       (d) A participant who fails to comply with this  
25 subsection shall forfeit the opportunity scholarship.

26       (6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--

27       (a) The maximum opportunity scholarship granted for an  
28 eligible student shall be a calculated amount equivalent to  
29 the base student allocation in the Florida Education Finance  
30 Program multiplied by the appropriate cost factor for the  
31 educational program that would have been provided for the



1 student in the district school to which he or she was  
2 assigned, multiplied by the district cost differential. In  
3 addition, the calculated amount shall include the per-student  
4 share of instructional materials funds, technology funds, and  
5 other categorical funds as provided for this purpose in the  
6 General Appropriations Act.

7 (b) The amount of the opportunity scholarship shall be  
8 the calculated amount or the amount of the private school's  
9 tuition and fees, whichever is less. Fees eligible shall  
10 include textbook fees, lab fees, and other fees related to  
11 instruction, including transportation.

12 (c) The district shall report all students who are  
13 attending a private school under this program. The students  
14 attending private schools on opportunity scholarships shall be  
15 reported separately from those students reported for purposes  
16 of the Florida Education Finance Program.

17 (d) The public or private school that provides  
18 services to students with disabilities shall receive the  
19 weighted funding for such services at the appropriate funding  
20 level consistent with the provisions of s. 1011.62(1)(e).

21 (e) For purposes of calculating the opportunity  
22 scholarship, a student will be eligible for the amount of the  
23 appropriate basic cost factor if:

24 1. The student currently participates in a Group I  
25 program funded at the basic cost factor and is not  
26 subsequently identified as having a disability; or

27 2. The student currently participates in a Group II  
28 program and the parent has chosen a private school that does  
29 not provide the additional services funded by the Group II  
30 program.

31

1           (f) Following annual notification on July 1 of the  
2 number of participants, the Department of Education shall  
3 transfer from each school district's appropriated funds the  
4 calculated amount from the Florida Education Finance Program  
5 and authorized categorical accounts to a separate account for  
6 the Opportunity Scholarship Program for quarterly disbursement  
7 to the parents of participating students.

8           (g) Upon proper documentation reviewed and approved by  
9 the Department of Education, the Comptroller shall make  
10 opportunity scholarship payments in four equal amounts no  
11 later than September 1, November 1, February 1, and April 1 of  
12 each academic year in which the opportunity scholarship is in  
13 force. The initial payment shall be made after Department of  
14 Education verification of admission acceptance, and subsequent  
15 payments shall be made upon verification of continued  
16 enrollment and attendance at the private school. Payment must  
17 be by individual warrant made payable to the student's parent  
18 and mailed by the Department of Education to the private  
19 school of the parent's choice, and the parent shall  
20 restrictively endorse the warrant to the private school.

21           (7) LIABILITY.--No liability shall arise on the part  
22 of the state based on any grant or use of an opportunity  
23 scholarship.

24           (8) RULES.--The State Board of Education may adopt  
25 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
26 provisions of this section. Rules shall include penalties for  
27 noncompliance with subsections (3) and (5). However, the  
28 inclusion of eligible private schools within options available  
29 to Florida public school students does not expand the  
30 regulatory authority of the state, its officers, or any school  
31 district to impose any additional regulation of private

1 schools beyond those reasonably necessary to enforce  
2 requirements expressly set forth in this section.

3 Section 103. Section 1002.39, Florida Statutes, is  
4 created to read:

5 1002.39 The John M. McKay Scholarships for Students  
6 with Disabilities Program.--There is established a program  
7 that is separate and distinct from the Opportunity Scholarship  
8 Program and is named the John M. McKay Scholarships for  
9 Students with Disabilities Program, pursuant to this section.

10 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH  
11 DISABILITIES PROGRAM.--The John M. McKay Scholarships for  
12 Students with Disabilities Program is established to provide  
13 the option to attend a public school other than the one to  
14 which assigned, or to provide a scholarship to a private  
15 school of choice, for students with disabilities for whom an  
16 individual education plan has been written in accordance with  
17 rules of the State Board of Education. Students with  
18 disabilities include K-12 students who are mentally  
19 handicapped, speech and language impaired, deaf or hard of  
20 hearing, visually impaired, dual sensory impaired, physically  
21 impaired, emotionally handicapped, specific learning disabled,  
22 hospitalized or homebound, or autistic.

23 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public  
24 school student with a disability who is dissatisfied with the  
25 student's progress may request and receive from the state a  
26 John M. McKay Scholarship for the child to enroll in and  
27 attend a private school in accordance with this section if:

28 (a) By assigned school attendance area or by special  
29 assignment, the student has spent the prior school year in  
30 attendance at a Florida public school. Prior school year in  
31 attendance means that the student was enrolled and reported by

1 a school district for funding during the preceding October and  
2 February Florida Education Finance Program surveys in  
3 kindergarten through grade 12; and

4 (b) The parent has obtained acceptance for admission  
5 of the student to a private school that is eligible for the  
6 program under subsection (4) and has notified, in writing, the  
7 school district of the request for a scholarship at least 60  
8 days prior to the date of the first scholarship payment.

9  
10 This section does not apply to a student who is enrolled in a  
11 school operating for the purpose of providing educational  
12 services to youth in Department of Juvenile Justice commitment  
13 programs. For purposes of continuity of educational choice,  
14 the scholarship shall remain in force until the student  
15 returns to a public school or graduates from high school.  
16 However, at any time, the student's parent may remove the  
17 student from the private school and place the student in  
18 another private school that is eligible for the program under  
19 subsection (4) or in a public school as provided in subsection  
20 (3).

21 (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION  
22 OBLIGATIONS.--

23 (a) A school district shall timely notify the parent  
24 of the student of all options available pursuant to this  
25 section and offer that student's parent an opportunity to  
26 enroll the student in another public school within the  
27 district. The parent is not required to accept this offer in  
28 lieu of requesting a John M. McKay Scholarship to a private  
29 school. However, if the parent chooses the public school  
30 option, the student may continue attending a public school  
31 chosen by the parent until the student graduates from high

1 school. If the parent chooses a public school consistent with  
2 the district school board's choice plan under s. 1002.31, the  
3 school district will provide transportation to the public  
4 school selected by the parent. The parent is responsible to  
5 provide transportation to a public school chosen that is not  
6 consistent with the district school board's choice plan under  
7 s. 1002.31.

8 (b) For a student with disabilities who does not have  
9 a matrix of services under s. 1011.62(1)(e), the school  
10 district must complete a matrix that assigns the student to  
11 one of the levels of service as they existed prior to the  
12 2000-2001 school year. The school district must complete the  
13 matrix of services for any student who is participating in the  
14 John M. McKay Scholarships for Students with Disabilities  
15 Program and must notify the Department of Education of the  
16 student's matrix level within 30 days after receiving  
17 notification by the student's parent of intent to participate  
18 in the scholarship program. The Department of Education shall  
19 notify the private school of the amount of the scholarship  
20 within 10 days after receiving the school district's  
21 notification of the student's matrix level.

22 (c) If the parent chooses the private school option  
23 and the student is accepted by the private school pending the  
24 availability of a space for the student, the parent of the  
25 student must notify the school district 60 days prior to the  
26 first scholarship payment and before entering the private  
27 school in order to be eligible for the scholarship when a  
28 space becomes available for the student in the private school.

29 (d) The parent of a student may choose, as an  
30 alternative, to enroll the student in and transport the  
31 student to a public school in an adjacent school district

1 which has available space and has a program with the services  
2 agreed to in the student's individual education plan already  
3 in place, and that school district shall accept the student  
4 and report the student for purposes of the district's funding  
5 pursuant to the Florida Education Finance Program.

6 (e) For a student in the district who participates in  
7 the John M. McKay Scholarships for Students with Disabilities  
8 Program whose parent requests that the student take the  
9 statewide assessments under s. 1008.22, the district shall  
10 provide locations and times to take all statewide assessments.

11 (f) A school district must notify the Department of  
12 Education within 10 days after it receives notification of a  
13 parent's intent to apply for a scholarship for a student with  
14 a disability.

15 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to  
16 participate in the John M. McKay Scholarships for Students  
17 with Disabilities Program, a private school must be a Florida  
18 private school, may be sectarian or nonsectarian, and must:

19 (a) Demonstrate fiscal soundness by being in operation  
20 for 1 school year or provide the Department of Education with  
21 a statement by a certified public accountant confirming that  
22 the private school desiring to participate is insured and the  
23 owner or owners have sufficient capital or credit to operate  
24 the school for the upcoming year serving the number of  
25 students anticipated with expected revenues from tuition and  
26 other sources that may be reasonably expected. In lieu of such  
27 a statement, a surety bond or letter of credit for the amount  
28 equal to the scholarship funds for any quarter may be filed  
29 with the department.

30 (b) Notify the Department of Education of its intent  
31 to participate in the program under this section by May 1 of

1 the school year preceding the school year in which it intends  
2 to participate. The notice must specify the grade levels and  
3 services that the private school has available for students  
4 with disabilities who are participating in the scholarship  
5 program.

6 (c) Comply with the antidiscrimination provisions of  
7 42 U.S.C. s. 2000d.

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

10 (e) Be academically accountable to the parent for  
11 meeting the educational needs of the student.

12 (f) Employ or contract with teachers who hold  
13 baccalaureate or higher degrees, or have at least 3 years of  
14 teaching experience in public or private schools, or have  
15 special skills, knowledge, or expertise that qualifies them to  
16 provide instruction in subjects taught.

17 (g) Comply with all state laws relating to general  
18 regulation of private schools.

19 (h) Adhere to the tenets of its published disciplinary  
20 procedures prior to the expulsion of a scholarship student.

21 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--

22 (a) A parent who applies for a John M. McKay  
23 Scholarship is exercising his or her parental option to place  
24 his or her child in a private school. The parent must select  
25 the private school and apply for the admission of his or her  
26 child.

27 (b) The parent must have requested the scholarship at  
28 least 60 days prior to the date of the first scholarship  
29 payment.

30 (c) Any student participating in the scholarship  
31 program must remain in attendance throughout the school year.

1 unless excused by the school for illness or other good cause,  
2 and must comply fully with the school's code of conduct.

3 (d) The parent of each student participating in the  
4 scholarship program must comply fully with the private  
5 school's parental involvement requirements, unless excused by  
6 the school for illness or other good cause.

7 (e) If the parent requests that the student  
8 participating in the scholarship program take all statewide  
9 assessments required pursuant to s. 1008.22, the parent is  
10 responsible for transporting the student to the assessment  
11 site designated by the school district.

12 (f) Upon receipt of a scholarship warrant, the parent  
13 to whom the warrant is made must restrictively endorse the  
14 warrant to the private school for deposit into the account of  
15 the private school.

16 (g) A participant who fails to comply with this  
17 subsection forfeits the scholarship.

18 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

19 (a)1. The maximum scholarship granted for an eligible  
20 student with disabilities shall be a calculated amount  
21 equivalent to the base student allocation in the Florida  
22 Education Finance Program multiplied by the appropriate cost  
23 factor for the educational program that would have been  
24 provided for the student in the district school to which he or  
25 she was assigned, multiplied by the district cost  
26 differential.

27 2. In addition, a share of the guaranteed allocation  
28 for exceptional students shall be determined and added to the  
29 calculated amount. The calculation shall be based on the  
30 methodology and the data used to calculate the guaranteed  
31 allocation for exceptional students for each district in



1 chapter 2000-166, Laws of Florida. The calculation shall be  
2 based on the student's grade, matrix level of services, and  
3 the difference between the 2000-2001 basic program and the  
4 appropriate level of services cost factor, multiplied by the  
5 2000-2001 base student allocation and the 2000-2001 district  
6 cost differential for the sending district. Also, the  
7 calculated amount shall include the per-student share of  
8 supplemental academic instruction funds, instructional  
9 materials funds, technology funds, and other categorical funds  
10 as provided for such purposes in the General Appropriations  
11 Act.

12 (b) The amount of the John M. McKay Scholarship shall  
13 be the calculated amount or the amount of the private school's  
14 tuition and fees, whichever is less. The amount of any  
15 assessment fee required by the participating private school  
16 may be paid from the total amount of the scholarship.

17 (c) If the participating private school requires  
18 partial payment of tuition prior to the start of the academic  
19 year to reserve space for students admitted to the school,  
20 that partial payment may be paid by the Department of  
21 Education prior to the first quarterly payment of the year in  
22 which the John M. McKay Scholarship is awarded, up to a  
23 maximum of \$1,000, and deducted from subsequent scholarship  
24 payments. If a student decides not to attend the participating  
25 private school, the partial reservation payment must be  
26 returned to the Department of Education by the participating  
27 private school. There is a limit of one reservation payment  
28 per student per year.

29 (d) The school district shall report all students who  
30 are attending a private school under this program. The  
31 students with disabilities attending private schools on John

1 M. McKay Scholarships shall be reported separately from other  
2 students reported for purposes of the Florida Education  
3 Finance Program.

4 (e) Following notification on July 1, September 1,  
5 December 1, or February 1 of the number of program  
6 participants, the Department of Education shall transfer, from  
7 General Revenue funds only, the amount calculated under  
8 paragraph (b) from the school district's total funding  
9 entitlement under the Florida Education Finance Program and  
10 from authorized categorical accounts to a separate account for  
11 the scholarship program for quarterly disbursement to the  
12 parents of participating students. When a student enters the  
13 scholarship program, the Department of Education must receive  
14 all documentation required for the student's participation,  
15 including the private school's and student's fee schedules, at  
16 least 30 days before the first quarterly scholarship payment  
17 is made for the student. The Department of Education may not  
18 make any retroactive payments.

19 (f) Upon proper documentation reviewed and approved by  
20 the Department of Education, the Comptroller shall make  
21 scholarship payments in four equal amounts no later than  
22 September 1, November 1, February 1, and April 15 of each  
23 academic year in which the scholarship is in force. The  
24 initial payment shall be made after Department of Education  
25 verification of admission acceptance, and subsequent payments  
26 shall be made upon verification of continued enrollment and  
27 attendance at the private school. Payment must be by  
28 individual warrant made payable to the student's parent and  
29 mailed by the Department of Education to the private school of  
30 the parent's choice, and the parent shall restrictively  
31

1 endorse the warrant to the private school for deposit into the  
2 account of the private school.

3 (7) LIABILITY.--No liability shall arise on the part  
4 of the state based on the award or use of a John M. McKay  
5 Scholarship.

6 (8) RULES.--The State Board of Education may adopt  
7 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
8 section. However, the inclusion of eligible private schools  
9 within options available to Florida public school students  
10 does not expand the regulatory authority of the state, its  
11 officers, or any school district to impose any additional  
12 regulation of private schools beyond those reasonably  
13 necessary to enforce requirements expressly set forth in this  
14 section.

15 Section 104. Part IV of chapter 1002 shall be entitled  
16 "Home Education, Private Schools, Other Education Options" and  
17 shall consist of ss. 1002.41-1002.43.

18 Section 105. Section 1002.41, Florida Statutes, is  
19 created to read:

20 1002.41 Home education programs.--

21 (1) A "home education program" is defined in s.  
22 1002.01. The parent is not required to hold a valid regular  
23 Florida teaching certificate.

24 (a) The parent shall notify the district school  
25 superintendent of the county in which the parent resides of  
26 her or his intent to establish and maintain a home education  
27 program. The notice shall be in writing, signed by the parent,  
28 and shall include the names, addresses, and birthdates of all  
29 children who shall be enrolled as students in the home  
30 education program. The notice shall be filed in the district  
31 school superintendent's office within 30 days of the

1 establishment of the home education program. A written notice  
2 of termination of the home education program shall be filed in  
3 the district school superintendent's office within 30 days of  
4 said termination.

5 (b) The parent shall maintain a portfolio of records  
6 and materials. The portfolio shall consist of the following:

7 1. A log of educational activities which is made  
8 contemporaneously with the instruction and which designates by  
9 title any reading materials used.

10 2. Samples of any writings, worksheets, workbooks, or  
11 creative materials used or developed by the student.

12  
13 The portfolio shall be preserved by the parent for 2 years and  
14 shall be made available for inspection by the district school  
15 superintendent, or the district school superintendent's agent,  
16 upon 15 days' written notice. Nothing in this section shall  
17 require the district school superintendent to inspect the  
18 portfolio.

19 (c) The parent shall provide for an annual educational  
20 evaluation in which is documented the student's demonstration  
21 of educational progress at a level commensurate with her or  
22 his ability. The parent shall select the method of evaluation  
23 and shall file a copy of the evaluation annually with the  
24 district school superintendent's office in the county in which  
25 the student resides. The annual educational evaluation shall  
26 consist of one of the following:

27 1. A teacher selected by the parent shall evaluate the  
28 student's educational progress upon review of the portfolio  
29 and discussion with the student. Such teacher shall hold a  
30 valid regular Florida certificate to teach academic subjects  
31 at the elementary or secondary level;

1           2. The student shall take any nationally normed  
2 student achievement test administered by a certified teacher;

3           3. The student shall take a state student assessment  
4 test used by the school district and administered by a  
5 certified teacher, at a location and under testing conditions  
6 approved by the school district;

7           4. The student shall be evaluated by an individual  
8 holding a valid, active license pursuant to the provisions of  
9 s. 490.003(7) or (8); or

10           5. The student shall be evaluated with any other valid  
11 measurement tool as mutually agreed upon by the district  
12 school superintendent of the district in which the student  
13 resides and the student's parent.

14           (2) The district school superintendent shall review  
15 and accept the results of the annual educational evaluation of  
16 the student in a home education program. If the student does  
17 not demonstrate educational progress at a level commensurate  
18 with her or his ability, the district school superintendent  
19 shall notify the parent, in writing, that such progress has  
20 not been achieved. The parent shall have 1 year from the date  
21 of receipt of the written notification to provide remedial  
22 instruction to the student. At the end of the 1-year  
23 probationary period, the student shall be reevaluated as  
24 specified in paragraph (1)(c). Continuation in a home  
25 education program shall be contingent upon the student  
26 demonstrating educational progress commensurate with her or  
27 his ability at the end of the probationary period.

28           (3) A home education program shall be excluded from  
29 meeting the requirements of a school day as defined in s.  
30 1003.01(14) and s. 1011.60(2).

31

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 106. 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

1 group (e.g. career education and exceptional child education);  
2 the number of graduates; the number of instructional and  
3 administrative personnel; the number of days the school is in  
4 session; and such data as may be needed to meet the provisions  
5 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.

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.



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, upon conviction, the person or  
10 persons responsible therefor shall be guilty of a misdemeanor  
11 of the second degree, punishable as provided in s. 775.082 or  
12 s. 775.083. Persons found to be in violation of subparagraph  
13 (c)2. shall be guilty of a misdemeanor of the first degree,  
14 punishable as provided in s. 775.082 or s. 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) Definitions.--As used in this subsection:

30       1. "Defunct private school" means any private school  
31 which has terminated the operation of an education or training

1 program, or which has no students in attendance, or which has  
2 dissolved as a business entity.

3 2. "Student records" means those records, files,  
4 documents, and other materials which contain information  
5 directly related to students which are maintained by a private  
6 school or by a person acting for such institution and which  
7 are accessible to other professional personnel to facilitate  
8 the instruction, guidance, and educational progress of  
9 students. Information contained in student records shall be  
10 classified 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) Transfer of student records.--All private schools  
26 which become defunct shall transfer all permanent information  
27 contained in student records to the district school  
28 superintendent of the public school district in which the  
29 private school was located; or, if the private school is a  
30 member of a private school system or association, such school  
31 may transfer such records to the principal office of such

1 system or association, which shall constitute full compliance  
2 with this subsection. In the event that such private school  
3 system or association becomes defunct, it shall transfer all  
4 the permanent information contained in its files to the  
5 district school superintendent of the public school district  
6 in which the private school was located.

7 (c) Department responsibilities.--All private schools  
8 that become defunct shall notify the Department of Education  
9 Office of Private Schools and Home Education Programs of the  
10 date of transfer of student records, the location of storage,  
11 the custodian of such records, and the number of records to be  
12 stored. The department shall act as a clearinghouse and  
13 maintain a registry of such transfers of student records.

14 (d) Intent.--It is not the intent of the Legislature  
15 to limit or restrict the use or possession of any student  
16 records while a school is operational, but to facilitate  
17 access to academic records by former students seeking to  
18 continue their education or training after a private school  
19 has become defunct.

20 (4) ATTENDANCE RECORDS AND REPORTS.--All officials,  
21 teachers, and other employees in parochial, religious,  
22 denominational, and private schools, shall keep and prepare  
23 records in accordance with the provisions of s. 1003.23(2).

24 (5) SCHOOL-ENTRY HEALTH EXAMINATIONS.--The governing  
25 authority of each private school shall require students to  
26 present a certification of a school-entry health examination  
27 in accordance with the provisions of s. 1003.22(1) and (2).

28 (6) IMMUNIZATIONS.--The governing authority of each  
29 private school shall require students to present a  
30 certification of immunization in accordance with the  
31 provisions of s. 1003.22(3)-(11).

1        (7) ATTENDANCE REQUIREMENTS.--Attendance of a student  
2 at a private, parochial, religious, or denominational school  
3 satisfies the attendance requirements of ss. 1003.01(14) and  
4 1003.21(1).

5        (8) ATHLETIC COMPETITION.--A private school may  
6 participate in athletic competition with a public high school  
7 in accordance with the provisions of s. 1006.20(1).

8        (9) RECEIPT OF EDUCATIONAL MATERIALS.--The Department  
9 of Education may disseminate educational materials and sell  
10 copies for educational use to private schools pursuant to s.  
11 1006.39.

12        (10) INSTRUCTIONAL MATERIALS.--

13        District school boards may dispose of instructional  
14 materials when they become unserviceable or surplus or are no  
15 longer on state contract by giving them to a private school in  
16 accordance with the provisions of s. 1006.41.

17        (11) DIAGNOSTIC AND RESOURCE CENTERS.--

18        Diagnostic and resource centers may provide testing and  
19 evaluation services to private school students in accordance  
20 with the provisions of s. 1006.03(3).

21        (12) EXCEPTIONAL EDUCATION SERVICES.--

22        District school boards may provide instruction for an  
23 appropriate program of special instruction, facilities, and  
24 services for exceptional students through contractual  
25 arrangements with approved private schools in accordance with  
26 the provisions of s. 1003.57.

27        (13) PROFESSIONAL DEVELOPMENT SYSTEM.--

28        An organization of private schools which has no fewer  
29 than 10 member schools in this state may develop a  
30 professional development system to be filed with the  
31

1 Department of Education in accordance with the provisions of  
2 s. 1012.98(7).

3 (14) BUS DRIVER TRAINING.--Private school bus drivers  
4 may participate in a district school board's bus driver  
5 training program, if the district school board makes the  
6 program available pursuant to s. 1006.26.

7 (15) POOL PURCHASE OF SCHOOL BUSES.--

8 (a) Florida private schools which demonstrate a  
9 racially nondiscriminatory student admission policy may  
10 purchase school buses from the state pool purchase program as  
11 authorized in s. 1006.27(1), if the private school meets the  
12 following conditions:

13 1. Students in one or more grades, kindergarten  
14 through grade 12, are provided an education program by the  
15 school and the school has submitted the information required  
16 pursuant to this section and the most recent school survey  
17 required in subsection (2).

18 2. All conditions of the contracts for purchasing  
19 school buses between the Department of Education and the  
20 companies involved, including bus specifications, ordering  
21 deadlines, delivery period and procedures, and payment  
22 requirements, shall be met.

23 3. Purchase orders shall be made out to the  
24 appropriate company or companies involved and shall be  
25 accompanied by a certified check in the amount of 25 percent  
26 of the total cost of the bus or buses as a good faith deposit  
27 that the bus or buses will be purchased.

28 4. The remainder of the total cost shall be paid upon  
29 delivery of the bus or buses to the representative of the  
30 private school receiving the bus or buses, or shall be paid  
31 when the company informs the purchaser that the buses are

1 ready for delivery if the purchaser has specified that buses  
2 are to be picked up at the company's location. If the chassis  
3 and the body are purchased from different companies, the  
4 remainder of the chassis' total cost shall be payable upon  
5 delivery of the chassis to the body manufacturer.

6 5. If the private school does not meet the obligation  
7 stated in subparagraph 4. within 30 calendar days after notice  
8 that the bus is ready for delivery or that the chassis has  
9 been delivered to the body manufacturer, the selling company  
10 may retain 15 percent of the amount being held by the company  
11 as a good faith deposit, and all obligations to the private  
12 school may be canceled. When the 15 percent is retained, the  
13 company shall return 10 percent of the good faith deposit to  
14 the nonpublic school within 15 days of cancellation of the  
15 companies' objection.

16 (b) Any bus purchased under this section may not be  
17 sold, if still titled as a motor vehicle, within 5 calendar  
18 years of the date of the initial Florida title being issued,  
19 unless the following conditions are met:

20 1. The bus or buses may be sold only to a Florida  
21 public school district or Florida private school. Any such  
22 sale during the first 5 years shall be documented to the  
23 Department of Education within 15 days after the sale.

24 2. The bus or buses shall be advertised by the private  
25 school in one major newspaper located in each of the five  
26 regions of the state for 3 consecutive days and a copy of the  
27 advertisement and the name of each newspaper shall be sent to  
28 the Department of Education before the first day of  
29 advertising the bus or buses for sale.

30 3. The bus may not be sold at a profit. The bus shall  
31 be depreciated at a rate of 10 percent per calendar year, with

1 the first year starting on the date of issue of the initial  
2 title in this state.

3 4. Notwithstanding any other provisions of law and  
4 rule regarding purchase of used school buses, the bus may be  
5 sold to a public school district if the conditions of  
6 subparagraph 3. are met.

7 5. Any public school district or private school  
8 purchasing a bus under the conditions of this subsection must  
9 accept the obligations of this subsection, and such shall be  
10 entered in the sales contract.

11 (c) Any private school, including the owner or  
12 corporation purchasing a bus or buses under the conditions of  
13 this section, that does not comply with all the conditions of  
14 this section shall not be eligible for future purchases of a  
15 school bus under this section.

16 (d) Any private school interested in purchasing a bus  
17 under this section shall notify, in writing, the Department of  
18 Education. The Department of Education shall send the school  
19 the appropriate forms, instructions, and price quotations.

20 (e) Notwithstanding any other provisions of this  
21 section, no school bus manufacturer, distributor, or dealer  
22 shall be required to violate any dealer contract or franchise  
23 agreement entered into before the effective date of this  
24 section regarding the sale of its buses.

25 (f) The State Board of Education may adopt rules  
26 pursuant to ss. 120.536 and 120.54 necessary to implement this  
27 section, maintain the integrity of the school bus pool  
28 purchase program, and ensure the best and lowest price for  
29 purchasing school buses by the public school districts.

30 Section 107. Section 1002.43, Florida Statutes, is  
31 created to read:

1           1002.43 Private tutoring programs.--  
2           (1) Regular attendance as defined in s. 1003.01(14)  
3 may be achieved by attendance in a private tutoring program if  
4 the person tutoring the student meets the following  
5 requirements:

6           (a) Holds a valid Florida certificate to teach the  
7 subjects or grades in which instruction is given.

8           (b) Keeps all records and makes all reports required  
9 by the state and district school board and makes regular  
10 reports on the attendance of students in accordance with the  
11 provisions of s. 1003.23(2).

12           (c) Requires students to be in actual attendance for  
13 the minimum length of time prescribed by s. 1011.60(2).

14           (2) Private tutors shall keep and prepare records in  
15 accordance with the provisions of s. 1003.23(2).

16           Section 108. Chapter 1003 shall be entitled "Public  
17 K-12 Education" and shall consist of ss. 1003.01-1003.63.

18           Section 109. Part I of chapter 1003 shall be entitled  
19 "General Provisions" and shall consist of ss. 1003.01-1003.03.

20           Section 110. Section 1003.01, Florida Statutes, is  
21 created to read:

22           1003.01 Definitions.--As used in this chapter, the  
23 term:

24           (1) "District school board" means the members who are  
25 elected by the voters of a school district created and  
26 existing pursuant to s. 4, Art. IX of the State Constitution  
27 to operate and control public K-12 education within the school  
28 district.

29           (2) "School" means an organization of students for  
30 instructional purposes on an elementary, middle or junior high  
31



1 school, secondary or high school, or other public school level  
2 authorized under rules of the State Board of Education.

3 (3)(a) "Exceptional student" means any student who has  
4 been determined eligible for a special program in accordance  
5 with rules of the State Board of Education. The term includes  
6 students who are gifted and students with disabilities who are  
7 mentally handicapped, speech and language impaired, deaf or  
8 hard of hearing, visually impaired, dual sensory impaired,  
9 physically impaired, emotionally handicapped, specific  
10 learning disabled, hospital and homebound, autistic,  
11 developmentally delayed children, ages birth through 5 years,  
12 or children with established conditions, ages birth through 2  
13 years.

14 (b) "Special education services" means specially  
15 designed instruction and such related services as are  
16 necessary for an exceptional student to benefit from  
17 education. Such services may include: transportation;  
18 diagnostic and evaluation services; social services; physical  
19 and occupational therapy; job placement; orientation and  
20 mobility training; braillists, typists, and readers for the  
21 blind; interpreters and auditory amplification; rehabilitation  
22 counseling; transition services; mental health services;  
23 guidance and career counseling; specified materials, assistive  
24 technology devices, and other specialized equipment; and other  
25 such services as approved by rules of the state board.

26 (4) "Career and technical education" means education  
27 that provides instruction for the following purposes:

28 (a) At the elementary, middle, and secondary school  
29 levels, exploratory courses designed to give students initial  
30 exposure to a broad range of occupations to assist them in  
31 preparing their academic and occupational plans, and practical

1 arts courses that provide generic skills that may apply to  
2 many occupations but are not designed to prepare students for  
3 entry into a specific occupation. Career and technical  
4 education provided before high school completion must be  
5 designed to enhance both occupational and academic skills  
6 through integration with academic instruction.

7 (b) At the secondary school level, job-preparatory  
8 instruction in the competencies that prepare students for  
9 effective entry into an occupation, including diversified  
10 cooperative education, work experience, and job-entry programs  
11 that coordinate directed study and on-the-job training.

12 (c) At the postsecondary education level, courses of  
13 study that provide competencies needed for entry into specific  
14 occupations or for advancement within an occupation.

15 (5)(a) "Suspension," also referred to as out-of-school  
16 suspension, means the temporary removal of a student from all  
17 classes of instruction on public school grounds and all other  
18 school-sponsored activities, except as authorized by the  
19 principal or the principal's designee, for a period not to  
20 exceed 10 school days and remanding of the student to the  
21 custody of the student's parent with specific homework  
22 assignments for the student to complete.

23 (b) "In-school suspension" means the temporary removal  
24 of a student from the student's regular school program and  
25 placement in an alternative program, such as that provided in  
26 s. 1003.53, under the supervision of district school board  
27 personnel, for a period not to exceed 10 school days.

28 (6) "Expulsion" means the removal of the right and  
29 obligation of a student to attend a public school under  
30 conditions set by the district school board, and for a period  
31 of time not to exceed the remainder of the term or school year

1 and 1 additional year of attendance. Expulsions may be imposed  
2 with or without continuing educational services and shall be  
3 reported accordingly.

4 (7) "Corporal punishment" means the moderate use of  
5 physical force or physical contact by a teacher or principal  
6 as may be necessary to maintain discipline or to enforce  
7 school rule. However, the term "corporal punishment" does not  
8 include the use of such reasonable force by a teacher or  
9 principal as may be necessary for self-protection or to  
10 protect other students from disruptive students.

11 (8) "Habitual truant" means a student who has 15  
12 unexcused absences within 90 calendar days with or without the  
13 knowledge or consent of the student's parent, is subject to  
14 compulsory school attendance under s. 1003.21(1) and (2)(a),  
15 and is not exempt under s. 1003.21(3) or s. 1003.24, or by  
16 meeting the criteria for any other exemption specified by law  
17 or rules of the State Board of Education. Such a student must  
18 have been the subject of the activities specified in ss.  
19 1003.26 and 1003.27(3), without resultant successful  
20 remediation of the truancy problem before being dealt with as  
21 a child in need of services according to the provisions of  
22 chapter 984.

23 (9) "Dropout" means a student who meets any one or  
24 more of the following criteria:

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

31

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

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

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

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

17  
18 The State Board of Education may adopt rules to implement the  
19 provisions of this subsection.

20           (10) "Alternative measures for students with special  
21 needs" or "special programs" means measures designed to meet  
22 the special needs of a student that cannot be met by regular  
23 school curricula.

24           (11)(a) "Juvenile justice education programs or  
25 schools" means programs or schools operating for the purpose  
26 of providing educational services to youth in Department of  
27 Juvenile Justice programs, for a school year comprised of 250  
28 days of instruction distributed over 12 months. At the request  
29 of the provider, a district school board may decrease the  
30 minimum number of days of instruction by up to 10 days for  
31 teacher planning for residential programs and up to 20 days

1 for teacher planning for nonresidential programs, subject to  
2 the approval of the Department of Juvenile Justice and the  
3 Department of Education.

4 (b) "Juvenile justice provider" means the Department  
5 of Juvenile Justice or a private, public, or other  
6 governmental organization under contract with the Department  
7 of Juvenile Justice which provides treatment, care and  
8 custody, or educational programs for youth in juvenile justice  
9 intervention, detention, or commitment programs.

10 (12) "Homeless child" means:

11 (a) One who lacks a fixed, regular nighttime  
12 residence;

13 (b) One who has a primary nighttime residence that is:

14 1. A supervised publicly or privately operated shelter  
15 designed to provide temporary living accommodations, including  
16 welfare hotels, congregate shelters, and transitional housing  
17 for the mentally ill;

18 2. An institution that provides a temporary residence  
19 for individuals intended to be institutionalized; or

20 3. A public or private place not designed for, or  
21 ordinarily used as, a regular sleeping accommodation for human  
22 beings; or

23 (c) One who temporarily resides with an adult other  
24 than his or her parent because the parent is suffering  
25 financial hardship.

26  
27 A child who is imprisoned, detained, or in the custody of the  
28 state pursuant to a state or federal law is not a homeless  
29 child.

30 (13) "Regular school attendance" means the actual  
31 attendance of a student during the school day as defined by

1 law and rules of the State Board of Education. Regular  
2 attendance within the intent of s. 1003.21 may be achieved by  
3 attendance in:

4 (a) A public school supported by public funds;

5 (b) A parochial, religious, or denominational school;

6 (c) A private school supported in whole or in part by  
7 tuition charges or by endowments or gifts;

8 (d) A home education program that meets the  
9 requirements of chapter 1002; or

10 (e) A private tutoring program that meets the  
11 requirements of chapter 1002.

12 Section 111. Section 1003.02, Florida Statutes, is  
13 created to read:

14 1003.02 District school board operation and control of  
15 public K-12 education within the school district.--As provided  
16 in part II of ch. 1001, district school boards are  
17 constitutionally and statutorily charged with the operation  
18 and control of public K-12 education within their school  
19 district. The district school boards must establish, organize,  
20 and operate their public K-12 schools and educational  
21 programs, employees, and facilities. Their responsibilities  
22 include staff development, public K-12 school student  
23 education including education for exceptional students and  
24 students in juvenile justice programs, special programs, adult  
25 education programs, and career and technical education  
26 programs. Additionally, district school boards must:

27 (1) Provide for the proper accounting for all students  
28 of school age, for the attendance and control of students at  
29 school, and for proper attention to health, safety, and other  
30 matters relating to the welfare of students in the following  
31 fields:

1           (a) Admission, classification, promotion, and  
2 graduation of students.--Adopt rules for admitting,  
3 classifying, promoting, and graduating students to or from the  
4 various schools of the district.

5           (b) Enforcement of attendance laws.--Provide for the  
6 enforcement of all laws and rules relating to the attendance  
7 of students at school.

8           (c) Control of students.--

9           1. Adopt rules for the control, attendance,  
10 discipline, in-school suspension, suspension, and expulsion of  
11 students and decide all cases recommended for expulsion.

12           2. Maintain a code of student conduct as provided in  
13 chapter 1006.

14           (d) Courses of study and instructional materials.--

15           1. Provide adequate instructional materials for all  
16 students as follows and in accordance with the requirements of  
17 chapter 1006, in the core courses of mathematics, language  
18 arts, social studies, science, reading, and literature, except  
19 for instruction for which the school advisory council approves  
20 the use of a program that does not include a textbook as a  
21 major tool of instruction.

22           2. Adopt courses of study for use in the schools of  
23 the district.

24           3. Provide for proper requisitioning, distribution,  
25 accounting, storage, care, and use of all instructional  
26 materials as may be needed, and assure that instructional  
27 materials used in the district are consistent with the  
28 district goals and objectives and the curriculum frameworks  
29 approved by the State Board of Education, as well as with the  
30 state and district performance standards required by law and  
31 state board rule.

1           (e) Transportation.--Make provision for the  
2 transportation of students to the public schools or school  
3 activities they are required or expected to attend,  
4 efficiently and economically, in accordance with the  
5 requirements of chapter 1006.

6           (f) Facilities and school plant.--

7           1. Approve and adopt a districtwide school facilities  
8 program, in accordance with the requirements of chapter 1013.

9           2. Approve plans for locating, planning, constructing,  
10 sanitating, insuring, maintaining, protecting, and condemning  
11 school property as prescribed in chapter 1013 and as follows:

12           3. Approve and adopt a districtwide school building  
13 program.

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

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

21           6. Expand existing sites.

22           7. Rent buildings when necessary.

23           8. Enter into leases or lease-purchase arrangements,  
24 in accordance with the requirements and conditions provided in  
25 s. 1013.15(2).

26           9. Provide for the proper supervision of construction.

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

29           11. 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.



1           12. Provide adequately for the proper maintenance and  
2 upkeep of school plants.

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

13           14. Condemn and prohibit the use for public school  
14 purposes of any building under the control of the district  
15 school board.

16           (g) School operation.--

17           1. Provide for the operation of all public schools as  
18 free schools for a term of at least 180 days or the equivalent  
19 on an hourly basis as specified by rules of the State Board of  
20 Education; determine district school funds necessary in  
21 addition to state funds to operate all schools for the minimum  
22 term; arrange for the levying of district school taxes  
23 necessary to provide the amount needed from district sources.

24           2. Prepare, adopt, and timely submit to the Department  
25 of Education as required by law and by rules of the state  
26 board, the annual school budget, so as to promote the  
27 improvement of the district school system.

28           (h) Records and reports.--

29           1. Keep all necessary records and make all needed and  
30 required reports, as required by law or by rules of the state  
31 board.

1           2. At regular intervals require reports to be made by  
2 principals or teachers in all public schools to the parents of  
3 the students enrolled and in attendance at their schools,  
4 apprising them of the academic and other progress being made  
5 by the student and giving other useful information.

6           (2) Require that all laws, all rules of the state  
7 board, and all rules of the district school board are properly  
8 enforced.

9           (3) Maintain a system of school improvement and  
10 education accountability as required by law and State Board of  
11 Education rule, including but not limited to the requirements  
12 of chapter 1008.

13           (4) For any school within the district that is not in  
14 compliance with the small school size requirements of chapter  
15 1013, in order to reduce the anonymity of students in large  
16 schools, adopt policies that encourage subdivision of the  
17 school into schools-within-a-school, which shall operate  
18 within existing resources. A "school-within-a-school" means an  
19 operational program that uses flexible scheduling, team  
20 planning, and curricular and instructional innovation to  
21 organize groups of students with groups of teachers as smaller  
22 units, so as to functionally operate as a smaller school.  
23 Examples of this include, but are not limited to:

24           (a) An organizational arrangement assigning both  
25 students and teachers to smaller units in which the students  
26 take some or all of their coursework with their fellow grouped  
27 students and from the teachers assigned to the smaller unit. A  
28 unit may be grouped together for 1 year or on a vertical,  
29 multiyear basis.

30           (b) An organizational arrangement similar to that  
31 described in paragraph (a) with additional variations in

1 instruction and curriculum. The smaller unit usually seeks to  
2 maintain a program different from that of the larger school,  
3 or of other smaller units. It may be vertically organized, but  
4 is dependent upon the school principal for its existence,  
5 budget, and staff.

6 (c) A separate and autonomous smaller unit formally  
7 authorized by the district school board or superintendent of  
8 schools. The smaller unit plans and runs its own program, has  
9 its own staff and students, and receives its own separate  
10 budget. The smaller unit must negotiate the use of common  
11 space with the larger school and defer to the building  
12 principal on matters of safety and building operation.

13 Section 112. Section 1003.03, Florida Statutes, is  
14 created to read:

15 1003.03 Maximum class size goals.--It is the goal of  
16 the Legislature and each district school board that each  
17 elementary school in the school district beginning with  
18 kindergarten through grade three class sizes not exceed 20  
19 students, with a ratio of one full-time equivalent teacher per  
20 20 students; except that only in the case of "D" and "F"  
21 schools as identified by the commissioner, the goal in  
22 kindergarten through grade three shall be a ratio of one  
23 full-time equivalent teacher per 15 students. For purposes of  
24 any funding in the General Appropriations Act to meet these  
25 goals, the district school board shall give priority to  
26 identified "D" and "F" schools in the district. Second  
27 priority for the use of any funds designated for meeting these  
28 goals shall be for kindergarten through grade one. Third  
29 priority for the use of any funds designated for meeting these  
30 goals shall be for grades two and three.

1           Section 113. Part II of chapter 1003 shall be entitled  
2 "School Attendance" and shall consist of ss. 1003.21-1003.29.

3           Section 114. Section 1003.21, Florida Statutes, is  
4 created to read:

5           1003.21 School attendance.--

6           (1)(a)1. All children who have attained the age of 6  
7 years or who will have attained the age of 6 years by February  
8 1 of any school year or who are older than 6 years of age but  
9 who have not attained the age of 16 years, except as otherwise  
10 provided, are required to attend school regularly during the  
11 entire school term.

12           2. Children who will have attained the age of 5 years  
13 on or before September 1 of the school year are eligible for  
14 admission to public kindergartens during that school year  
15 under rules adopted by the district school board.

16           (b) Any child who has attained the age of 6 years on  
17 or before September 1 of the school year and who has been  
18 enrolled in a public school or who has attained the age of 6  
19 years on or before September 1 and has satisfactorily  
20 completed the requirements for kindergarten in a private  
21 school from which the district school board accepts transfer  
22 of academic credit, or who otherwise meets the criteria for  
23 admission or transfer in a manner similar to that applicable  
24 to other grades, shall progress according to the district's  
25 student progression plan. However, nothing in this section  
26 shall authorize the state or any school district to oversee or  
27 exercise control over the curricula or academic programs of  
28 private schools or home education programs.

29           (c) A student who attains the age of 16 years during  
30 the school year is not subject to compulsory school attendance  
31 beyond the date upon which he or she attains that age if the

1 student files a formal declaration of intent to terminate  
2 school enrollment with the district school board. The  
3 declaration must acknowledge that terminating school  
4 enrollment is likely to reduce the student's earning potential  
5 and must be signed by the student and the student's parent.  
6 The school district must notify the student's parent of  
7 receipt of the student's declaration of intent to terminate  
8 school enrollment. A student who attains the age of 18 years  
9 during the school year is not subject to compulsory school  
10 attendance beyond the date upon which he or she attains that  
11 age.

12 (d) Students who become or have become married and  
13 students who are pregnant shall not be prohibited from  
14 attending school. These students and students who are parents  
15 shall receive the same educational instruction or its  
16 equivalent as other students, but may voluntarily be assigned  
17 to a class or program suited to their special needs.  
18 Consistent with s. 1003.54, pregnant or parenting teens may  
19 participate in a teenage parent program. Pregnant students may  
20 attend alternative education programs or adult education  
21 programs, provided that the curriculum allows the student to  
22 continue to work toward a high school diploma.

23 (e) Consistent with rules adopted by the State Board  
24 of Education, children with disabilities who have attained the  
25 age of 3 years shall be eligible for admission to public  
26 special education programs and for related services under  
27 rules adopted by the district school board. Exceptional  
28 children who are deaf or hard of hearing, visually impaired,  
29 dual sensory impaired, severely physically handicapped,  
30 trainable mentally handicapped, or profoundly handicapped, or  
31 who have established conditions, or exhibit developmental

1 delays, below age 3 may be eligible for special programs; or,  
2 if enrolled in other school readiness programs, they may be  
3 eligible for supplemental instruction. Rules for the  
4 identification of established conditions for children birth  
5 through 2 years of age and developmental delays for children  
6 birth through 5 years of age must be adopted by the State  
7 Board of Education.

8 (f) Homeless children, as defined in s. 1003.01, must  
9 have access to a free public education and must be admitted to  
10 school in the school district in which they or their families  
11 live. School districts shall assist homeless children to meet  
12 the requirements of subsection (4) and s. 1003.22, as well as  
13 local requirements for documentation.

14 (2)(a) The State Board of Education may adopt rules  
15 under which students not meeting the entrance age may be  
16 transferred from another state if their parents have been  
17 legal residents of that state.

18 (b) Each district school board, in accordance with  
19 rules of the State Board of Education, shall adopt a policy  
20 that authorizes a parent to request and be granted permission  
21 for absence of a student from school for religious instruction  
22 or religious holidays.

23 (3) The district school superintendent may authorize  
24 certificates of exemptions from school attendance requirements  
25 in certain situations. Students within the compulsory  
26 attendance age limits who hold valid certificates of exemption  
27 which have been issued by the superintendent shall be exempt  
28 from attending school. A certificate of exemption shall cease  
29 to be valid at the end of the school year in which it is  
30 issued.

31

1           (4) Before admitting a child to kindergarten, the  
2 principal shall require evidence that the child has attained  
3 the age at which he or she should be admitted in accordance  
4 with the provisions of subparagraph (1)(a)2. The district  
5 school superintendent may require evidence of the age of any  
6 child whom he or she believes to be within the limits of  
7 compulsory attendance as provided for by law. If the first  
8 prescribed evidence is not available, the next evidence  
9 obtainable in the order set forth below shall be accepted:

10           (a) A duly attested transcript of the child's birth  
11 record filed according to law with a public officer charged  
12 with the duty of recording births;

13           (b) A duly attested transcript of a certificate of  
14 baptism showing the date of birth and place of baptism of the  
15 child, accompanied by an affidavit sworn to by the parent;

16           (c) An insurance policy on the child's life which has  
17 been in force for at least 2 years;

18           (d) A bona fide contemporary religious record of the  
19 child's birth accompanied by an affidavit sworn to by the  
20 parent;

21           (e) A passport or certificate of arrival in the United  
22 States showing the age of the child;

23           (f) A transcript of record of age shown in the child's  
24 school record of at least 4 years prior to application,  
25 stating date of birth; or

26           (g) If none of these evidences can be produced, an  
27 affidavit of age sworn to by the parent, accompanied by a  
28 certificate of age signed by a public health officer or by a  
29 public school physician, or, if neither of these is available  
30 in the county, by a licensed practicing physician designated  
31 by the district school board, which certificate states that

1 the health officer or physician has examined the child and  
2 believes that the age as stated in the affidavit is  
3 substantially correct. A homeless child, as defined in s.  
4 1003.01, shall be given temporary exemption from this section  
5 for 30 school days.

6 Section 115. Section 1003.22, Florida Statutes, is  
7 created to read:

8 1003.22 School-entry health examinations; immunization  
9 against communicable diseases; exemptions; duties of  
10 Department of Health.--

11 (1) Each district school board and the governing  
12 authority of each private school shall require that each child  
13 who is entitled to admittance to kindergarten, or is entitled  
14 to any other initial entrance into a public or private school  
15 in this state, present a certification of a school-entry  
16 health examination performed within 1 year prior to enrollment  
17 in school. Each district school board, and the governing  
18 authority of each private school, may establish a policy which  
19 permits a student up to 30 school days to present a  
20 certification of a school-entry health examination. A homeless  
21 child, as defined in s. 1003.01, shall be given a temporary  
22 exemption for 30 school days. Any district school board which  
23 establishes such a policy shall include provisions in its  
24 local school health services plan to assist students in  
25 obtaining the health examinations. However, any child shall be  
26 exempt from the requirement of a health examination upon  
27 written request of the parent of the child stating objections  
28 to the examination on religious grounds.

29 (2) The State Board of Education, subject to the  
30 concurrence of the Department of Health, shall adopt rules to  
31



1 govern medical examinations and immunizations performed under  
2 this section.

3 (3) The Department of Health may adopt rules necessary  
4 to administer and enforce this section. The Department of  
5 Health, after consultation with the Department of Education,  
6 shall adopt rules governing the immunization of children  
7 against, the testing for, and the control of preventable  
8 communicable diseases. The rules must include procedures for  
9 exempting a child from immunization requirements.  
10 Immunizations shall be required for poliomyelitis, diphtheria,  
11 rubeola, rubella, pertussis, mumps, tetanus, and other  
12 communicable diseases as determined by rules of the Department  
13 of Health. The manner and frequency of administration of the  
14 immunization or testing shall conform to recognized standards  
15 of medical practice. The Department of Health shall supervise  
16 and secure the enforcement of the required immunization.  
17 Immunizations required by this section shall be available at  
18 no cost from the county health departments.

19 (4) Each district school board and the governing  
20 authority of each private school shall establish and enforce  
21 as policy that, prior to admittance to or attendance in a  
22 public or private school, grades kindergarten through 12, each  
23 child present or have on file with the school a certification  
24 of immunization for the prevention of those communicable  
25 diseases for which immunization is required by the Department  
26 of Health and further shall provide for appropriate screening  
27 of its students for scoliosis at the proper age. Such  
28 certification shall be made on forms approved and provided by  
29 the Department of Health and shall become a part of each  
30 student's permanent record, to be transferred when the student  
31 transfers, is promoted, or changes schools. The transfer of

1 such immunization certification by Florida public schools  
2 shall be accomplished using the Florida Automated System for  
3 Transferring Education Records and shall be deemed to meet the  
4 requirements of this section.

5 (5) The provisions of this section shall not apply if:

6 (a) The parent of the child objects in writing that  
7 the administration of immunizing agents conflicts with his or  
8 her religious tenets or practices;

9 (b) A physician licensed under the provisions of  
10 chapter 458 or chapter 459 certifies in writing, on a form  
11 approved and provided by the Department of Health, that the  
12 child should be permanently exempt from the required  
13 immunization for medical reasons stated in writing, based upon  
14 valid clinical reasoning or evidence, demonstrating the need  
15 for the permanent exemption;

16 (c) A physician licensed under the provisions of  
17 chapter 458, chapter 459, or chapter 460 certifies in writing,  
18 on a form approved and provided by the Department of Health,  
19 that the child has received as many immunizations as are  
20 medically indicated at the time and is in the process of  
21 completing necessary immunizations;

22 (d) The Department of Health determines that,  
23 according to recognized standards of medical practice, any  
24 required immunization is unnecessary or hazardous; or

25 (e) An authorized school official issues a temporary  
26 exemption, for a period not to exceed 30 school days, to  
27 permit a student who transfers into a new county to attend  
28 class until his or her records can be obtained. A homeless  
29 child, as defined in s. 1003.01, shall be given a temporary  
30 exemption for 30 school days. The public school health nurse  
31 or authorized private school official is responsible for

1 followup of each such student until proper documentation or  
2 immunizations are obtained. An exemption for 30 days may be  
3 issued for a student who enters a juvenile justice program to  
4 permit the student to attend class until his or her records  
5 can be obtained or until the immunizations can be obtained. An  
6 authorized juvenile justice official is responsible for  
7 followup of each student who enters a juvenile justice program  
8 until proper documentation or immunizations are obtained.

9 (6)(a) No person licensed by this state as a physician  
10 or nurse shall be liable for any injury caused by his or her  
11 action or failure to act in the administration of a vaccine or  
12 other immunizing agent pursuant to the provisions of this  
13 section if the person acts as a reasonably prudent person with  
14 similar professional training would have acted under the same  
15 or similar circumstances.

16 (b) No member of a district school board, or any of  
17 its employees, or member of a governing board of a private  
18 school, or any of its employees, shall be liable for any  
19 injury caused by the administration of a vaccine to any  
20 student who is required to be so immunized or for a failure to  
21 diagnose scoliosis pursuant to the provisions of this section.

22 (7) The parents of any child admitted to or in  
23 attendance at a Florida public or private school, grades  
24 kindergarten through 12, are responsible for assuring that the  
25 child is in compliance with the provisions of this section.

26 (8) Each public school, including public kindergarten,  
27 and each private school, including private kindergarten, shall  
28 be required to provide to the county health department  
29 director or administrator annual reports of compliance with  
30 the provisions of this section. Reports shall be completed on  
31 forms provided by the Department of Health for each

1 kindergarten, and other grade as specified; and the reports  
2 shall include the status of children who were admitted at the  
3 beginning of the school year. After consultation with the  
4 Department of Education, the Department of Health shall  
5 establish by administrative rule the dates for submission of  
6 these reports, the grades for which the reports shall be  
7 required, and the forms to be used.

8 (9) The presence of any of the communicable diseases  
9 for which immunization is required by the Department of Health  
10 in a Florida public or private school shall permit the county  
11 health department director or administrator or the State  
12 Health Officer to declare a communicable disease emergency.  
13 The declaration of such emergency shall mandate that all  
14 students in attendance in the school who are not in compliance  
15 with the provisions of this section be identified by the  
16 district school board or by the governing authority of the  
17 private school; and the school health and immunization records  
18 of such children shall be made available to the county health  
19 department director or administrator. Those children  
20 identified as not being immunized against the disease for  
21 which the emergency has been declared shall be temporarily  
22 excluded from school by the district school board, or the  
23 governing authority of the private school, until such time as  
24 is specified by the county health department director or  
25 administrator.

26 (10) Each district school board and the governing  
27 authority of each private school shall:

28 (a) Refuse admittance to any child otherwise entitled  
29 to admittance to kindergarten, or any other initial entrance  
30 into a Florida public or private school, who is not in  
31 compliance with the provisions of subsection (4).

1           (b) Temporarily exclude from attendance any student  
2 who is not in compliance with the provisions of subsection  
3 (4).

4           (11) The provisions of this section do not apply to  
5 those persons admitted to or attending adult education classes  
6 unless the adult students are under 21 years of age.

7           Section 116. Section 1003.23, Florida Statutes, is  
8 created to read:

9           1003.23 Attendance records and reports.--

10           (1) The attendance of all public K-12 school students  
11 shall be checked each school day in the manner prescribed by  
12 rules of the State Board of Education and recorded in the  
13 teacher's register or by some approved system of recording  
14 attendance. Students may be counted in attendance only if  
15 they are actually present at school or are away from school on  
16 a school day and are engaged in an educational activity which  
17 constitutes a part of the school-approved instructional  
18 program for the student.

19           (2) All officials, teachers, and other employees in  
20 public, parochial, religious, denominational, and private K-12  
21 schools, including private tutors, shall keep all records and  
22 shall prepare and submit promptly all reports that may be  
23 required by law and by rules of the State Board of Education  
24 and district school boards. Such records shall include a  
25 register of enrollment and attendance and all persons  
26 described above shall make these reports therefrom as may be  
27 required by the State Board of Education. The enrollment  
28 register shall show the absence or attendance of each student  
29 enrolled for each school day of the year in a manner  
30 prescribed by the State Board of Education. The register shall  
31 be open for the inspection by the designated school

1 representative or the district school superintendent of the  
2 district in which the school is located. Violation of the  
3 provisions of this section shall be a misdemeanor of the  
4 second degree, punishable as provided by law. This section  
5 shall not apply to home education programs provided in s.  
6 1002.41.

7 Section 117. Section 1003.24, Florida Statutes, is  
8 created to read:

9 1003.24 Parents responsible for attendance of  
10 children; attendance policy.--Each parent of a child within  
11 the compulsory attendance age is responsible for the child's  
12 school attendance as required by law. The absence of a  
13 student from school is prima facie evidence of a violation of  
14 this section; however, criminal prosecution under this chapter  
15 may not be brought against a parent until the provisions of s.  
16 1003.26 have been complied with. A parent of a student is not  
17 responsible for the student's nonattendance at school under  
18 any of the following conditions:

19 (1) WITH PERMISSION.--The absence was with permission  
20 of the head of the school;

21 (2) WITHOUT KNOWLEDGE.--The absence was without the  
22 parent's knowledge, consent, or connivance, in which case the  
23 student shall be dealt with as a dependent child;

24 (3) FINANCIAL INABILITY.--The parent was unable  
25 financially to provide necessary clothes for the student,  
26 which inability was reported in writing to the superintendent  
27 prior to the opening of school or immediately after the  
28 beginning of such inability; provided, that the validity of  
29 any claim for exemption under this paragraph shall be  
30 determined by the district school superintendent subject to  
31 appeal to the district school board; or

1           (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE  
2 CONDITION.--Attendance was impracticable or inadvisable on  
3 account of sickness or injury, attested to by a written  
4 statement of a licensed practicing physician, or was  
5 impracticable because of some other stated insurmountable  
6 condition as defined by rules of the State Board of Education.  
7 If a student is continually sick and repeatedly absent from  
8 school, he or she must be under the supervision of a physician  
9 in order to receive an excuse from attendance. Such excuse  
10 provides that a student's condition justifies absence for more  
11 than the number of days permitted by the district school  
12 board.

13  
14 Each district school board shall establish an attendance  
15 policy which includes, but is not limited to, the required  
16 number of days each school year that a student must be in  
17 attendance and the number of absences and tardinesses after  
18 which a statement explaining such absences and tardinesses  
19 must be on file at the school. Each school in the district  
20 must determine if an absence or tardiness is excused or  
21 unexcused according to criteria established by the district  
22 school board.

23           Section 118. Section 1003.25, Florida Statutes, is  
24 created to read:

25           1003.25 Procedures for maintenance and transfer of  
26 student records.--

27           (1) Each principal shall maintain a permanent  
28 cumulative record for each student enrolled in a public K-12  
29 school. Such record shall be maintained in the form, and  
30 contain all data, prescribed by rule by the State Board of  
31 Education. The cumulative record is confidential and exempt

1 from the provisions of s. 119.07(1) and is open to inspection  
2 only as provided in chapter 1002.

3 (2) The procedure for transferring and maintaining  
4 records of students who transfer from school to school shall  
5 be prescribed by rules of the State Board of Education.

6 (3) Procedures relating to the acceptance of transfer  
7 work and credit for students shall be prescribed by rule by  
8 the State Board of Education.

9 Section 119. Section 1003.26, Florida Statutes, is  
10 created to read:

11 1003.26 Enforcement of school attendance.--The  
12 Legislature finds that poor academic performance is associated  
13 with nonattendance and that schools must take an active role  
14 in enforcing attendance as a means of improving the  
15 performance of many students. It is the policy of the state  
16 that each district school superintendent be responsible for  
17 enforcing school attendance of all students subject to the  
18 compulsory school age in the school district. The  
19 responsibility includes recommending to the district school  
20 board policies and procedures to ensure that schools respond  
21 in a timely manner to every unexcused absence, or absence for  
22 which the reason is unknown, of students enrolled in the  
23 schools. District school board policies must require each  
24 parent of a student to justify each absence of the student,  
25 and that justification will be evaluated based on adopted  
26 district school board policies that define excused and  
27 unexcused absences. The policies must provide that schools  
28 track excused and unexcused absences and contact the home in  
29 the case of an unexcused absence from school, or an absence  
30 from school for which the reason is unknown, to prevent the  
31 development of patterns of nonattendance. The Legislature



1 finds that early intervention in school attendance matters is  
2 the most effective way of producing good attendance habits  
3 that will lead to improved student learning and achievement.  
4 Each public school shall implement the following steps to  
5 enforce regular school attendance:  
6       (1) CONTACT, REFER, AND ENFORCE.--  
7       (a) Upon each unexcused absence, or absence for which  
8 the reason is unknown, the school principal or his or her  
9 designee shall contact the student's parent to determine the  
10 reason for the absence. If the absence is an excused absence,  
11 as defined by district school board policy, the school shall  
12 provide opportunities for the student to make up assigned work  
13 and not receive an academic penalty unless the work is not  
14 made up within a reasonable time.  
15       (b) If a student has had at least five unexcused  
16 absences, or absences for which the reasons are unknown,  
17 within a calendar month or 10 unexcused absences, or absences  
18 for which the reasons are unknown, within a 90-calendar-day  
19 period, the student's primary teacher shall report to the  
20 school principal or his or her designee that the student may  
21 be exhibiting a pattern of nonattendance. The principal shall,  
22 unless there is clear evidence that the absences are not a  
23 pattern of nonattendance, refer the case to the school's child  
24 study team to determine if early patterns of truancy are  
25 developing. If the child study team finds that a pattern of  
26 nonattendance is developing, whether the absences are excused  
27 or not, a meeting with the parent must be scheduled to  
28 identify potential remedies, and the principal shall notify  
29 the district school superintendent and the school district  
30 contact for home education programs that the referred student  
31 is exhibiting a pattern of nonattendance.

1        (c) If an initial meeting does not resolve the  
2 problem, the child study team shall implement interventions  
3 that best address the problem. The interventions may include,  
4 but need not be limited to:

5            1. Frequent communication between the teacher and the  
6 family;

7            2. Changes in the learning environment;

8            3. Mentoring;

9            4. Student counseling;

10           5. Tutoring, including peer tutoring;

11           6. Placement into different classes;

12           7. Evaluation for alternative education programs;

13           8. Attendance contracts;

14           9. Referral to other agencies for family services; or

15           10. Other interventions, including, but not limited  
16 to, a truancy petition pursuant to s. 984.151.

17        (d) The child study team shall be diligent in  
18 facilitating intervention services and shall report the case  
19 to the district school superintendent only when all reasonable  
20 efforts to resolve the nonattendance behavior are exhausted.

21        (e) If the parent refuses to participate in the  
22 remedial strategies because he or she believes that those  
23 strategies are unnecessary or inappropriate, the parent may  
24 appeal to the district school board. The district school board  
25 may provide a hearing officer, and the hearing officer shall  
26 make a recommendation for final action to the district school  
27 board. If the district school board's final determination is  
28 that the strategies of the child study team are appropriate,  
29 and the parent still refuses to participate or cooperate, the  
30 district school superintendent may seek criminal prosecution  
31 for noncompliance with compulsory school attendance.

1           (f)1. If the parent of a child who has been identified  
2 as exhibiting a pattern of nonattendance enrolls the child in  
3 a home education program pursuant to chapter 1002, the  
4 district school superintendent shall provide the parent a copy  
5 of s. 1002.41 and the accountability requirements of this  
6 paragraph. The district school superintendent shall also  
7 refer the parent to a home education review committee composed  
8 of the district contact for home education programs and at  
9 least two home educators selected by the parent from a  
10 district list of all home educators who have conducted a home  
11 education program for at least 3 years and who have indicated  
12 a willingness to serve on the committee. The home education  
13 review committee shall review the portfolio of the student, as  
14 defined by s. 1002.41, every 30 days during the district's  
15 regular school terms until the committee is satisfied that the  
16 home education program is in compliance with s. 1002.41(1)(b).  
17 The first portfolio review must occur within the first 30  
18 calendar days of the establishment of the program. The  
19 provisions of subparagraph 2. do not apply once the committee  
20 determines the home education program is in compliance with s.  
21 1002.41(1)(b).

22           2. If the parent fails to provide a portfolio to the  
23 committee, the committee shall notify the district school  
24 superintendent. The district school superintendent shall then  
25 terminate the home education program and require the parent to  
26 enroll the child in an attendance option that meets the  
27 definition of "regular school attendance" under s.  
28 1003.01(14)(a), (b), (c), or (e), within 3 days. Upon  
29 termination of a home education program pursuant to this  
30 subparagraph, the parent shall not be eligible to reenroll the  
31 child in a home education program for 180 calendar days.

1 Failure of a parent to enroll the child in an attendance  
2 option as required by this subparagraph after termination of  
3 the home education program pursuant to this subparagraph shall  
4 constitute noncompliance with the compulsory attendance  
5 requirements of s. 1003.21 and may result in criminal  
6 prosecution under s. 1003.27(2). Nothing contained herein  
7 shall restrict the ability of the district school  
8 superintendent, or the ability of his or her designee, to  
9 review the portfolio pursuant to s. 1002.41(1)(b).

10 (g) If a student subject to compulsory school  
11 attendance will not comply with attempts to enforce school  
12 attendance, the parent or the district school superintendent  
13 or his or her designee shall refer the case to the case  
14 staffing committee pursuant to s. 984.12, and the district  
15 school superintendent or his or her designee may file a  
16 truancy petition pursuant to the procedures in s. 984.151.

17 (2) GIVE WRITTEN NOTICE.--

18 (a) Under the direction of the district school  
19 superintendent, a designated school representative shall give  
20 written notice, in person or by return-receipt mail, to the  
21 parent when no valid reason is found for a student's  
22 nonenrollment in school which requires enrollment or  
23 attendance within 3 days after the date of notice. If the  
24 notice and requirement are ignored, the designated school  
25 representative shall report the case to the district school  
26 superintendent, and may refer the case to the case staffing  
27 committee, established pursuant to s. 984.12. The district  
28 school superintendent shall take such steps as are necessary  
29 to bring criminal prosecution against the parent.

30 (b) Subsequent to the activities required under  
31 subsection (1), the district school superintendent or his or

1 her designee shall give written notice in person or by  
2 return-receipt mail to the parent that criminal prosecution is  
3 being sought for nonattendance. The district school  
4 superintendent may file a truancy petition, as defined in s.  
5 984.03, following the procedures outlined in s. 984.151.

6 (3) RETURN STUDENT TO PARENT.--A designated school  
7 representative shall visit the home or place of residence of a  
8 student and any other place in which he or she is likely to  
9 find any student who is required to attend school when the  
10 student is not enrolled or is absent from school during school  
11 hours without an excuse, and, when the student is found, shall  
12 return the student to his or her parent or to the principal or  
13 teacher in charge of the school, or to the private tutor from  
14 whom absent, or to the juvenile assessment center or other  
15 location established by the district school board to receive  
16 students who are absent from school. Upon receipt of the  
17 student, the parent shall be immediately notified.

18 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated  
19 school representative shall report to the appropriate  
20 authority designated by law to receive such notices, all  
21 violations of the Child Labor Law that may come to his or her  
22 knowledge.

23 (5) RIGHT TO INSPECT.--A designated school  
24 representative shall have the right of access to, and  
25 inspection of, establishments where minors may be employed or  
26 detained only for the purpose of ascertaining whether students  
27 of compulsory school age are actually employed there and are  
28 actually working there regularly. The designated school  
29 representative shall, if he or she finds unsatisfactory  
30 working conditions or violations of the Child Labor Law,  
31 report his or her findings to the appropriate authority.

1           Section 120. Section 1003.27, Florida Statutes, is  
2 created to read:

3           1003.27 Court procedure and penalties.--The court  
4 procedure and penalties for the enforcement of the provisions  
5 of this part, relating to compulsory school attendance, shall  
6 be as follows:

7           (1) COURT JURISDICTION.--The circuit court has  
8 original and exclusive jurisdiction of all proceedings  
9 against, or prosecutions of, students under the provisions of  
10 this part. Proceedings against, or prosecutions of, parents or  
11 employers as provided by this section shall be in the court of  
12 each county having jurisdiction of misdemeanors wherein trial  
13 by jury is afforded the defendant.

14           (2) NONENROLLMENT AND NONATTENDANCE CASES.--

15           (a) In each case of nonenrollment or of nonattendance  
16 upon the part of a student who is required to attend some  
17 school, when no valid reason for such nonenrollment or  
18 nonattendance is found, the district school superintendent  
19 shall institute a criminal prosecution against the student's  
20 parent.

21           (b) Each public school principal or the principal's  
22 designee shall notify the district school board of each minor  
23 student under its jurisdiction who accumulates 15 unexcused  
24 absences in a period of 90 calendar days. Each designee of the  
25 governing body of each private school, and each parent whose  
26 child is enrolled in a home education program, may provide the  
27 Department of Highway Safety and Motor Vehicles with the legal  
28 name, sex, date of birth, and social security number of each  
29 minor student under his or her jurisdiction who fails to  
30 satisfy relevant attendance requirements and who fails to  
31 otherwise satisfy the requirements of s. 322.091. The district

1 school superintendent must provide the Department of Highway  
2 Safety and Motor Vehicles the legal name, sex, date of birth,  
3 and social security number of each minor student who has been  
4 reported under this paragraph and who fails to otherwise  
5 satisfy the requirements of s. 322.091. The Department of  
6 Highway Safety and Motor Vehicles may not issue a driver's  
7 license or learner's driver's license to, and shall suspend  
8 any previously issued driver's license or learner's driver's  
9 license of, any such minor student, pursuant to the provisions  
10 of s. 322.091.

11 (3) HABITUAL TRUANCY CASES.--The district school  
12 superintendent is authorized to file a truancy petition, as  
13 defined in s. 984.03, following the procedures outlined in s.  
14 984.151. If the district school superintendent chooses not to  
15 file a truancy petition, procedures for filing a  
16 child-in-need-of-services petition shall be commenced pursuant  
17 to this subsection and chapter 984. In accordance with  
18 procedures established by the district school board, the  
19 designated school representative shall refer a student who is  
20 habitually truant and the student's family to the  
21 children-in-need-of-services and families-in-need-of-services  
22 provider or the case staffing committee, established pursuant  
23 to s. 984.12, as determined by the cooperative agreement  
24 required in this section. The case staffing committee may  
25 request the Department of Juvenile Justice or its designee to  
26 file a child-in-need-of-services petition based upon the  
27 report and efforts of the district school board or other  
28 community agency or may seek to resolve the truant behavior  
29 through the school or community-based organizations or  
30 agencies. Prior to and subsequent to the filing of a  
31 child-in-need-of-services petition due to habitual truancy,

1 the appropriate governmental agencies must allow a reasonable  
2 time to complete actions required by this section and s.  
3 1003.26 to remedy the conditions leading to the truant  
4 behavior. Prior to the filing of a petition, the district  
5 school board must have complied with the requirements of s.  
6 1003.26, and those efforts must have been unsuccessful.

7 (4) COOPERATIVE AGREEMENTS.--The circuit manager of  
8 the Department of Juvenile Justice or the circuit manager's  
9 designee, the district administrator of the Department of  
10 Children and Family Services or the district administrator's  
11 designee, and the district school superintendent or the  
12 superintendent's designee must develop a cooperative  
13 interagency agreement that:

14 (a) Clearly defines each department's role,  
15 responsibility, and function in working with habitual truants  
16 and their families.

17 (b) Identifies and implements measures to resolve and  
18 reduce truant behavior.

19 (c) Addresses issues of streamlining service delivery,  
20 the appropriateness of legal intervention, case management,  
21 the role and responsibility of the case staffing committee,  
22 student and parental intervention and involvement, and  
23 community action plans.

24 (d) Delineates timeframes for implementation and  
25 identifies a mechanism for reporting results by the circuit  
26 juvenile justice manager or the circuit manager's designee and  
27 the district school superintendent or the superintendent's  
28 designee to the Department of Juvenile Justice and the  
29 Department of Education and other governmental entities as  
30 needed.

31



1       (e) Designates which agency is responsible for each of  
2 the intervention steps in this section, to yield more  
3 effective and efficient intervention services.

4       (5) ATTENDANCE REGISTER AS EVIDENCE.--The register of  
5 attendance of students at a public, parochial, religious,  
6 denominational, or private school, or of students taught by a  
7 private tutor, kept in compliance with rules of the State  
8 Board of Education is prima facie evidence of the facts which  
9 it is required to show. A certified copy of any rule and a  
10 statement of the date of its adoption by the State Board of  
11 Education is admissible as prima facie evidence of the  
12 provisions of the rule and of the date of its adoption.

13       (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY  
14 BEGIN.--Proceedings or prosecutions under this chapter may be  
15 commenced by the district school superintendent, by a  
16 designated school representative, by the probation officer of  
17 the county, by the executive officer of any court of competent  
18 jurisdiction, or by an officer of any court of competent  
19 jurisdiction, or by a duly authorized agent of the Department  
20 of Education or the Department of Juvenile Justice. If a  
21 proceeding has been commenced against both a parent and a  
22 child pursuant to this chapter, the presiding courts shall  
23 make every effort to coordinate sanctions against the child  
24 and parent, including ordering the child and parent to perform  
25 community service hours or attend counseling together.

26       (7) PENALTIES.--The penalties for refusing or failing  
27 to comply with this chapter shall be as follows:

28       (a) The parent.--

29       1. A parent who refuses or fails to have a minor  
30 student who is under his or her control attend school  
31 regularly, or who refuses or fails to comply with the

1 requirements in subsection (3), commits a misdemeanor of the  
2 second degree, punishable as provided in s. 775.082 or s.  
3 775.083.

4 2. The continued or habitual absence of a minor  
5 student without the consent of the principal or teacher in  
6 charge of the school he or she attends or should attend, or of  
7 the tutor who instructs or should instruct him or her, is  
8 prima facie evidence of a violation of this chapter; however,  
9 a showing that the parent has made a bona fide and diligent  
10 effort to control and keep the student in school shall be an  
11 affirmative defense to any criminal or other liability under  
12 this subsection and the court shall refer the parent and child  
13 for counseling, guidance, or other needed services.

14 3. In addition to any other punishment, the court  
15 shall order a parent who has violated this section to send the  
16 minor student to school, and may also order the parent to  
17 participate in an approved parent training class, attend  
18 school with the student unless this would cause undue  
19 hardship, perform community service hours at the school, or  
20 participate in counseling or other services, as appropriate.  
21 If a parent is ordered to attend school with a student, the  
22 school shall provide for programming to educate the parent and  
23 student on the importance of school attendance. It shall be  
24 unlawful to terminate any employee solely because he or she is  
25 attending school with his or her child pursuant to a court  
26 order.

27 (b) The principal or teacher.--A principal or teacher  
28 in any public, parochial, religious, denominational, or  
29 private school, or a private tutor who willfully violates any  
30 provision of this chapter may, upon satisfactory proof of such  
31

1 violation, have his or her certificate revoked by the  
2 Department of Education.

3 (c) The employer.--

4 1. An employer who fails to notify the district school  
5 superintendent when he or she ceases to employ a student  
6 commits a misdemeanor of the second degree, punishable as  
7 provided in s. 775.082 or s. 775.083.

8 2. An employer who terminates any employee solely  
9 because he or she is attending school with a student pursuant  
10 to court order commits a misdemeanor of the second degree,  
11 punishable as provided in s. 775.082 or s. 775.083.

12 (d) The student.--

13 1. In addition to any other authorized sanctions, the  
14 court shall order a student found to be a habitual truant to  
15 make up all school work missed and may order the student to  
16 pay a civil penalty of up to \$2, based on the student's  
17 ability to pay, for each day of school missed, perform up to  
18 25 community service hours at the school, or participate in  
19 counseling or other services, as appropriate.

20 2. Upon a second or subsequent finding that a student  
21 is a habitual truant, the court, in addition to any other  
22 authorized sanctions, shall order the student to make up all  
23 school work missed and may order the student to pay a civil  
24 penalty of up to \$5, based on the student's ability to pay,  
25 for each day of school missed, perform up to 50 community  
26 service hours at the school, or participate in counseling or  
27 other services, as appropriate.

28 Section 121. Section 1003.28, Florida Statutes, is  
29 created to read:

30 1003.28 Continuation of truancy remedial activities  
31 upon transfer of student; retention of legal jurisdiction.--

1       (1) If, during the activities designed to remedy  
2 truant behavior as described in s. 1003.27, the parent of the  
3 student who is the subject of such activities transfers the  
4 student to another school district in this state in an attempt  
5 to circumvent the remedial procedures which have already  
6 begun, the administration of the school from which the student  
7 transferred shall provide to the administration of the new  
8 school, at no charge, copies of all available records and  
9 documents relevant to such remedial activities, and the  
10 administration of the new school shall begin remedial  
11 activities in the program that most closely meets the transfer  
12 student's needs.

13       (2) In the event that a legal proceeding has  
14 commenced, as provided in s. 1003.27, against a student who  
15 has been determined to be a habitual truant, the movement of  
16 the student who is the subject of such proceeding to another  
17 circuit court district in this state will not affect the  
18 jurisdiction of the court to proceed with the case under the  
19 law.

20       Section 122. Section 1003.29, Florida Statutes, is  
21 created to read:

22       1003.29 Notice to schools of court action.--If a court  
23 takes action that directly involves a student's school,  
24 including, but not limited to, an order that a student attend  
25 school, attend school with his or her parent, perform at grade  
26 level, or perform community service hours at the school, the  
27 office of the clerk of the court shall provide notice to the  
28 school of the court's action.

29       Section 123. Part III of chapter 1003 shall be  
30 entitled "Control of Students" and shall consist of ss.  
31 1003.31-1003.33.

1           Section 124. Section 1003.31, Florida Statutes, is  
2 created to read:

3           1003.31 Students subject to control of school.--

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

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

9           (b) During the time she or he is attending school;

10           (c) During the time she or he is on the school  
11 premises participating with authorization in a  
12 school-sponsored activity; and

13           (d) During a reasonable time before and after the  
14 student is on the premises for attendance at school or for  
15 authorized participation in a school-sponsored activity, and  
16 only when on the premises,

17  
18 be under the control and direction of the principal or teacher  
19 in charge of the school, and under the immediate control and  
20 direction of the teacher or other member of the instructional  
21 staff or of the bus driver to whom such responsibility may be  
22 assigned by the principal. However, the State Board of  
23 Education or the district school board may, by rules, subject  
24 each student to the control and direction of the principal or  
25 teacher in charge of the school during the time she or he is  
26 otherwise en route to or from school or is presumed by law to  
27 be attending school.

28           (2) There is a rebuttable presumption that the term  
29 "reasonable time" means 30 minutes before or after the  
30 activity is scheduled or actually begins or ends, whichever  
31 period is longer. A school or district school board may, by

1 policy or other formal action, assume a longer period of  
2 supervision. Casual or incidental contact between school  
3 district personnel and students on school property shall not  
4 result in a legal duty to supervise outside of the reasonable  
5 times set forth in this section, provided that parents shall  
6 be advised in writing twice per year or by posted signs of the  
7 school's formal supervisory responsibility and that parents  
8 should not rely on additional supervision. The duty of  
9 supervision shall not extend to anyone other than students  
10 attending school and students authorized to participate in  
11 school-sponsored activities.

12 (3) Nothing shall prohibit a district school board  
13 from having the right to expel, or to take disciplinary action  
14 against, a student who is found to have committed an offense  
15 on school property at any time if:

16 (a) The student is found to have committed a  
17 delinquent act which would be a felony if committed by an  
18 adult;

19 (b) The student has had adjudication withheld for a  
20 delinquent act which, if committed by an adult, would be a  
21 felony; or

22 (c) The student has been found guilty of a felony.

23  
24 However, if the student is a student with a disability, the  
25 disciplinary action must comply with the procedures set forth  
26 in State Board of Education rule.

27 (4) Each student enrolled in a school may be required  
28 to take the following school child's daily conduct pledge:

29 (a) I will be respectful at all times and obedient  
30 unless asked to do wrong.

31

1       (b) I will not hurt another person with my words or my  
2 acts, because it is wrong to hurt others.

3       (c) I will tell the truth, because it is wrong to tell  
4 a lie.

5       (d) I will not steal, because it is wrong to take  
6 someone else's property.

7       (e) I will respect my body, and not take drugs.

8       (f) I will show strength and courage, and not do  
9 something wrong, just because others are doing it.

10       (g) I pledge to be nonviolent and to respect my  
11 teachers and fellow classmates.

12       Section 125. Section 1003.32, Florida Statutes, is  
13 created to read:

14       1003.32 Authority of teacher; responsibility for  
15 control of students; district school board and principal  
16 duties.--Subject to law and to the rules of the district  
17 school board, each teacher or other member of the staff of any  
18 school shall have such authority for the control and  
19 discipline of students as may be assigned to him or her by the  
20 principal or the principal's designated representative and  
21 shall keep good order in the classroom and in other places in  
22 which he or she is assigned to be in charge of students.

23       (1) Within the framework of the district school  
24 board's code of student conduct, teachers and other  
25 instructional personnel shall have the authority to undertake  
26 any of the following actions in managing student behavior and  
27 ensuring the safety of all students in their classes and  
28 school:

29       (a) Establish classroom rules of conduct.

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

1        (c) Have disobedient, disrespectful, violent, abusive,  
2 uncontrollable, or disruptive students temporarily removed  
3 from the classroom for behavior management intervention.

4        (d) Have violent, abusive, uncontrollable, or  
5 disruptive students directed for information or assistance  
6 from appropriate school or district school board personnel.

7        (e) Assist in enforcing school rules on school  
8 property, on school-sponsored transportation, and during  
9 school-sponsored activities.

10       (f) Request and receive information as to the  
11 disposition of any referrals to the administration for  
12 violation of classroom or school rules.

13       (g) Request and receive immediate assistance in  
14 classroom management if a student becomes uncontrollable or in  
15 case of emergency.

16       (h) Request and receive training and other assistance  
17 to improve skills in classroom management, violence  
18 prevention, conflict resolution, and related areas.

19       (i) Press charges if a crime has been committed  
20 against the teacher or other instructional personnel on school  
21 property, on school-sponsored transportation, or during  
22 school-sponsored activities.

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

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

29       1. The use of corporal punishment shall be approved in  
30 principle by the principal before it is used, but approval is  
31 not necessary for each specific instance in which it is used.



1 The principal shall prepare guidelines for administering such  
2 punishment which identify the types of punishable offenses,  
3 the conditions under which the punishment shall be  
4 administered, and the specific personnel on the school staff  
5 authorized to administer the punishment.

6 2. A teacher or principal may administer corporal  
7 punishment only in the presence of another adult who is  
8 informed beforehand, and in the student's presence, of the  
9 reason for the punishment.

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

14 (2) Teachers and other instructional personnel shall:

15 (a) Set and enforce reasonable classroom rules that  
16 treat all students equitably.

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

20 (c) Maintain a positive and effective learning  
21 environment that maximizes learning and minimizes disruption.

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

24 (3) A teacher may send a student to the principal's  
25 office to maintain effective discipline in the classroom. The  
26 principal shall respond by employing appropriate  
27 discipline-management techniques consistent with the student  
28 code of conduct under s. 1006.07.

29 (4) A teacher may remove from class a student whose  
30 behavior the teacher determines interferes with the teacher's  
31 ability to communicate effectively with the students in the

1 class or with the ability of the student's classmates to  
2 learn.

3 (5) If a teacher removes a student from class under  
4 subsection (4), the principal may place the student in another  
5 appropriate classroom, in in-school suspension, or in a  
6 dropout prevention and academic intervention program as  
7 provided by s. 1003.53; or the principal may recommend the  
8 student for out-of-school suspension or expulsion, as  
9 appropriate. The student may be prohibited from attending or  
10 participating in school-sponsored or school-related  
11 activities. The principal may not return the student to that  
12 teacher's class without the teacher's consent unless the  
13 committee established under subsection (6) determines that  
14 such placement is the best or only available alternative. The  
15 teacher and the placement review committee must render  
16 decisions within 5 days of the removal of the student from the  
17 classroom.

18 (6) Each school shall establish a committee to  
19 determine placement of a student when a teacher withholds  
20 consent to the return of a student to the teacher's class.  
21 Committee membership must include at least the following:

- 22 (a) Two teachers selected by the school's faculty; and  
23 (b) One member from the school's staff who is selected  
24 by the principal.

25  
26 The teacher who withheld consent to readmitting the student  
27 may not serve on the committee. The teacher and the placement  
28 review committee must render decisions within five days after  
29 the removal of the student from the classroom.

30 (6) Any teacher who removes 25 percent of his or her  
31 total class enrollment shall be required to complete

1 professional development to improve classroom management  
2 skills.

3 (7) When knowledgeable of the likely risk of physical  
4 violence in the schools, the district school board shall take  
5 reasonable steps to ensure that teachers, other school staff,  
6 and students are not at undue risk of violence or harm.

7 Section 126. Section 1003.33, Florida Statutes, is  
8 created to read:

9 1003.33 Report cards; end-of-the-year status.--

10 (1) Each district school board shall establish and  
11 publish policies requiring the content and regular issuance of  
12 student report cards for all elementary school, middle school,  
13 and high school students. These report cards must clearly  
14 depict and grade:

15 (a) The student's academic performance in each class  
16 or course, which in grades 1 through 12 must be based upon  
17 examinations as well as written papers, class participation,  
18 and other academic performance criteria.

19 (b) The student's conduct and behavior.

20 (c) The student's attendance, including absences and  
21 tardiness.

22 (2) A student's final report card for a school year  
23 shall contain a statement indicating end-of-the-year status  
24 regarding performance or nonperformance at grade level,  
25 acceptable or unacceptable behavior and attendance, and  
26 promotion or nonpromotion.

27  
28 District school boards shall not allow schools to exempt  
29 students from academic performance requirements based on  
30 practices or policies designed to encourage student  
31 attendance. A student's attendance record may not be used in

1 whole or in part to provide an exemption from any academic  
2 performance requirement.

3 Section 127. Part IV of chapter 1003 shall be entitled  
4 "Public K-12 Educational Instruction" and shall consist of ss.  
5 1003.41-1003.49.

6 Section 128. Section 1003.41, Florida Statutes, is  
7 created to read:

8 1003.41 Sunshine State Standards.--Public K-12  
9 educational instruction in Florida is based on the "Sunshine  
10 State Standards." These standards have been adopted by the  
11 State Board of Education and delineate the academic  
12 achievement of students, for which the state will hold schools  
13 accountable, in grades K-2, 3-5, 6-8, and 9-12 in the subjects  
14 of language arts, mathematics, science, social studies, the  
15 arts, health and physical education, and foreign languages.  
16 They include standards in reading, writing, history,  
17 government, geography, economics, and computer literacy.

18 Section 129. Section 1003.42, Florida Statutes, is  
19 created to read:

20 1003.42 Required instruction.--

21 (1) Each district school board shall provide all  
22 courses required for high school graduation and appropriate  
23 instruction designed to ensure that students meet State Board  
24 of Education adopted standards in the following subject areas:  
25 reading and other language arts, mathematics, science, social  
26 studies, foreign languages, health and physical education, and  
27 the arts.

28 (2) Members of the instructional staff of the public  
29 schools, subject to the rules of the State Board of Education,  
30 and the district school board, shall teach efficiently and  
31 faithfully, using the books and materials required, following

1 the prescribed courses of study, and employing approved  
2 methods of instruction, the following:

3 (a) The content of the Declaration of Independence and  
4 how it forms the philosophical foundation of our government.

5 (b) The arguments in support of adopting our  
6 republican form of government, as they are embodied in the  
7 most important of the Federalist Papers.

8 (c) The essentials of the United States Constitution  
9 and how it provides the structure of our government.

10 (d) Flag education, including proper flag display and  
11 flag salute.

12 (e) The elements of civil government, including the  
13 primary functions of and interrelationships between the  
14 Federal Government, the state, and its counties,  
15 municipalities, school districts, and special districts.

16 (f) The history of the Holocaust (1933-1945), the  
17 systematic, planned annihilation of European Jews and other  
18 groups by Nazi Germany, a watershed event in the history of  
19 humanity, to be taught in a manner that leads to an  
20 investigation of human behavior, an understanding of the  
21 ramifications of prejudice, racism, and stereotyping, and an  
22 examination of what it means to be a responsible and  
23 respectful person, for the purposes of encouraging tolerance  
24 of diversity in a pluralistic society and for nurturing and  
25 protecting democratic values and institutions.

26 (g) The history of African Americans, including the  
27 history of African peoples before the political conflicts that  
28 led to the development of slavery, the passage to America, the  
29 enslavement experience, abolition, and the contributions of  
30 African Americans to society.

31 (h) The elementary principles of agriculture.

- 1        (i) The true effects of all alcoholic and intoxicating  
2 liquors and beverages and narcotics upon the human body and  
3 mind.
- 4        (j) Kindness to animals.
- 5        (k) The history of the state.
- 6        (l) The conservation of natural resources.
- 7        (m) Comprehensive health education that addresses  
8 concepts of community health; consumer health; environmental  
9 health; family life, including an awareness of the benefits of  
10 sexual abstinence as the expected standard and the  
11 consequences of teenage pregnancy; mental and emotional  
12 health; injury prevention and safety; nutrition; personal  
13 health; prevention and control of disease; and substance use  
14 and abuse.
- 15        (n) Such additional materials, subjects, courses, or  
16 fields in such grades as are prescribed by law or by rules of  
17 the State Board of Education and the district school board in  
18 fulfilling the requirements of law.
- 19        (o) The study of Hispanic contributions to the United  
20 States.
- 21        (p) The study of women's contributions to the United  
22 States.
- 23        (q) A character-development program in the elementary  
24 schools, similar to Character First or Character Counts, which  
25 is secular in nature and stresses such character qualities as  
26 attentiveness, patience, and initiative.
- 27        (r) In order to encourage patriotism, the sacrifices  
28 that veterans have made in serving our country and protecting  
29 democratic values worldwide. Such instruction must occur on or  
30 before Veterans' Day and Memorial Day. Members of the  
31

1 instructional staff are encouraged to use the assistance of  
2 local veterans when practicable.

3 (3) Any student whose parent makes written request to  
4 the school principal shall be exempted from the teaching of  
5 reproductive health or any disease, including HIV/AIDS, its  
6 symptoms, development, and treatment. A student so exempted  
7 may not be penalized by reason of that exemption. Course  
8 descriptions for comprehensive health education shall not  
9 interfere with the local determination of appropriate  
10 curriculum which reflects local values and concerns.

11 Section 130. Section 1003.43, Florida Statutes, is  
12 created to read:

13 1003.43 General requirements for high school  
14 graduation.--

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

19 (a) Four credits in English, with major concentration  
20 in composition and literature.

21 (b) Three credits in mathematics. Effective for  
22 students entering the 9th grade in the 1997-1998 school year  
23 and thereafter, one of these credits must be Algebra I, a  
24 series of courses equivalent to Algebra I, or a higher-level  
25 mathematics course.

26 (c) Three credits in science, two of which must have a  
27 laboratory component. The State Board of Education may grant  
28 an annual waiver of the laboratory requirement to a district  
29 school board that certifies that its laboratory facilities are  
30 inadequate, provided the district school board submits a  
31 capital outlay plan to provide adequate facilities and makes

1 the funding of this plan a priority of the district school  
2 board. Effective July 1, 2001, Agriscience Foundations I, the  
3 core course in secondary Agriscience and Natural Resources  
4 programs, counts as one of the science credits.

5 (d) One credit in American history.

6 (e) One credit in world history, including a  
7 comparative study of the history, doctrines, and objectives of  
8 all major political systems.

9 (f) One-half credit in economics, including a  
10 comparative study of the history, doctrines, and objectives of  
11 all major economic systems. The Florida Council on Economic  
12 Education shall provide technical assistance to the department  
13 and district school boards in developing curriculum materials  
14 for the study of economics.

15 (g) One-half credit in American government, including  
16 study of the Constitution of the United States. For students  
17 entering the 9th grade in the 1997-1998 school year and  
18 thereafter, the study of Florida government, including study  
19 of the State Constitution, the three branches of state  
20 government, and municipal and county government, shall be  
21 included as part of the required study of American government.

22 (h)1. One credit in practical arts career education or  
23 exploratory career education. Any career education course as  
24 defined in s. 1003.01 may be taken to satisfy the high school  
25 graduation requirement for one credit in practical arts or  
26 exploratory career education provided in this subparagraph;

27 2. One credit in performing fine arts to be selected  
28 from music, dance, drama, painting, or sculpture. A course in  
29 any art form, in addition to painting or sculpture, that  
30 requires manual dexterity, or a course in speech and debate,  
31 may be taken to satisfy the high school graduation requirement



1 for one credit in performing arts pursuant to this  
2 subparagraph; or

3 3. One-half credit each in practical arts career  
4 education or exploratory career education and performing fine  
5 arts, as defined in this paragraph.

6  
7 Such credit for practical arts career education or exploratory  
8 career education or for performing fine arts shall be made  
9 available in the 9th grade, and students shall be scheduled  
10 into a 9th grade course as a priority.

11 (i) One-half credit in life management skills to  
12 include consumer education, positive emotional development,  
13 marriage and relationship skill-based education, nutrition,  
14 prevention of human immunodeficiency virus infection and  
15 acquired immune deficiency syndrome and other sexually  
16 transmissible diseases, benefits of sexual abstinence and  
17 consequences of teenage pregnancy, information and instruction  
18 on breast cancer detection and breast self-examination,  
19 cardiopulmonary resuscitation, drug education, and the hazards  
20 of smoking. Such credit shall be given for a course to be  
21 taken by all students in either the 9th or 10th grade.

22 (j) One credit in physical education to include  
23 assessment, improvement, and maintenance of personal fitness.  
24 Participation in an interscholastic sport at the junior  
25 varsity or varsity level, for two full seasons, shall satisfy  
26 the one-credit requirement in physical education if the  
27 student passes a competency test on personal fitness with a  
28 score of "C" or better. The competency test on personal  
29 fitness must be developed by the Department of Education. A  
30 district school board may not require that the one credit in  
31 physical education be taken during the 9th grade year.

1           (k) Eight and one-half elective credits.

2  
3           District school boards may award a maximum of one-half credit  
4           in social studies and one-half elective credit for student  
5           completion of nonpaid voluntary community or school service  
6           work. Students choosing this option must complete a minimum  
7           of 75 hours of service in order to earn the one-half credit in  
8           either category of instruction. Credit may not be earned for  
9           service provided as a result of court action. District school  
10           boards that approve the award of credit for student volunteer  
11           service shall develop guidelines regarding the award of the  
12           credit, and school principals are responsible for approving  
13           specific volunteer activities. A course designated in the  
14           Course Code Directory as grade 9 through grade 12 which is  
15           taken below the 9th grade may be used to satisfy high school  
16           graduation requirements or Florida Academic Scholars award  
17           requirements as specified in a district school board's student  
18           progression plan. A student shall be granted credit toward  
19           meeting the requirements of this subsection for equivalent  
20           courses, as identified pursuant to s. 1007.271(6), taken  
21           through dual enrollment.

22           (2) Remedial and compensatory courses taken in grades  
23           9 through 12 may only be counted as elective credit as  
24           provided in subsection (1).

25           (3) Credit for high school graduation may be earned  
26           for volunteer activities and nonacademic activities which have  
27           been approved for such credit by the State Board of Education.

28           (4)(a) A district school board may require specific  
29           courses and programs of study within the minimum credit  
30           requirements for high school graduation and shall modify basic  
31           courses, as necessary, to assure exceptional students the

1 opportunity to meet the graduation requirements for a standard  
2 diploma, using one of the following strategies:

3 1. Assignment of the exceptional student to an  
4 exceptional education class for instruction in a basic course  
5 with the same student performance standards as those required  
6 of nonexceptional students in the district school board  
7 student progression plan; or

8 2. Assignment of the exceptional student to a basic  
9 education class for instruction which is modified to  
10 accommodate the student's exceptionality.

11 (b) The district school board shall determine which of  
12 these strategies to employ based upon an assessment of the  
13 student's needs and shall reflect this decision in the  
14 student's individual educational plan.

15 (c) District school boards are authorized and  
16 encouraged to establish requirements for high school  
17 graduation in excess of the minimum requirements; however, an  
18 increase in academic credit or minimum grade point average  
19 requirements shall not apply to those students enrolled in  
20 grades 9 through 12 at the time the district school board  
21 increases the requirements. In addition, any increase in  
22 academic credit or minimum grade point average requirements  
23 shall not apply to a student who earns credit toward the  
24 graduation requirements of this section for equivalent courses  
25 taken through dual enrollment.

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

29 (a) Earning passing scores on the FCAT, as defined in  
30 s. 1008.22(3)(c).

31

1           (b) Completion of all other applicable requirements  
2 prescribed by the district school board pursuant to s.  
3 1008.25.

4           (c) Achievement of a cumulative grade point average of  
5 1.5 on a 4.0 scale, or its equivalent, for students entering  
6 9th grade before the 1997-1998 school year; however, these  
7 students must earn a cumulative grade point average of 2.0 on  
8 a 4.0 scale, or its equivalent, in the courses required by  
9 subsection (1) that are taken after July 1, 1997, or have an  
10 overall cumulative grade point average of 2.0 or above.

11           (d) Achievement of a cumulative grade point average of  
12 2.0 on a 4.0 scale, or its equivalent, in the courses required  
13 by subsection (1), for students entering 9th grade in the  
14 1997-1998 school year and thereafter.

15           (e) For purposes of paragraphs (c) and (d):

16           1. Each district school board shall adopt policies  
17 designed to assist students in meeting these requirements.  
18 These policies may include, but are not limited to:  
19 forgiveness policies, summer school or before or after school  
20 attendance, special counseling, volunteer and/or peer tutors,  
21 school-sponsored help sessions, homework hotlines, and study  
22 skills classes. Beginning in the 2000-2001 school year and  
23 each year thereafter, forgiveness policies for required  
24 courses shall be limited to replacing a grade of "D" or "F,"  
25 or the equivalent of a grade of "D" or "F," with a grade of  
26 "C" or higher, or the equivalent of a grade of "C" or higher,  
27 earned subsequently in the same or comparable course.  
28 Forgiveness policies for elective courses shall be limited to  
29 replacing a grade of "D" or "F," or the equivalent of a grade  
30 of "D" or "F," with a grade of "C" or higher, or the  
31 equivalent of a grade of "C" or higher, earned subsequently in

1 another course. Any course grade not replaced according to a  
2 district school board forgiveness policy shall be included in  
3 the calculation of the cumulative grade point average required  
4 for graduation.

5 2. At the end of each semester, the parent of each  
6 student in grades 9, 10, 11, and 12 who has a cumulative grade  
7 point average of less than 0.5 above the cumulative grade  
8 point average required for graduation shall be notified that  
9 the student is at risk of not meeting the requirements for  
10 graduation. The notice shall contain an explanation of the  
11 policies the district school board has in place to assist the  
12 student in meeting the grade point average requirement.

13 3. Special assistance to obtain a high school  
14 equivalency diploma pursuant to s. 1003.435 may be given only  
15 when the student has completed all requirements for graduation  
16 except the attainment of the required cumulative grade point  
17 average.

18  
19 The standards required in this subsection, and any subsequent  
20 modifications, shall be reprinted in the Florida  
21 Administrative Code even though not defined as "rules."

22 (6) The Legislature recognizes that adult learners are  
23 unique in situation and needs. The following graduation  
24 requirements are therefore instituted for students enrolled in  
25 adult general education in accordance with s. 1004.93 in  
26 pursuit of a high school diploma:

27 (a) The one credit in physical education required for  
28 graduation, pursuant to subsection (1), is not required for  
29 graduation and shall be substituted with elective credit  
30 keeping the total credits needed for graduation consistent  
31 with subsection (1).

1           (b) Each district school board may waive the  
2 laboratory component of the science requirement expressed in  
3 subsection (1) when such facilities are inaccessible or do not  
4 exist.

5           (c) Any course listed within the Department of  
6 Education Course Code Directory in the areas of art, dance,  
7 drama, or music may be undertaken by adult secondary education  
8 students. Enrollment and satisfactory completion of such a  
9 course shall satisfy the credit in performing fine arts  
10 required for high school graduation pursuant to subsection  
11 (1).

12           (7) No student may be granted credit toward high  
13 school graduation for enrollment in the following courses or  
14 programs:

15           (a) More than a total of nine elective credits in  
16 remedial programs.

17           (b) More than one credit in exploratory career  
18 education courses as defined in s. 1003.01(4)(a).

19           (c) More than three credits in practical arts family  
20 and consumer sciences classes as defined in s. 1003.01(4)(a).

21           (d) Any Level I course unless the student's assessment  
22 indicates that a more rigorous course of study would be  
23 inappropriate, in which case a written assessment of the need  
24 must be included in the student's individual educational plan  
25 or in a student performance plan, signed by the principal, the  
26 guidance counselor, and the parent of the student, or the  
27 student if the student is 18 years of age or older.

28           (8) The State Board of Education, after a public  
29 hearing and consideration, shall make provision for  
30 appropriate modification of testing instruments and procedures  
31 for students with identified handicaps or disabilities in

1 order to ensure that the results of the testing represent the  
2 student's achievement, rather than reflecting the student's  
3 impaired sensory, manual, speaking, or psychological process  
4 skills.

5 (9) A student who meets all requirements prescribed in  
6 subsections (1), (4), and (5) shall be awarded a standard  
7 diploma in a form prescribed by the State Board of Education.  
8 A district school board may attach the Florida gold seal  
9 career and technical endorsement to a standard diploma or,  
10 instead of the standard diploma, award differentiated diplomas  
11 to those exceeding the prescribed minimums. A student who  
12 completes the minimum number of credits and other requirements  
13 prescribed by subsections (1) and (4), but who is unable to  
14 meet the standards of paragraph (5)(a), paragraph (5)(b), or  
15 paragraph (5)(c), shall be awarded a certificate of completion  
16 in a form prescribed by the State Board of Education. However,  
17 any student who is otherwise entitled to a certificate of  
18 completion may elect to remain in the secondary school either  
19 as a full-time student or a part-time student for up to 1  
20 additional year and receive special instruction designed to  
21 remedy his or her identified deficiencies.

22 (10) The public hearing and consideration required in  
23 subsection (8) shall not be construed to amend or nullify the  
24 requirements of security relating to the contents of  
25 examinations or assessment instruments and related materials  
26 or data as prescribed in s. 1008.23.

27 (11) The Commissioner of Education may award a  
28 standard high school diploma to honorably discharged veterans  
29 who started high school between 1937 and 1946 and were  
30 scheduled to graduate between 1941 and 1950 but were inducted  
31 into the United States Armed Forces between September 16,

1 1940, and December 31, 1946, prior to completing the necessary  
2 high school graduation requirements. Upon the recommendation  
3 of the commissioner, the State Board of Education may develop  
4 criteria and guidelines for awarding such diplomas.

5 Section 131. Section 1003.435, Florida Statutes, is  
6 created to read:

7 1003.435 High school equivalency diploma program.--

8 (1) The State Board of Education shall adopt rules  
9 which prescribe performance standards and provide for  
10 comprehensive examinations to be administered to candidates  
11 for high school equivalency diplomas. Such rules shall  
12 include, but are not limited to, provisions for fees,  
13 frequency of examinations, and procedures for retaking an  
14 examination upon unsatisfactory performance.

15 (2) The department may award high school equivalency  
16 diplomas to candidates who meet the performance standards  
17 prescribed by the state board.

18 (3) Each district school board shall offer and  
19 administer the high school equivalency diploma examinations  
20 and the subject area examinations to all candidates pursuant  
21 to rules of the State Board of Education.

22 (4) A candidate for a high school equivalency diploma  
23 shall be at least 18 years of age on the date of the  
24 examination, except that in extraordinary circumstances, as  
25 provided for in rules of the district school board of the  
26 district in which the candidate resides or attends school, a  
27 candidate may take the examination after reaching the age of  
28 16.

29 (5) Each district school board shall develop, in  
30 cooperation with the area community college board of trustees,  
31 a plan for the provision of advanced instruction for those



1 students who attain satisfactory performance on the high  
2 school equivalency examination or the subject area  
3 examinations or who demonstrate through other means a  
4 readiness to engage in postsecondary-level academic work. The  
5 plan shall include provisions for the equitable distribution  
6 of generated funds to cover personnel, maintenance, and other  
7 costs of offering the advanced instruction. Priority shall be  
8 given to programs of advanced instruction offered in high  
9 school facilities.

10 (6) All high school equivalency diplomas issued under  
11 the provisions of this section shall have equal status with  
12 other high school diplomas for all state purposes, including  
13 admission to any state university or community college.

14 Section 132. Section 1003.436, Florida Statutes, is  
15 created to read:

16 1003.436 Definition of "credit".--

17 (1)(a) For the purposes of requirements for high  
18 school graduation, one full credit means a minimum of 135  
19 hours of bona fide instruction in a designated course of study  
20 which contains student performance standards. The State Board  
21 of Education shall determine the number of postsecondary  
22 credit hours earned through dual enrollment pursuant to s.  
23 1007.271 and which satisfy the requirements of a district's  
24 interinstitutional articulation agreement according to s.  
25 1007.235 that equal one full credit of the equivalent high  
26 school course identified pursuant to s. 1007.271(6).

27 (b) The hourly requirements for one-half credit are  
28 one-half the requirements specified in paragraph (a).

29 (2) In awarding credit for high school graduation,  
30 each district school board shall maintain a one-half credit  
31 earned system which shall include courses provided on a

1 full-year basis. A student enrolled in a full-year course  
2 shall receive one-half credit if the student successfully  
3 completes either the first half or the second half of a  
4 full-year course but fails to successfully complete the other  
5 half of the course and the averaging of the grades obtained in  
6 each half would not result in a passing grade. A student  
7 enrolled in a full-year course shall receive a full credit if  
8 the student successfully completes either the first half or  
9 the second half of a full-year course but fails to  
10 successfully complete the other half of the course and the  
11 averaging of the grades obtained in each half would result in  
12 a passing grade, provided that such additional requirements  
13 specified in district school board policies, such as class  
14 attendance, homework, participation, and other indicators of  
15 performance, shall be successfully completed by the student.

16 Section 133. Section 1003.437, Florida Statutes, is  
17 created to read:

18 1003.437 High school grading system.--The grading  
19 system and interpretation of letter grades used in public high  
20 schools shall be as follows:

21 (1) Grade "A" equals 90 percent through 100 percent,  
22 has a grade point average value of 4, and is defined as  
23 "outstanding progress."

24 (2) Grade "B" equals 80 percent through 89 percent,  
25 has a grade point average value of 3, and is defined as "above  
26 average progress."

27 (3) Grade "C" equals 70 percent through 79 percent,  
28 has a grade point average value of 2, and is defined as  
29 "average progress."

30  
31

1           (4) Grade "D" equals 60 percent through 69 percent,  
2 has a grade point average value of 1, and is defined as  
3 "lowest acceptable progress."

4           (5) Grade "F" equals zero percent through 59 percent,  
5 has a grade point average value of zero, and is defined as  
6 "failure."

7           (6) Grade "I" equals zero percent, has a grade point  
8 average value of zero, and is defined as "incomplete."

9  
10 For the purposes of class ranking, district school boards may  
11 exercise a weighted grading system.

12           Section 134. Section 1003.438, Florida Statutes, is  
13 created to read:

14           1003.438 Special high school graduation requirements  
15 for certain exceptional students.--A student who has been  
16 properly classified, in accordance with rules established by  
17 the State board of Education, as "educable mentally  
18 handicapped," "trainable mentally handicapped," "hearing  
19 impaired," "specific learning disabled," "physically or  
20 language impaired," or "emotionally handicapped" shall not be  
21 required to meet all requirements of s. 1003.43 and shall,  
22 upon meeting all applicable requirements prescribed by the  
23 district school board pursuant to s. 1008.25, be awarded a  
24 special diploma in a form prescribed by the commissioner;  
25 however, such special graduation requirements prescribed by  
26 the district school board must include minimum graduation  
27 requirements as prescribed by the commissioner. Any such  
28 student who meets all special requirements of the district  
29 school board for exceptionality, but is unable to meet the  
30 appropriate special state minimum requirements, shall be  
31 awarded a special certificate of completion in a form

1 prescribed by the commissioner. A student who has been  
2 properly classified as "profoundly handicapped" and who meets  
3 the special requirements of the district school board for a  
4 special diploma in accordance with requirements for any  
5 exceptional student identified in this section shall be  
6 awarded a special diploma; however, such a student shall  
7 alternatively be eligible for a special certificate of  
8 completion, in a form prescribed by the commissioner, if all  
9 school requirements for students who are "profoundly  
10 handicapped" have been met. However, this section does not  
11 limit or restrict the right of an exceptional student solely  
12 to a special diploma or special certificate of completion.  
13 Any such student shall, upon proper request, be afforded the  
14 opportunity to fully meet all requirements of s. 1003.43  
15 through the standard procedures established therein and  
16 thereby to qualify for a standard diploma upon graduation.

17 Section 135. Section 1003.44, Florida Statutes, is  
18 created to read:

19 1003.44 Patriotic programs; rules.--

20 (1) Each district school board may adopt rules to  
21 require, in all of the schools of the district, programs of a  
22 patriotic nature to encourage greater respect for the  
23 government of the United States and its national anthem and  
24 flag, subject always to other existing pertinent laws of the  
25 United States or of the state. When the national anthem is  
26 played, students and all civilians shall stand at attention,  
27 men removing the headdress, except when such headdress is worn  
28 for religious purposes. The pledge of allegiance to the flag,  
29 "I pledge allegiance to the flag of the United States of  
30 America and to the republic for which it stands, one nation  
31 under God, indivisible, with liberty and justice for all,"

1 shall be rendered by students standing with the right hand  
2 over the heart. The pledge of allegiance to the flag shall be  
3 recited at the beginning of the day in each public elementary,  
4 middle, and high school in the state. Each student shall be  
5 informed by posting a notice in a conspicuous place that the  
6 student has the right not to participate in reciting the  
7 pledge. Upon written request by his or her parent, the student  
8 must be excused from reciting the pledge. When the pledge is  
9 given, civilians must show full respect to the flag by  
10 standing at attention, men removing the headdress, except when  
11 such headdress is worn for religious purposes, as provided by  
12 Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.  
13 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved  
14 December 22, 1942.

15 (2) Each district school board may allow any teacher  
16 or administrator to read, or to post in a public school  
17 building or classroom or at any school-related event, any  
18 excerpt or portion of the following historic material: the  
19 national motto; the national anthem; the pledge of allegiance;  
20 the Constitution of the State of Florida, including the  
21 Preamble; the Constitution of the United States, including the  
22 Preamble; the Bill of Rights; the Declaration of Independence;  
23 the Mayflower Compact; the Emancipation Proclamation; the  
24 writings, speeches, documents, and proclamations of the  
25 presidents of the United States, the signers of the  
26 Constitution of the United States and the Declaration of  
27 Independence, and civil rights leaders; and decisions of the  
28 United States Supreme Court. However, any material that is  
29 read, posted, or taught pursuant to this provision may be  
30 presented only from a historical perspective and in a  
31 nonproselytizing manner. When less than an entire document is

1 used, the excerpt or portion must include as much material as  
2 is reasonably necessary to reflect the sentiment of the entire  
3 document and avoid expressing statements out of the context in  
4 which they were originally made. If the material refers to  
5 laws or judicial decisions that have been superseded, the  
6 material must be accompanied by a statement indicating that  
7 such law or decision is no longer the law of the land. No  
8 material shall be selected to advance a particular religious,  
9 political, or sectarian purpose. The department shall  
10 distribute a copy of this section to each district school  
11 board, whereupon each district school superintendent shall  
12 distribute a copy to all teachers and administrators.

13 Section 136. Section 1003.45, Florida Statutes, is  
14 created to read:

15 1003.45 Permitting study of the Bible and religion;  
16 permitting brief meditation period.--

17 (1) The district school board may install in the  
18 public schools in the district a secular program of education  
19 including, but not limited to, an objective study of the Bible  
20 and of religion.

21 (2) The district school board may provide that a brief  
22 period, not to exceed 2 minutes, for the purpose of silent  
23 prayer or meditation be set aside at the start of each school  
24 day or each school week in the public schools in the district.

25 Section 137. Section 1003.46, Florida Statutes, is  
26 created to read:

27 1003.46 Health education; instruction in acquired  
28 immune deficiency syndrome.--

29 (1) Each district school board may provide instruction  
30 in acquired immune deficiency syndrome education as a specific  
31 area of health education. Such instruction may include, but

1 is not limited to, the known modes of transmission, signs and  
2 symptoms, risk factors associated with acquired immune  
3 deficiency syndrome, and means used to control the spread of  
4 acquired immune deficiency syndrome. The instruction shall be  
5 appropriate for the grade and age of the student and shall  
6 reflect current theory, knowledge, and practice regarding  
7 acquired immune deficiency syndrome and its prevention.

8 (2) Throughout instruction in acquired immune  
9 deficiency syndrome, sexually transmitted diseases, or health  
10 education, when such instruction and course material contains  
11 instruction in human sexuality, a school shall:

12 (a) Teach abstinence from sexual activity outside of  
13 marriage as the expected standard for all school-age students  
14 while teaching the benefits of monogamous heterosexual  
15 marriage.

16 (b) Emphasize that abstinence from sexual activity is  
17 a certain way to avoid out-of-wedlock pregnancy, sexually  
18 transmitted diseases, including acquired immune deficiency  
19 syndrome, and other associated health problems.

20 (c) Teach that each student has the power to control  
21 personal behavior and encourage students to base actions on  
22 reasoning, self-esteem, and respect for others.

23 (d) Provide instruction and material that is  
24 appropriate for the grade and age of the student.

25 Section 138. Section 1003.47, Florida Statutes, is  
26 created to read:

27 1003.47 Biological experiments on living subjects.--

28 (1) It is the intent of the Legislature with respect  
29 to biological experiments involving living subjects by  
30 students in grades K through 12 that:

31

1       (a) No surgery or dissection shall be performed on any  
2 living mammalian vertebrate or bird. Dissection may be  
3 performed on nonliving mammals or birds secured from a  
4 recognized source of such specimens and under supervision of  
5 qualified instructors. Students may be excused upon written  
6 request of a parent.

7       (b) Lower orders of life and invertebrates may be used  
8 in such experiments.

9       (c) Nonmammalian vertebrates, excluding birds, may be  
10 used in biological experiments, provided that physiological  
11 harm does not result from such experiments. Anatomical  
12 studies shall only be conducted on models which are  
13 anatomically correct for the animal being studied or on  
14 nonliving nonmammalian vertebrates secured and from a  
15 recognized source of such specimens and under the supervision  
16 of qualified instructors. Students may be excused from such  
17 experiments upon written request of the parent.

18       (d) Observational studies of animals in the wild or in  
19 zoological parks, gardens, or aquaria, or of pets, fish,  
20 domestic animals, or livestock may be conducted.

21       (e) Studies of vertebrate animal cells, such as red  
22 blood cells or other tissue cells, plasma or serum, or  
23 anatomical specimens, such as organs, tissues, or skeletons,  
24 purchased or acquired from biological supply houses or  
25 research facilities or from wholesale or retail establishments  
26 which supply carcasses or parts of food animals may be  
27 conducted.

28       (f) Normal physiological and behavioral studies of the  
29 human animal may be conducted, provided that such projects are  
30 carefully selected so that neither physiological or  
31



1 psychological harm to the subject can result from such  
2 studies.

3 (g) All experiments shall be carried out under the  
4 supervision of a competent science teacher who shall be  
5 responsible for ensuring that the student has the necessary  
6 comprehension for the study to be undertaken. Whenever  
7 feasible, specifically qualified experts in the field should  
8 be consulted.

9 (h) Live animals on the premises of public and private  
10 elementary, middle, and high schools shall be housed and cared  
11 for in a humane and safe manner. Animals shall not remain on  
12 the premises of any school during periods when such school is  
13 not in session, unless adequate care is provided for such  
14 animals.

15 (2) The provisions of this section shall not be  
16 construed to prohibit or constrain conventional instruction in  
17 the normal practices of animal husbandry or exhibition of any  
18 livestock in connection with any agricultural program or  
19 instruction of advanced students participating in advanced  
20 research, scientific studies, or projects.

21 (3) If any instructional employee of a public high  
22 school or area technical center knowingly or intentionally  
23 fails or refuses to comply with any of the provisions of this  
24 section, the district school board may suspend, dismiss,  
25 return to annual contract, or otherwise discipline such  
26 employee as provided in s. 1012.22(1)(f) in accordance with  
27 procedures established in chapter 1012. If any instructional  
28 employee of any private school knowingly or intentionally  
29 fails or refuses to comply with the provisions of this  
30 section, the governing authority of the private school may  
31

1 suspend, dismiss, or otherwise discipline such employee in  
2 accordance with its standard personnel procedures.

3 Section 139. Section 1003.48, Florida Statutes, is  
4 created to read:

5 1003.48 Instruction in operation of motor vehicles.--

6 (1) A course of study and instruction in the safe and  
7 lawful operation of a motor vehicle shall be made available by  
8 each district school board to students in the secondary  
9 schools in the state. As used in this section, the term  
10 "motor vehicle" shall have the same meaning as in s.

11 320.01(1)(a) and shall include motorcycles and mopeds.  
12 Instruction in motorcycle or moped operation may be limited to  
13 classroom instruction. The course shall not be made a part  
14 of, or a substitute for, any of the minimum requirements for  
15 graduation.

16 (2) In order to make such a course available to any  
17 secondary school student, the district school board may use  
18 any one of the following procedures or any combination  
19 thereof:

20 (a) Utilize instructional personnel employed by the  
21 district school board.

22 (b) Contract with a commercial driving school licensed  
23 under the provisions of chapter 488.

24 (c) Contract with an instructor certified under the  
25 provisions of chapter 488.

26 (3)(a) District school boards shall earn funds on  
27 full-time equivalent students at the appropriate basic program  
28 cost factor, regardless of the method by which such courses  
29 are offered.

30 (b) For the purpose of financing the Driver Education  
31 Program in the secondary schools, there shall be levied an

1 additional 50 cents per year to the driver's license fee  
2 required by s. 322.21. The additional fee shall be promptly  
3 remitted to the Department of Highway Safety and Motor  
4 Vehicles, which shall transmit the fee to the Treasurer to be  
5 deposited in the General Revenue Fund.

6 (4) The district school board shall prescribe  
7 standards for the course required by this section and for  
8 instructional personnel directly employed by the district  
9 school board. Any certified instructor or licensed commercial  
10 driving school shall be deemed sufficiently qualified and  
11 shall not be required to meet any standards in lieu of or in  
12 addition to those prescribed under chapter 488.

13 Section 140. Section 1003.49, Florida Statutes, is  
14 created to read:

15 1003.49 Graduation and promotion requirements for  
16 publicly operated schools.--

17 (1) Each state or local public agency, including the  
18 Department of Children and Family Services, the Department of  
19 Corrections, the boards of trustees of universities and  
20 community colleges, and the Board of Trustees of the Florida  
21 School for the Deaf and the Blind, which agency is authorized  
22 to operate educational programs for students at any level of  
23 grades kindergarten through 12 shall be subject to all  
24 applicable requirements of ss. 1003.43, 1008.23, and 1008.25.  
25 Within the content of these cited statutes each such state or  
26 local public agency or entity shall be considered a "district  
27 school board."

28 (2) The Commissioner of Education shall establish  
29 procedures to extend the state-administered assessment program  
30 to school programs operated by such state or local public  
31 agencies or entities in the same manner and to the same extent

1 as such program is administered in each district school  
2 system.

3 Section 141. Section 1003.491, Florida Statutes, is  
4 created to read:

5 1003.491 Career and technical education.--

6 (1) School board, superintendent, and school  
7 accountability for career and technical education within  
8 elementary and secondary schools includes, but is not limited  
9 to:

10 (a) Student exposure to a variety of careers and  
11 provision of instruction to explore specific careers in  
12 greater depth.

13 (b) Student awareness of available career and  
14 technical programs and the corresponding occupations into  
15 which such programs lead.

16 (c) Student development of individual career plans.

17 (d) Integration of academic and career and technical  
18 skills in the secondary curriculum.

19 (e) Student preparation to enter the workforce and  
20 enroll in postsecondary education without being required to  
21 complete college-preparatory or career and  
22 technical-preparatory instruction.

23 (f) Student retention in school through high school  
24 graduation.

25 (g) Career and technical curriculum articulation with  
26 corresponding postsecondary programs in the local area  
27 technical center or community college, or both.

28 (2) No school board or public school shall require a  
29 student to participate in any school-to-work or job training  
30 program. A school board or school shall not require a student  
31 to meet occupational standards for grade level promotion or

1 graduation unless the student is voluntarily enrolled in a job  
2 training program.

3 Section 142. Part V of chapter 1003 shall be entitled  
4 "Specialized Instruction For Certain Public K-12 Students" and  
5 shall consist of ss. 1003.51-1003.58.

6 Section 143. Section 1003.51, Florida Statutes, is  
7 created to read:

8 1003.51 Other public educational services.--

9 (1) The general control of other public educational  
10 services shall be vested in the State Board of Education  
11 except as provided herein. The State Board of Education  
12 shall, at the request of the Department of Children and Family  
13 Services and the Department of Juvenile Justice, advise as to  
14 standards and requirements relating to education to be met in  
15 all state schools or institutions under their control which  
16 provide educational programs. The Department of Education  
17 shall provide supervisory services for the educational  
18 programs of all such schools or institutions. The direct  
19 control of any of these services provided as part of the  
20 district program of education shall rest with the district  
21 school board. These services shall be supported out of state,  
22 district, federal, or other lawful funds, depending on the  
23 requirements of the services being supported.

24 (2) The State Board of Education shall adopt and  
25 maintain an administrative rule articulating expectations for  
26 high-quality, effective education programs for youth in  
27 Department of Juvenile Justice programs, including, but not  
28 limited to, education programs in juvenile justice commitment  
29 and detention facilities. The rule shall articulate policies  
30 and standards for education programs for youth in Department  
31 of Juvenile Justice programs and shall include the following:

- 1           (a) The interagency collaborative process needed to  
2 ensure effective programs with measurable results.
- 3           (b) The responsibilities of the Department of  
4 Education, the Department of Juvenile Justice, district school  
5 boards, and providers of education services to youth in  
6 Department of Juvenile Justice programs.
- 7           (c) Academic expectations.
- 8           (d) Service delivery options available to district  
9 school boards, including direct service and contracting.
- 10          (e) Assessment procedures, which:
- 11           1. Include appropriate academic and career and  
12 technical assessments administered at program entry and exit  
13 which are selected by the Department of Education in  
14 partnership with representatives from the Department of  
15 Juvenile Justice, district school boards, and providers.
- 16           2. Require district school boards to be responsible  
17 for ensuring the completion of the assessment process.
- 18           3. Require assessments for students in detention who  
19 will move on to commitment facilities, to be designed to  
20 create the foundation for developing the student's education  
21 program in the assigned commitment facility.
- 22           4. Require assessments of students sent directly to  
23 commitment facilities to be completed within the first week of  
24 the student's commitment.
- 25
- 26 The results of these assessments, together with a portfolio  
27 depicting the student's academic and vocational  
28 accomplishments, shall be included in the discharge package  
29 assembled for each youth.
- 30
- 31

1        (f) Recommended instructional programs including, but  
2 not limited to, career and technical training and job  
3 preparation.

4        (g) Funding requirements, which shall include the  
5 requirement that at least 80 percent of the FEFP funds  
6 generated by students in Department of Juvenile Justice  
7 programs be spent on instructional costs for those students.  
8 One hundred percent of the formula-based categorical funds  
9 generated by students in Department of Juvenile Justice  
10 programs must be spent on appropriate categoricals such as  
11 instructional materials and public school technology for those  
12 students.

13        (h) Qualifications of instructional staff, procedures  
14 for the selection of instructional staff, and procedures to  
15 ensure consistent instruction and qualified staff year round.

16        (i) Transition services, including the roles and  
17 responsibilities of appropriate personnel in school districts,  
18 provider organizations, and the Department of Juvenile  
19 Justice.

20        (j) Procedures and timeframe for transfer of education  
21 records when a youth enters and leaves a facility.

22        (k) The requirement that each district school board  
23 maintain an academic transcript for each student enrolled in a  
24 juvenile justice facility which delineates each course  
25 completed by the student as provided by the State Course Code  
26 Directory.

27        (l) The requirement that each district school board  
28 make available and transmit a copy of a student's transcript  
29 in the discharge packet when the student exits a facility.

30        (m) Contract requirements.

31

1           (n) Performance expectations for providers and  
2 district school boards, including the provision of academic  
3 improvement plan as required in s. 1008.25.

4           (o) The role and responsibility of the district school  
5 board in securing workforce development funds.

6           (p) A series of graduated sanctions for district  
7 school boards whose educational programs in Department of  
8 Juvenile Justice facilities are considered to be  
9 unsatisfactory and for instances in which district school  
10 boards fail to meet standards prescribed by law, rule, or  
11 State Board of Education policy. These sanctions shall include  
12 the option of requiring a district school board to contract  
13 with a provider or another district school board if the  
14 educational program at the Department of Juvenile Justice  
15 facility has failed a quality assurance review and after 6  
16 months, is still performing below minimum standards.

17           (q) Other aspects of program operations.

18           (3) The Department of Education in partnership with  
19 the Department of Juvenile Justice, the district school  
20 boards, and providers shall:

21           (a) Maintain model contracts for the delivery of  
22 appropriate education services to youth in Department of  
23 Juvenile Justice programs to be used for the development of  
24 future contracts. The model contracts shall reflect the policy  
25 and standards included in subsection (2). The Department of  
26 Education shall ensure that appropriate district school board  
27 personnel are trained and held accountable for the management  
28 and monitoring of contracts for education programs for youth  
29 in juvenile justice residential and nonresidential facilities.

30           (b) Maintain model procedures for transitioning youth  
31 into and out of Department of Juvenile Justice programs. These



1 procedures shall reflect the policy and standards adopted  
2 pursuant to subsection (2).

3 (c) Maintain standardized required content of  
4 education records to be included as part of a youth's  
5 commitment record. These requirements shall reflect the policy  
6 and standards adopted pursuant to subsection (2) and shall  
7 include, but not be limited to, the following:

8 1. A copy of the student's individualized education  
9 plan;

10 2. Assessment data, including grade level proficiency  
11 in reading, writing, and mathematics, and performance on tests  
12 taken according to s. 1008.22;

13 3. A copy of the student's permanent cumulative  
14 record;

15 4. A copy of the student's academic transcript; and

16 5. A portfolio reflecting the youth's academic  
17 accomplishments while in the Department of Juvenile Justice  
18 program.

19 (d) Maintain model procedures for securing the  
20 education record and the roles and responsibilities of the  
21 juvenile probation officer and others involved in the  
22 withdrawal of the student from school and assignment to a  
23 commitment or detention facility. District school boards shall  
24 respond to requests for student education records received  
25 from another district school board or a juvenile justice  
26 facility within 5 working days after receiving the request.

27 (4) The Department of Education shall ensure that  
28 district school boards notify students in juvenile justice  
29 residential or nonresidential facilities who attain the age of  
30 16 years of the provisions of law regarding compulsory school  
31 attendance and make available the option of enrolling in a

1 program to attain a Florida high school diploma by taking the  
2 general education development test prior to release from the  
3 facility. District school boards or community colleges, or  
4 both, shall waive GED testing fees for youth in Department of  
5 Juvenile Justice residential programs and shall, upon request,  
6 designate schools operating for the purpose of providing  
7 educational services to youth in Department of Juvenile  
8 Justice programs as GED testing centers, subject to GED  
9 testing center requirements. The administrative fees for the  
10 general education development test required by the Department  
11 of Education are the responsibility of district school boards  
12 and may be required of providers by contractual agreement.

13 (5) The Department of Education shall establish and  
14 operate, either directly or indirectly through a contract, a  
15 mechanism to provide quality assurance reviews of all juvenile  
16 justice education programs and shall provide technical  
17 assistance and related research to district school boards and  
18 providers on how to establish, develop, and operate  
19 educational programs that exceed the minimum quality assurance  
20 standards.

21 Section 144. Section 1003.52, Florida Statutes, is  
22 created to read:

23 1003.52 Educational services in Department of Juvenile  
24 Justice programs.--

25 (1) The Legislature finds that education is the single  
26 most important factor in the rehabilitation of adjudicated  
27 delinquent youth in the custody of the Department of Juvenile  
28 Justice in detention or commitment facilities. It is the goal  
29 of the Legislature that youth in the juvenile justice system  
30 continue to be given the opportunity to receive a high-quality  
31 education. The Department of Education shall serve as the lead

1 agency for juvenile justice education programs, curriculum,  
2 support services, and resources. To this end, the Department  
3 of Education and the Department of Juvenile Justice shall each  
4 designate a Coordinator for Juvenile Justice Education  
5 Programs to serve as the point of contact for resolving issues  
6 not addressed by district school boards and to provide each  
7 department's participation in the following activities:

8 (a) Training, collaborating, and coordinating with the  
9 Department of Juvenile Justice, district school boards,  
10 educational contract providers, and juvenile justice  
11 providers, whether state operated or contracted.

12 (b) Collecting information on the academic performance  
13 of students in juvenile justice commitment and detention  
14 programs and reporting on the results.

15 (c) Developing academic and career and technical  
16 protocols that provide guidance to district school boards and  
17 providers in all aspects of education programming, including  
18 records transfer and transition.

19 (d) Prescribing the roles of program personnel and  
20 interdepartmental district school board or provider  
21 collaboration strategies.

22  
23 Annually, a cooperative agreement and plan for juvenile  
24 justice education service enhancement shall be developed  
25 between the Department of Juvenile Justice and the Department  
26 of Education and submitted to the Secretary of Juvenile  
27 Justice and the Commissioner of Education by June 30.

28 (2) Students participating in a detention, commitment,  
29 or rehabilitation program pursuant to chapter 985 which is  
30 sponsored by a community-based agency or is operated or  
31 contracted for by the Department of Juvenile Justice shall

1 receive educational programs according to rules of the State  
2 Board of Education. These students shall be eligible for  
3 services afforded to students enrolled in programs pursuant to  
4 s. 1003.53 and all corresponding State Board of Education  
5 rules.

6 (3) The district school board of the county in which  
7 the residential or nonresidential care facility or juvenile  
8 assessment facility is located shall provide appropriate  
9 educational assessments and an appropriate program of  
10 instruction and special education services. The district  
11 school board shall make provisions for each student to  
12 participate in basic, career and technical education, and  
13 exceptional student programs as appropriate. Students served  
14 in Department of Juvenile Justice programs shall have access  
15 to the appropriate courses and instruction to prepare them for  
16 the GED test. Students participating in GED preparation  
17 programs shall be funded at the basic program cost factor for  
18 Department of Juvenile Justice programs in the Florida  
19 Education Finance Program. Each program shall be conducted  
20 according to applicable law providing for the operation of  
21 public schools and rules of the State Board of Education.

22 (4) Educational services shall be provided at times of  
23 the day most appropriate for the juvenile justice program.  
24 School programming in juvenile justice detention, commitment,  
25 and rehabilitation programs shall be made available by the  
26 local school district during the juvenile justice school year,  
27 as defined in s. 1003.01(12).

28 (5) The educational program shall consist of  
29 appropriate basic academic, career and technical, or  
30 exceptional curricula and related services which support the  
31 treatment goals and reentry and which may lead to completion

1 of the requirements for receipt of a high school diploma or  
2 its equivalent. If the duration of a program is less than 40  
3 days, the educational component may be limited to tutorial  
4 activities and career and technical employability skills.

5 (6) Participation in the program by students of  
6 compulsory school-attendance age as provided for in s. 1003.21  
7 shall be mandatory. All students of noncompulsory  
8 school-attendance age who have not received a high school  
9 diploma or its equivalent shall participate in the educational  
10 program, unless the student files a formal declaration of his  
11 or her intent to terminate school enrollment as described in  
12 s. 1003.21 and is afforded the opportunity to take the general  
13 education development test and attain a Florida high school  
14 diploma prior to release from a facility. A youth who has  
15 received a high school diploma or its equivalent and is not  
16 employed shall participate in workforce development or other  
17 career or technical education or community college or  
18 university courses while in the program, subject to available  
19 funding.

20 (7) An academic improvement plan shall be developed  
21 for students who score below the level specified in district  
22 school board policy in reading, writing, and mathematics or  
23 below the level specified by the Commissioner of Education on  
24 statewide assessments as required by s. 1008.25. These plans  
25 shall address academic, literacy, and life skills and shall  
26 include provisions for intensive remedial instruction in the  
27 areas of weakness.

28 (8) Each district school board shall maintain an  
29 academic record for each student enrolled in a juvenile  
30 justice facility as prescribed by s. 1003.51. Such record  
31 shall delineate each course completed by the student according

1 to procedures in the State Course Code Directory. The district  
2 school board shall include a copy of a student's academic  
3 record in the discharge packet when the student exits the  
4 facility.

5 (9) The Department of Education shall ensure that all  
6 district school boards make provisions for high school level  
7 committed youth to earn credits toward high school graduation  
8 while in residential and nonresidential juvenile justice  
9 facilities. Provisions must be made for the transfer of  
10 credits and partial credits earned.

11 (10) The district school board shall recruit and train  
12 teachers who are interested, qualified, or experienced in  
13 educating students in juvenile justice programs. Students in  
14 juvenile justice programs shall be provided a wide range of  
15 educational programs and opportunities including textbooks,  
16 technology, instructional support, and other resources  
17 available to students in public schools. Teachers assigned to  
18 educational programs in juvenile justice settings in which the  
19 district school board operates the educational program shall  
20 be selected by the district school board in consultation with  
21 the director of the juvenile justice facility. Educational  
22 programs in juvenile justice facilities shall have access to  
23 the substitute teacher pool utilized by the district school  
24 board. Full-time teachers working in juvenile justice schools,  
25 whether employed by a district school board or a provider,  
26 shall be eligible for the critical teacher shortage tuition  
27 reimbursement program as defined by s. 1009.58.

28 (11) District school boards may contract with a  
29 private provider for the provision of educational programs to  
30 youths placed with the Department of Juvenile Justice and  
31 shall generate local, state, and federal funding, including

1 funding through the Florida Education Finance Program for such  
2 students. The district school board's planning and budgeting  
3 process shall include the needs of Department of Juvenile  
4 Justice programs in the district school board's plan for  
5 expenditures for state categorical and federal funds.

6 (12) The district school board shall fund the  
7 education program in a Department of Juvenile Justice facility  
8 at the same or higher level of funding for equivalent students  
9 in the district school system based on the funds generated by  
10 state funding through the Florida Education Finance Program  
11 for such students. It is the intent of the Legislature that  
12 the school district maximize its available local, state, and  
13 federal funding to a juvenile justice program.

14 (a) Juvenile justice education programs shall be  
15 funded in the appropriate FEFP program based on the  
16 educational services needed by the student for Department of  
17 Juvenile Justice programs in accordance with s. 1011.62.

18 (b) Juvenile justice education programs to receive the  
19 appropriate FEFP program funding for Department of Juvenile  
20 Justice programs shall include those operated through a  
21 contract with the Department of Juvenile Justice and which are  
22 under purview of the Department of Juvenile Justice quality  
23 assurance standards for education.

24 (c) Consistent with the rules of the State Board of  
25 Education, district school boards are required to request an  
26 alternative FTE survey for Department of Juvenile Justice  
27 programs experiencing fluctuations in student enrollment.

28 (d) FTE count periods shall be prescribed in rules of  
29 the State Board of Education and shall be the same for  
30 programs of the Department of Juvenile Justice as for other  
31 public school programs. The summer school period for students

1 in Department of Juvenile Justice programs shall begin on the  
2 day immediately following the end of the regular school year  
3 and end on the day immediately preceding the subsequent  
4 regular school year. Students shall be funded for no more than  
5 25 hours per week of direct instruction.

6 (13) Each district school board shall negotiate a  
7 cooperative agreement with the Department of Juvenile Justice  
8 on the delivery of educational services to youths under the  
9 jurisdiction of the department. Such agreement must include,  
10 but is not limited to:

11 (a) Roles and responsibilities of each agency,  
12 including the roles and responsibilities of contract  
13 providers.

14 (b) Administrative issues including procedures for  
15 sharing information.

16 (c) Allocation of resources including maximization of  
17 local, state, and federal funding.

18 (d) Procedures for educational evaluation for  
19 educational exceptionalities and special needs.

20 (e) Curriculum and delivery of instruction.

21 (f) Classroom management procedures and attendance  
22 policies.

23 (g) Procedures for provision of qualified  
24 instructional personnel, whether supplied by the district  
25 school board or provided under contract by the provider, and  
26 for performance of duties while in a juvenile justice setting.

27 (h) Provisions for improving skills in teaching and  
28 working with juvenile delinquents.

29 (i) Transition plans for students moving into and out  
30 of juvenile facilities.

31



1           (j) Procedures and timelines for the timely  
2 documentation of credits earned and transfer of student  
3 records.

4           (k) Methods and procedures for dispute resolution.

5           (l) Provisions for ensuring the safety of education  
6 personnel and support for the agreed-upon education program.

7           (m) Strategies for correcting any deficiencies found  
8 through the quality assurance process.

9           (14) Nothing in this section or in a cooperative  
10 agreement shall be construed to require the district school  
11 board to provide more services than can be supported by the  
12 funds generated by students in the juvenile justice programs.

13           (15)(a) The Department of Education in consultation  
14 with the Department of Juvenile Justice, district school  
15 boards, and providers shall establish objective and measurable  
16 quality assurance standards for the educational component of  
17 residential and nonresidential juvenile justice facilities.  
18 These standards shall rate the district school board's  
19 performance both as a provider and contractor. The quality  
20 assurance rating for the education component shall be  
21 disaggregated from the overall quality assurance score and  
22 reported separately.

23           (b) The Department of Education shall develop a  
24 comprehensive quality assurance review process and schedule  
25 for the evaluation of the educational component in juvenile  
26 justice programs. The Department of Juvenile Justice quality  
27 assurance site visit and the education quality assurance site  
28 visit shall be conducted during the same visit.

29           (c) The Department of Education, in consultation with  
30 district school boards and providers, shall establish minimum  
31 thresholds for the standards and key indicators for education

1 programs in juvenile justice facilities. If a district school  
2 board fails to meet the established minimum standards, it will  
3 be given 6 months to achieve compliance with the standards. If  
4 after 6 months, the district school board's performance is  
5 still below minimum standards, the Department of Education  
6 shall exercise sanctions as prescribed by rules adopted by the  
7 State Board of Education. If a provider, under contract with  
8 the district school board, fails to meet minimum standards,  
9 such failure shall cause the district school board to cancel  
10 the provider's contract unless the provider achieves  
11 compliance within 6 months or unless there are documented  
12 extenuating circumstances.

13 (16) The district school board shall not be charged  
14 any rent, maintenance, utilities, or overhead on such  
15 facilities. Maintenance, repairs, and remodeling of existing  
16 facilities shall be provided by the Department of Juvenile  
17 Justice.

18 (17) When additional facilities are required, the  
19 district school board and the Department of Juvenile Justice  
20 shall agree on the appropriate site based on the instructional  
21 needs of the students. When the most appropriate site for  
22 instruction is on district school board property, a special  
23 capital outlay request shall be made by the commissioner in  
24 accordance with s. 1013.60. When the most appropriate site is  
25 on state property, state capital outlay funds shall be  
26 requested by the Department of Juvenile Justice provided by s.  
27 216.043 and shall be submitted as specified by s. 216.023.  
28 Any instructional facility to be built on state property shall  
29 have educational specifications jointly developed by the  
30 district school board and the Department of Juvenile Justice  
31 and approved by the Department of Education. The size of

1 space and occupant design capacity criteria as provided by  
2 State Board of Education rules shall be used for remodeling or  
3 new construction whether facilities are provided on state  
4 property or district school board property.

5 (18) The parent of an exceptional student shall have  
6 the due process rights provided for in chapter 1003.

7 (19) Department of Juvenile Justice detention and  
8 commitment programs may be designated as second chance schools  
9 pursuant to s. 1003.53(1)(d). Admission to such programs shall  
10 be governed by chapter 985.

11 (20) The Department of Education and Department of  
12 Juvenile Justice, after consultation with and assistance from  
13 local providers and district school boards, shall report  
14 annually to the Legislature by February 1 on the progress  
15 towards developing effective educational programs for juvenile  
16 delinquents including the amount of funding provided by  
17 district school boards to juvenile justice programs, the  
18 amount retained for administration including documenting the  
19 purposes for such expenses, the status of the development of  
20 cooperative agreements, the results of the quality assurance  
21 reviews including recommendations for system improvement, and  
22 information on the identification of, and services provided  
23 to, exceptional students in juvenile justice commitment  
24 facilities to determine whether these students are properly  
25 reported for funding and are appropriately served.

26 (21) The educational programs at the Arthur Dozier  
27 School for Boys in Jackson County and the Florida School for  
28 Boys in Okeechobee shall be operated by the Department of  
29 Education, either directly or through grants or contractual  
30 agreements with other public or duly accredited education  
31 agencies approved by the Department of Education.

1           (22) The State Board of Education may adopt any rules  
2 necessary to implement the provisions of this section,  
3 including uniform curriculum, funding, and second chance  
4 schools. Such rules shall require the minimum amount of  
5 paperwork and reporting.

6           (23) The Department of Juvenile Justice and the  
7 Department of Education shall, in consultation with the  
8 statewide Workforce Development Youth Council, district school  
9 boards, providers, and others, jointly develop a multiagency  
10 plan for career and technical education which describes the  
11 curriculum, goals, and outcome measures for career and  
12 technical education programming in juvenile commitment  
13 facilities, pursuant to s. 985.3155.

14           Section 145. Section 1003.53, Florida Statutes, is  
15 created to read:

16           1003.53 Dropout prevention and academic  
17 intervention.--

18           (1)(a) Dropout prevention and academic intervention  
19 programs may differ from traditional education programs and  
20 schools in scheduling, administrative structure, philosophy,  
21 curriculum, or setting and shall employ alternative teaching  
22 methodologies, curricula, learning activities, and diagnostic  
23 and assessment procedures in order to meet the needs,  
24 interests, abilities, and talents of eligible students. The  
25 educational program shall provide curricula, character  
26 development and law education, and related services which  
27 support the program goals and lead to improved performance in  
28 the areas of academic achievement, attendance, and discipline.  
29 Student participation in such programs shall be voluntary.  
30 District school boards may, however, assign students to a  
31 program for disruptive students. Notwithstanding any other

1 provision of law to the contrary, no student shall be  
2 identified as being eligible to receive services funded  
3 through the dropout prevention and academic intervention  
4 program based solely on the student being from a single-parent  
5 family.

6 (b) Students in grades 1-12 shall be eligible for  
7 dropout prevention and academic intervention programs.  
8 Eligible students shall be reported in the appropriate basic  
9 cost factor in the Florida Education Finance Program. The  
10 strategies and supports provided to eligible students shall be  
11 funded through the General Appropriations Act and may include,  
12 but are not limited to those services identified on the  
13 student's academic intervention plan.

14 (c) A student shall be identified as being eligible to  
15 receive services funded through the dropout prevention and  
16 academic intervention program based upon one of the following  
17 criteria:

18 1. The student is academically unsuccessful as  
19 evidenced by low test scores, retention, failing grades, low  
20 grade point average, falling behind in earning credits, or not  
21 meeting the state or district proficiency levels in reading,  
22 mathematics, or writing.

23 2. The student has a pattern of excessive absenteeism  
24 or has been identified as a habitual truant.

25 3. The student has a history of disruptive behavior in  
26 school or has committed an offense that warrants out-of-school  
27 suspension or expulsion from school according to the district  
28 school board's code of student conduct. For the purposes of  
29 this program, "disruptive behavior" is behavior that:

30 a. Interferes with the student's own learning or the  
31 educational process of others and requires attention and

1 assistance beyond that which the traditional program can  
2 provide or results in frequent conflicts of a disruptive  
3 nature while the student is under the jurisdiction of the  
4 school either in or out of the classroom; or

5 b. Severely threatens the general welfare of students  
6 or others with whom the student comes into contact.

7 (d)1. "Second chance schools" means district school  
8 board programs provided through cooperative agreements between  
9 the Department of Juvenile Justice, private providers, state  
10 or local law enforcement agencies, or other state agencies for  
11 students who have been disruptive or violent or who have  
12 committed serious offenses. As partnership programs, second  
13 chance schools are eligible for waivers by State Board of  
14 Education rules from statutory requirements that prevent the  
15 provision of appropriate educational services to violent,  
16 severely disruptive, or delinquent students in small  
17 nontraditional settings or in court-adjudicated settings.

18 2. District school boards seeking to enter into a  
19 partnership with a private entity or public entity to operate  
20 a second chance school for disruptive students may apply to  
21 the Department of Education for startup grants. These grants  
22 must be available for 1 year and must be used to offset the  
23 startup costs for implementing such programs off public school  
24 campuses. General operating funds must be generated through  
25 the appropriate programs of the Florida Education Finance  
26 Program. Grants approved under this program shall be for the  
27 full operation of the school by a private nonprofit or  
28 for-profit provider or the public entity. This program must  
29 operate under rules adopted by the State Board of Education  
30 and implemented to the extent funded by the Legislature.

31

1           3. A student enrolled in a sixth, seventh, eighth,  
2 ninth, or tenth grade class may be assigned to a second chance  
3 school if the student meets the following criteria:

4           a. The student is a habitual truant as defined in s.  
5 1003.01.

6           b. The student's excessive absences have detrimentally  
7 affected the student's academic progress and the student may  
8 have unique needs that a traditional school setting may not  
9 meet.

10           c. The student's high incidences of truancy have been  
11 directly linked to a lack of motivation.

12           d. The student has been identified as at risk of  
13 dropping out of school.

14           4. A student who is habitually truant may be assigned  
15 to a second chance school only if the case staffing committee,  
16 established pursuant to s. 984.12, determines that such  
17 placement could be beneficial to the student and the criteria  
18 included in subparagraph 3. are met.

19           5. A student may be assigned to a second chance school  
20 if the district school board in which the student resides has  
21 a second chance school and if the student meets one of the  
22 following criteria:

23           a. The student habitually exhibits disruptive behavior  
24 in violation of the code of student conduct adopted by the  
25 district school board.

26           b. The student interferes with the student's own  
27 learning or the educational process of others and requires  
28 attention and assistance beyond that which the traditional  
29 program can provide, or, while the student is under the  
30 jurisdiction of the school either in or out of the classroom,  
31 frequent conflicts of a disruptive nature occur.

1           c. The student has committed a serious offense which  
2 warrants suspension or expulsion from school according to the  
3 district school board's code of student conduct. For the  
4 purposes of this program, "serious offense" is behavior which:

5           (I) Threatens the general welfare of students or  
6 others with whom the student comes into contact;

7           (II) Includes violence;

8           (III) Includes possession of weapons or drugs; or

9           (IV) Is harassment or verbal abuse of school personnel  
10 or other students.

11           6. Prior to assignment of students to second chance  
12 schools, district school boards are encouraged to use  
13 alternative programs, such as in-school suspension, which  
14 provide instruction and counseling leading to improved student  
15 behavior, a reduction in the incidence of truancy, and the  
16 development of more effective interpersonal skills.

17           7. Students assigned to second chance schools must be  
18 evaluated by the district school board's child study team  
19 before placement in a second chance school. The study team  
20 shall ensure that students are not eligible for placement in a  
21 program for emotionally disturbed children.

22           8. Students who exhibit academic and social progress  
23 and who wish to return to a traditional school shall complete  
24 a character development and law education program and  
25 demonstrate preparedness to reenter the regular school setting  
26 prior to reentering a traditional school.

27           (2)(a) Each district school board may establish  
28 dropout prevention and academic intervention programs at the  
29 elementary, middle, junior high school, or high school level.  
30 Programs designed to eliminate patterns of excessive  
31 absenteeism or habitual truancy shall emphasize academic



1 performance and may provide specific instruction in the areas  
2 of career education, preemployment training, and behavioral  
3 management. Such programs shall utilize instructional teaching  
4 methods appropriate to the specific needs of the student.

5 (b) Each school that establishes a dropout prevention  
6 and academic intervention program at that school site shall  
7 reflect that program in the school improvement plan as  
8 required under s. 1001.42(16).

9 (3) Each district school board receiving state funding  
10 for dropout prevention and academic intervention programs  
11 through the General Appropriations Act shall submit  
12 information through an annual report to the Department of  
13 Education's database documenting the extent to which each of  
14 the district's dropout prevention and academic intervention  
15 programs has been successful in the areas of graduation rate,  
16 dropout rate, attendance rate, and retention/promotion rate.  
17 The department shall compile this information into an annual  
18 report which shall be submitted to the presiding officers of  
19 the Legislature by February 15.

20 (4) Each district school board shall establish  
21 procedures for ensuring that teachers assigned to dropout  
22 prevention and academic intervention programs possess the  
23 affective, pedagogical, and content-related skills necessary  
24 to meet the needs of these students.

25 (5) Each district school board providing a dropout  
26 prevention and academic intervention program pursuant to this  
27 section shall maintain for each participating student records  
28 documenting the student's eligibility, the length of  
29 participation, the type of program to which the student was  
30 assigned or the type of academic intervention services  
31 provided, and an evaluation of the student's academic and

1 behavioral performance while in the program. The school  
2 principal or his or her designee shall, prior to placement in  
3 a dropout prevention and academic intervention program or the  
4 provision of an academic service, provide written notice of  
5 placement or services by certified mail, return receipt  
6 requested, to the student's parent. The parent of the student  
7 shall sign an acknowledgment of the notice of placement or  
8 service and return the signed acknowledgment to the principal  
9 within 3 days after receipt of the notice. The parents of a  
10 student assigned to such a dropout prevention and academic  
11 intervention program shall be notified in writing and entitled  
12 to an administrative review of any action by school personnel  
13 relating to such placement pursuant to the provisions of  
14 chapter 120.

15 (6) District school board dropout prevention and  
16 academic intervention programs shall be coordinated with  
17 social service, law enforcement, prosecutorial, and juvenile  
18 justice agencies and juvenile assessment centers in the school  
19 district. Notwithstanding the provisions of s. 1002.22, these  
20 agencies are authorized to exchange information contained in  
21 student records and juvenile justice records. Such information  
22 is confidential and exempt from the provisions of s.  
23 119.07(1). District school boards and other agencies receiving  
24 such information shall use the information only for official  
25 purposes connected with the certification of students for  
26 admission to and for the administration of the dropout  
27 prevention and academic intervention program, and shall  
28 maintain the confidentiality of such information unless  
29 otherwise provided by law or rule.

30 (7) The State Board of Education shall have the  
31 authority pursuant to ss. 120.536(1) and 120.54 to adopt rules

1 necessary to implement the provisions of this section; such  
2 rules shall require the minimum amount of necessary paperwork  
3 and reporting.

4 Section 146. Section 1003.54, Florida Statutes, is  
5 created to read:

6 1003.54 Teenage parent programs.--

7 (1) Each district school board shall maintain a  
8 teenage parent program.

9 (2) "Teenage parent programs" means educational  
10 programs designed to provide a specialized curriculum to meet  
11 the needs of students who are pregnant or students who are  
12 mothers or fathers and the children of the students.

13 (3)(a) The program shall provide pregnant students or  
14 students who are parents and the children of these students  
15 with a comprehensive teenage parent program. The program shall  
16 provide pregnant students or students who are parents with the  
17 option of participating in regular classroom activities or  
18 enrolling in a special program designed to meet their needs  
19 pursuant to s. 1003.21. Students participating in teenage  
20 parent programs shall be exempt from minimum attendance  
21 requirements for absences related to pregnancy or parenting,  
22 but shall be required to make up work missed due to absence.

23 (b) The curriculum shall include instruction in such  
24 topics as prenatal and postnatal health care, parenting  
25 skills, benefits of sexual abstinence, and consequences of  
26 subsequent pregnancies. Parenting skills should include  
27 instruction in the stages of child growth and development,  
28 methods for aiding in the intellectual, language, physical,  
29 and social development of children, and guidance on  
30 constructive play activities.

31

1        (c) Provision for necessary child care, health care,  
2 social services, parent education, and transportation shall be  
3 ancillary service components of teenage parent programs.  
4 Ancillary services may be provided through the coordination of  
5 existing programs and services and through joint agreements  
6 between district school boards and local school readiness  
7 coalitions or other appropriate public and private providers.

8        (d) The district school board shall make adequate  
9 provisions for pregnant and parenting teenagers to complete  
10 the coursework necessary to earn a high school diploma.

11        (e) Children enrolled in child care provided by the  
12 district shall be funded at the special program cost factor  
13 pursuant to s. 1011.62 if the parent or parents are enrolled  
14 full time in a public school in the district.

15        (4) Districts may modify courses listed in the State  
16 Course Code Directory for the purpose of providing teenage  
17 parent programs pursuant to the provisions of this section.  
18 Such modifications must be approved by the commissioner and  
19 may include lengthening or shortening of the school time  
20 allotted for in-class study, alternate methods of assessment  
21 of student performance, and the integration of curriculum  
22 frameworks or student performance standards to produce  
23 interdisciplinary units of instruction.

24        (5) The State Board of Education shall adopt rules  
25 necessary to implement the provisions of this section.

26        Section 147. Section 1003.55, Florida Statutes, is  
27 created to read:

28        1003.55 Instructional programs for blind or visually  
29 impaired students and deaf or hard-of-hearing students.--

30        (1) The Department of Education may establish a  
31 coordinating unit and instructional materials center for

1 visually impaired students and deaf or hard-of-hearing  
2 students to provide staff and resources for the coordination,  
3 cataloging, standardizing, producing, procuring, storing, and  
4 distributing of braille, large print, tangible apparatus,  
5 captioned films and video tapes, and other specialized  
6 educational materials needed by these students and other  
7 exceptional students. The coordinating unit shall have as its  
8 major purpose the improvement of instructional programs for  
9 visually impaired students and deaf or hard-of-hearing  
10 students and may, as a second priority, extend appropriate  
11 services to other exceptional students, consistent with  
12 provisions and criteria established, to the extent that  
13 resources are available.

14 (2) The unit shall be operated under rules adopted by  
15 the State Board of Education.

16 (3) As used in this section, the term:

17 (a) "Blind student" means a student who is eligible  
18 for special education services and who:

19 1. Has a visual acuity of 20/200 or less in the better  
20 eye with correcting lenses or has a limited field of vision  
21 such that the widest diameter subtends an angular distance of  
22 no greater than 20 degrees; or

23 2. Has a medically indicated expectation of visual  
24 deterioration.

25 (b) "Braille" means the system of reading and writing  
26 through touch commonly known as standard English braille.

27 (c) "Individualized education program" means a written  
28 statement developed for a student eligible for special  
29 education services pursuant to s. 602(a)(20), Part A of the  
30 Individuals with Disabilities Education Act, 20 U.S.C. s.  
31 1401(a).

1           (4) In developing an individualized written education  
2 program for each blind student, the presumption shall be that  
3 blind students can communicate effectively and efficiently  
4 with the same level of proficiency expected of the students'  
5 peers of comparable ability and grade level. Accordingly,  
6 proficiency in reading and writing braille shall be considered  
7 during the individualized planning and assessment processes in  
8 this context.

9           (5) Any publisher of a textbook adopted pursuant to  
10 the state instructional materials adoption process shall  
11 furnish the Department of Education with a computer file in an  
12 electronic format specified by the department at least 2 years  
13 in advance that is readily translatable to braille and can be  
14 used for large print or speech access. Any textbook  
15 reproduced pursuant to the provisions of this subsection shall  
16 be purchased at a price equal to the price paid for the  
17 textbook as adopted. The Department of Education shall not  
18 reproduce textbooks obtained pursuant to this subsection in  
19 any manner that would generate revenues for the department  
20 from the use of such computer files or that would preclude the  
21 rightful payment of fees to the publisher for use of all or  
22 some portion of the textbook.

23           Section 148. Section 1003.56, Florida Statutes, is  
24 created to read:

25           1003.56 English language instruction for limited  
26 English proficient students.--

27           (1) Instruction in the English language shall be  
28 provided to limited English proficient students. Such  
29 instruction shall be designed to develop the student's mastery  
30 of the four language skills, including listening, speaking,  
31 reading, and writing, as rapidly as possible.

1           (2)(a) "Limited English proficient" or "limited  
2 English proficiency," when used with reference to an  
3 individual, means:

4           1.a. An individual who was not born in the United  
5 States and whose native language is a language other than  
6 English;

7           b. An individual who comes from a home environment  
8 where a language other than English is spoken in the home; or

9           c. An individual who is an American Indian or Alaskan  
10 native and who comes from an environment where a language  
11 other than English has had a significant impact on his or her  
12 level of English language proficiency; and

13           2. Who, by reason thereof, has sufficient difficulty  
14 speaking, reading, writing, or listening to the English  
15 language to deny such individual the opportunity to learn  
16 successfully in classrooms where the language of instruction  
17 is English.

18           (b) "Home language" or "native language," when used  
19 with reference to an individual of limited English  
20 proficiency, means the language normally used by such  
21 individual or, in the case of a student, the language normally  
22 used by the parents of the student.

23           (c) "ESOL" means English for Speakers of Other  
24 Languages and:

25           1. When modifying instruction, the strategy used to  
26 teach limited English proficient students; or

27           2. When modifying program, the program funded in the  
28 Florida Education Finance Program, listed under English for  
29 Speakers of Other Languages in s. 1011.62.

30           (3) Each district school board shall implement the  
31 following procedures:

1       (a) Develop and submit a plan for providing English  
2 language instruction for limited English proficient students  
3 to the Department of Education for review and approval.

4       (b) Identify limited English proficient students  
5 through assessment.

6       (c) Provide for student exit from and reclassification  
7 into the program.

8       (d) Provide limited English proficient students ESOL  
9 instruction in English and ESOL instruction or home language  
10 instruction in the basic subject areas of reading,  
11 mathematics, science, social studies, and computer literacy.

12       (e) Maintain a student plan.

13       (f) Provide qualified teachers.

14       (g) Provide equal access to other programs for  
15 eligible limited English proficient students based on need.

16       (h) Provide for parental involvement in the program.

17       (4) Each district school board's program for limited  
18 English proficient students shall be evaluated and monitored  
19 periodically.

20       (5) The State Board of Education shall adopt rules for  
21 the purpose of implementing this section.

22       Section 149. Section 1003.57, Florida Statutes, is  
23 created to read:

24       1003.57 Exceptional students instruction.--Each  
25 district school board shall provide for an appropriate program  
26 of special instruction, facilities, and services for  
27 exceptional students as prescribed by the State Board of  
28 Education as acceptable, including provisions that:

29       (1) The district school board provide the necessary  
30 professional services for diagnosis and evaluation of  
31 exceptional students.



1       (2) The district school board provide the special  
2 instruction, classes, and services, either within the district  
3 school system, in cooperation with other district school  
4 systems, or through contractual arrangements with approved  
5 private schools or community facilities which meet standards  
6 established by the commissioner.

7       (3) The district school board annually provide  
8 information describing the Florida School for the Deaf and the  
9 Blind and all other programs and methods of instruction  
10 available to the parent of a sensory-impaired student.

11       (4) The district school board, once every 3 years,  
12 submit to the department its proposed procedures for the  
13 provision of special instruction and services for exceptional  
14 students.

15       (5) No student be given special instruction or  
16 services as an exceptional student until after he or she has  
17 been properly evaluated, classified, and placed in the manner  
18 prescribed by rules of the State Board of Education. The  
19 parent of an exceptional student evaluated and placed or  
20 denied placement in a program of special education shall be  
21 notified of each such evaluation and placement or denial. Such  
22 notice shall contain a statement informing the parent that he  
23 or she is entitled to a due process hearing on the  
24 identification, evaluation, and placement, or lack thereof.  
25 Such hearings shall be exempt from the provisions of ss.  
26 120.569, 120.57, and 286.011, except to the extent that the  
27 State Board of Education adopts rules establishing other  
28 procedures and any records created as a result of such  
29 hearings shall be confidential and exempt from the provisions  
30 of s. 119.07(1). The hearing must be conducted by an  
31 administrative law judge from the Division of Administrative

1 Hearings of the Department of Management Services. The  
2 decision of the administrative law judge shall be final,  
3 except that any party aggrieved by the finding and decision  
4 rendered by the administrative law judge shall have the right  
5 to bring a civil action in the circuit court. In such an  
6 action, the court shall receive the records of the  
7 administrative hearing and shall hear additional evidence at  
8 the request of either party. In the alternative, any party  
9 aggrieved by the finding and decision rendered by the  
10 administrative law judge shall have the right to request an  
11 impartial review of the administrative law judge's order by  
12 the district court of appeal as provided by s. 120.68.  
13 Notwithstanding any law to the contrary, during the pendency  
14 of any proceeding conducted pursuant to this section, unless  
15 the district school board and the parents otherwise agree, the  
16 student shall remain in his or her then-current educational  
17 assignment or, if applying for initial admission to a public  
18 school, shall be assigned, with the consent of the parents, in  
19 the public school program until all such proceedings have been  
20 completed.

21 (6) In providing for the education of exceptional  
22 students, the district school superintendent, principals, and  
23 teachers shall utilize the regular school facilities and adapt  
24 them to the needs of exceptional students to the maximum  
25 extent appropriate. Segregation of exceptional students shall  
26 occur only if the nature or severity of the exceptionality is  
27 such that education in regular classes with the use of  
28 supplementary aids and services cannot be achieved  
29 satisfactorily.

30 Section 150. Section 1003.58, Florida Statutes, is  
31 created to read:

1           1003.58 Students in residential care facilities.--Each  
2 district school board shall provide educational programs  
3 according to rules of the State Board of Education to students  
4 who reside in residential care facilities operated by the  
5 Department of Children and Family Services.

6           (1) The district school board shall not be charged any  
7 rent, maintenance, utilities, or overhead on such facilities.  
8 Maintenance, repairs, and remodeling of existing facilities  
9 shall be provided by the Department of Children and Family  
10 Services.

11           (2) If additional facilities are required, the  
12 district school board and the Department of Children and  
13 Family Services shall agree on the appropriate site based on  
14 the instructional needs of the students. When the most  
15 appropriate site for instruction is on district school board  
16 property, a special capital outlay request shall be made by  
17 the commissioner in accordance with s. 1013.60. When the most  
18 appropriate site is on state property, state capital outlay  
19 funds shall be requested by the Department of Children and  
20 Family Services as provided by s. 216.043 and shall be  
21 submitted as specified by s. 216.023. Any instructional  
22 facility to be built on state property shall have educational  
23 specifications jointly developed by the school district and  
24 the Department of Children and Family Services and approved by  
25 the Department of Education. The size of space and occupant  
26 design capacity criteria as provided by state board rules  
27 shall be used for remodeling or new construction whether  
28 facilities are provided on state property or district school  
29 board property. The planning of such additional facilities  
30 shall incorporate current Department of Children and Family  
31 Services deinstitutionalization plans.

1           (3) The district school board shall have full and  
2 complete authority in the matter of the assignment and  
3 placement of such students in educational programs. The parent  
4 of an exceptional student shall have the same due process  
5 rights as are provided under s. 1003.57(5).

6           (4) The district school board shall have a written  
7 agreement with the Department of Children and Family Services  
8 outlining the respective duties and responsibilities of each  
9 party.

10  
11 Notwithstanding the provisions herein, the educational program  
12 at the Marianna Sunland Center in Jackson County shall be  
13 operated by the Department of Education, either directly or  
14 through grants or contractual agreements with other public or  
15 duly accredited educational agencies approved by the  
16 Department of Education.

17           Section 151. Part VI of chapter 1003 shall be entitled  
18 "Pilot Public K-12 Education Programs" and shall consist of  
19 ss. 1003.61-1003.63.

20           Section 152. Section 1003.61, Florida Statutes, is  
21 created to read:

22           1003.61 Pilot attendance project.--It is the purpose  
23 of this section to require the Manatee County District School  
24 Board to implement a pilot project that raises the compulsory  
25 age of attendance for children from the age of 16 years to the  
26 age of 18 years. The pilot project applies to each child who  
27 has not attained the age of 16 years by September 30 of the  
28 school year in which a school board policy is adopted.

29           (1) Beginning July 1, 1999, the Manatee County  
30 District School Board shall implement a pilot project  
31 consistent with policy adopted by the school board to raise

1 the compulsory age of attendance for children from the age of  
2 16 years to the age of 18 years.

3 (2) The district school board must, before the  
4 beginning of the school year, adopt a policy for raising the  
5 compulsory age of attendance for children from the age of 16  
6 years to 18 years.

7 (a) Before the adoption of the policy, the district  
8 school board must provide a notice of intent to adopt a policy  
9 to raise the compulsory age of attendance for children from  
10 the age of 16 years to the age of 18 years. The notice must be  
11 provided to the parent or legal guardian of each child who is  
12 15 years of age and who is enrolled in a school in the  
13 district.

14 (b) Within 2 weeks after adoption of the school board  
15 policy, the district school board must provide notice of the  
16 policy to the parent or legal guardian of each child who is 15  
17 years of age and who is enrolled in a school in the district.  
18 The notice must also provide information related to the  
19 penalties for refusing or failing to comply with the  
20 compulsory attendance requirements and information on  
21 alternative education programs offered within the school  
22 district.

23 (3) All state laws and State Board of Education rules  
24 related to students subject to compulsory school attendance  
25 apply to the district school board. Notwithstanding the  
26 provisions of s. 1003.21, the formal declaration of intent to  
27 terminate school enrollment does not apply to the district  
28 school board.

29 (4) The district school board must evaluate the effect  
30 of its adopted policy raising the compulsory age of attendance  
31 on school attendance and on the school district's dropout

1 rate, as well as on the costs associated with the pilot  
2 project. The school district shall report its findings to the  
3 President of the Senate, the Speaker of the House of  
4 Representatives, the minority leader of each house of the  
5 Legislature, the Governor, and the Commissioner of Education  
6 not later than August 1 following each year that the pilot  
7 project is in operation.

8 Section 153. Section 1003.62, Florida Statutes, is  
9 created to read:

10 1003.62 Charter School Districts Pilot Program.--The  
11 State Board of Education is authorized to enter into a  
12 performance contract with up to six district school boards for  
13 the purpose of establishing them as charter school districts.  
14 The State Board of Education shall give priority to  
15 Hillsborough and Volusia Counties upon the submission of a  
16 completed precharter agreement or charter proposal for a  
17 charter school district. The purpose of this pilot program is  
18 to examine a new relationship between the State Board of  
19 Education and district school boards that may produce  
20 significant improvements in student achievement and school  
21 management, while complying with constitutional requirements  
22 assigned to each entity.

23 (1) CHARTER DISTRICT.--A charter school district is a  
24 school district in Florida in which the district school board  
25 has submitted and the State Board of Education has approved a  
26 charter proposal that exchanges statutory and rule exemption  
27 for agreement to meet performance goals in the proposal. The  
28 charter school district shall be chartered for 3 years, at the  
29 end of which the performance shall be evaluated.

30 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school  
31 districts shall be exempt from state statutes and specified

1 State Board of Education rules. The district school board of a  
2 charter school district shall not be exempt from any statute  
3 governing election of district school board members, public  
4 meetings and public records requirements, financial  
5 disclosure, conflicts of interest, operation in the sunshine,  
6 or any provisions outside the Florida School Code.

7 (3) GOVERNING BOARD.--The governing board of the  
8 charter school district shall be the duly elected district  
9 school board. The district school board shall be responsible  
10 for supervising the schools in the charter district and is  
11 authorized to charter each of its existing public schools  
12 pursuant to s. 1002.33, apply for deregulation of its public  
13 schools pursuant to s. 1003.63, or otherwise establish  
14 performance-based contractual relationships with its public  
15 schools for the purpose of giving them greater autonomy with  
16 accountability for performance.

17 (4) PRECHARTER AGREEMENT.--The State Board of  
18 Education is authorized to approve a precharter agreement with  
19 a potential charter district. The agreement may grant limited  
20 flexibility and direction for developing the full charter  
21 proposal.

22 (5) TIME PERIOD FOR PILOT.--The pilot program shall be  
23 authorized for a period of 3 full school years commencing with  
24 award of a charter. The charter may be renewed upon action of  
25 the State Board of Education.

26 (6) REPORTS.--The State Board of Education shall  
27 annually report on the implementation of the charter school  
28 district pilot program. Upon the completion of the first  
29 3-year term, the State Board of Education, through the  
30 Commissioner of Education, shall submit to the Legislature a  
31 full evaluation of the effectiveness of the program.

1           (7) RULEMAKING.--The State Board of Education shall  
2 have the authority to enact rules to implement this section in  
3 accordance with ss. 120.536 and 120.54.

4           Section 154. Section 1003.63, Florida Statutes, is  
5 created to read:

6           1003.63 Deregulated public schools pilot program.--

7           (1) PILOT PROGRAM.--To provide public schools the same  
8 flexibility and accountability afforded charter schools, pilot  
9 programs for deregulated public schools shall be conducted.  
10 The following districts are authorized to conduct pilot  
11 programs in 1998-1999: Palm Beach, Pinellas, Seminole, Leon,  
12 Walton, and Citrus Counties. The schools and district school  
13 boards which are participating in the pilot program as of  
14 January 1, 1999, are authorized to continue the pilot program  
15 through the 2003-2004 school year. Lee County is authorized to  
16 conduct the pilot program beginning in the 1999-2000 school  
17 year through the 2003-2004 school year.

18           (2) PURPOSE.--The purpose of the pilot program for  
19 deregulated public schools shall be to:

20           (a) Improve student learning.

21           (b) Increase learning opportunities for all students,  
22 with special emphasis on expanded learning experiences for  
23 students who are identified as academically low achieving.

24           (c) Encourage the use of different and innovative  
25 learning methods.

26           (d) Increase choice of learning opportunities for  
27 students.

28           (e) Establish a new form of accountability for  
29 schools.

30           (f) Require the measurement of learning outcomes and  
31 create innovative measurement tools.



1           (g) Make the school the unit for improvement.  
2           (h) Relieve schools of paperwork and procedures that  
3 are required by the state and the district school board for  
4 purposes other than health, safety, equal opportunity, fiscal  
5 accountability and documentation of student achievement.  
6           (3) PROPOSAL.--  
7           (a) A proposal to be a deregulated school must be  
8 developed by the school principal and the school advisory  
9 council. A majority of the members of the school advisory  
10 council must approve the proposal, and the principal and the  
11 school advisory council chair must sign the proposal. At least  
12 50 percent of the teachers employed at the school must approve  
13 the proposal. The school must conduct a survey to show  
14 parental support for the proposal.  
15           (b) A district school board shall receive and review  
16 all proposals for a deregulated public school. A district  
17 school board must by a majority vote approve or deny a  
18 proposal no later than 30 days after the proposal is received.  
19 If a proposal is denied, the district school board must,  
20 within 10 calendar days, articulate in writing the specific  
21 reasons based upon good cause supporting its denial of the  
22 proposal.  
23           (c) The Department of Education may provide technical  
24 assistance to an applicant upon written request.  
25           (d) The terms and conditions for the operation of a  
26 deregulated public school shall be set forth in the proposal.  
27 The district school board shall not impose unreasonable rules  
28 or regulations that violate the intent of giving schools  
29 greater flexibility to meet educational goals.  
30           (4) ELIGIBLE STUDENTS.--  
31

1        (a) A deregulated school shall be open to all students  
2 residing in the school's attendance boundaries as determined  
3 by the district school board.

4        (b) The deregulated public school shall have maximum  
5 flexibility to enroll students under the district school board  
6 open enrolled plan.

7        (5) REQUIREMENTS.--Like other public schools, a  
8 deregulated public school shall:

9            (a) Be nonsectarian in its programs, admission  
10 policies, employment practices, and operations.

11           (b) Not charge tuition or fees, except those fees  
12 normally charged by other public schools.

13           (c) Meet all applicable state and local health,  
14 safety, and civil rights requirements.

15           (d) Not violate the antidiscrimination provisions of  
16 s. 1000.05.

17           (e) Be subject to an annual financial audit in a  
18 manner similar to that of other public schools in the  
19 district.

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

23           (a) The proposal shall address, and criteria for  
24 approval of the proposal shall be based, on:

25            1. The school's mission and the students to be served.

26            2. The focus of the curriculum, the instructional  
27 methods to be used, and any distinctive instructional  
28 techniques to be employed.

29            3. The current baseline standard of achievement and  
30 the outcomes to be achieved and the method of measurement that  
31 will be used.

1           4. The methods used to identify the educational  
2 strengths and needs of students and how well educational goals  
3 and performance standards are met by students attending the  
4 school. Students in deregulated public schools shall, at a  
5 minimum, participate in the statewide assessment program.

6           5. In secondary schools, a method for determining that  
7 a student has satisfied the requirements for graduation in s.  
8 1003.43.

9           6. A method for resolving conflicts between the school  
10 and the district.

11           7. The admissions procedures and dismissal procedures,  
12 including the school's code of student conduct.

13           8. The ways by which the school's racial/ethnic  
14 balance reflects the community it serves or reflects the  
15 racial/ethnic range of other public schools in the same school  
16 district.

17           9. The financial and administrative management of the  
18 school including a statement of the areas in which the school  
19 will have administrative and fiscal autonomy and the areas in  
20 which the school will follow district school board fiscal and  
21 administrative policies.

22           10. The manner in which the school will be insured,  
23 including whether or not the school will be required to have  
24 liability insurance, and, if so, the terms and conditions  
25 thereof and the amounts of coverage.

26           11. The qualifications to be required of the teachers.

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

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

3           2. The information required in the annual school  
4 report pursuant to s. 1008.345.

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

7           4. Salary and benefit levels of school employees.

8           (c) A district school board shall ensure that the  
9 proposal is innovative and consistent with the state education  
10 goals established by s. 1000.03(5).

11           (d) Upon receipt of the annual report required by  
12 paragraph (b), the Department of Education shall provide the  
13 State Board of Education, the Commissioner of Education, the  
14 President of the Senate, and the Speaker of the House of  
15 Representatives with a copy of each report and an analysis and  
16 comparison of the overall performance of students, to include  
17 all students in deregulated public schools whose scores are  
18 counted as part of the statewide assessment tests, versus  
19 comparable public school students in the district as  
20 determined by FCAT and district assessment tests and, as  
21 appropriate, the Florida Writes Assessment Test, and other  
22 assessments administered pursuant to s. 1008.22(3).

23           (7) EXEMPTION FROM STATUTES.--

24           (a) A deregulated public school shall operate in  
25 accordance with its proposal and shall be exempt from all  
26 statutes of the Florida School Code, except those pertaining  
27 to civil rights and student health, safety, and welfare, or as  
28 otherwise required by this section. A deregulated public  
29 school shall not be exempt from the following statutes:  
30 chapter 119, relating to public records, and s. 286.011,  
31 relating to public meetings and records, public inspection,

1 and penalties. The school district, upon request of a  
2 deregulated public school, may apply to the State Board of  
3 Education for a waiver of provisions of law applicable to  
4 deregulated public schools under this section, except that the  
5 provisions of chapter 1010 or chapter 1011 shall not be  
6 eligible for waiver if the waiver would affect funding  
7 allocations or create inequity in public school funding. The  
8 State Board of Education may grant the waiver if necessary to  
9 implement the school program.

10 (b) A deregulated public school may employ or contract  
11 with skilled selected noncertified personnel to provide  
12 instructional services or to assist instructional staff  
13 members as education paraprofessionals in the same manner as  
14 defined in chapter 1012. A deregulated public school may not  
15 employ an individual to provide instructional services or to  
16 serve as an education paraprofessional if the individual's  
17 certification or licensure as an educator is suspended or  
18 revoked by this or any other state. The qualifications of  
19 teachers shall be disclosed to parents.

20 (c) A deregulated public school shall employ or  
21 contract with employees who have been fingerprinted as  
22 provided in s. 1012.32.

23 (8) REVENUE.--Students enrolled in a deregulated  
24 public school shall be funded in a basic program or a special  
25 program in the same manner as students enrolled in other  
26 public schools in the school district.

27 (9) LENGTH OF SCHOOL YEAR.--A deregulated public  
28 school shall provide instruction for at least the number of  
29 days required by law for other public schools, and may provide  
30 instruction for additional days.

31

1           (10) FACILITIES.--A deregulated public school shall  
2 utilize facilities which comply with the State Uniform  
3 Building Code for Public Educational Facilities Construction  
4 adopted pursuant to s. 1013.37, or with applicable state  
5 minimum building codes pursuant to chapter 553 and state  
6 minimum fire protection codes pursuant to s. 633.025, as  
7 adopted by the authority in whose jurisdiction the facility is  
8 located.

9           Section 155. Chapter 1004 shall be entitled "Public  
10 Postsecondary Education" and shall consist of ss.  
11 1004.01-1004.98.

12           Section 156. Part I of chapter 1004 shall be entitled  
13 "General Provisions" and shall consist of ss. 1004.01-1004.06.

14           Section 157. Section 1004.01, Florida Statutes, is  
15 created to read:

16           1004.01 Statement of purpose and mission.--

17           (1) The Legislature finds it in the public interest to  
18 provide a system of higher education which is of the highest  
19 possible quality; which enables students of all ages,  
20 backgrounds, and levels of income to participate in the search  
21 for knowledge and individual development; which stresses  
22 undergraduate teaching as its main priority; which offers  
23 selected professional, graduate, and research programs with  
24 emphasis on state and national needs; which fosters diversity  
25 of educational opportunity; which promotes service to the  
26 public; which makes effective and efficient use of human and  
27 physical resources; which functions cooperatively with other  
28 educational institutions and systems; and which promotes  
29 internal coordination and the wisest possible use of  
30 resources.

1           (2) The mission of the state system of postsecondary  
2 education is to develop human resources, to discover and  
3 disseminate knowledge, to extend knowledge and its application  
4 beyond the boundaries of its campuses, and to serve and  
5 stimulate society by developing in students heightened  
6 intellectual, cultural, and humane sensitivities; scientific,  
7 professional, and technological expertise; and a sense of  
8 purpose. Inherent in this broad mission are methods of  
9 instruction, research, extended training, and public service  
10 designed to educate people and improve the human condition.  
11 Basic to every purpose of the system is the search for truth.

12           Section 158. Section 1004.02, Florida Statutes, is  
13 created to read:

14           1004.02 Definitions.--As used in this chapter:

15           (1) "Adult basic education" means courses of  
16 instruction designed to improve the employability of the  
17 state's workforce through instruction in mathematics, reading,  
18 language, and workforce readiness skills at grade level  
19 equivalency 0-8.9.

20           (2) "Adult ESOL" or "adult ESL" means noncredit  
21 English literacy courses designed to improve the employability  
22 of the state's workforce through acquisition of communication  
23 skills and cultural competencies which enhance ability to  
24 read, write, speak, and listen in English. ESOL means English  
25 for Speakers of Other Languages. ESL means English as a Second  
26 Language. The two terms are interchangeable.

27           (3) "Adult general education" means comprehensive  
28 instructional programs designed to improve the employability  
29 of the state's workforce through adult basic education, adult  
30 secondary education, English for Speakers of Other Languages,  
31

1 vocational preparatory instruction, and instruction for adults  
2 with disabilities.

3 (4) "Adult high school credit program" means the award  
4 of credits upon completion of courses and passing of state  
5 mandated assessments necessary to qualify for a high school  
6 diploma. Except as provided elsewhere in law, the graduation  
7 standards for adults shall be the same as those for secondary  
8 students.

9 (5) "Adult secondary education" means courses through  
10 which a person receives high school credit that leads to the  
11 award of a high school diploma or courses of instruction  
12 through which a student prepares to take the General  
13 Educational Development test.

14 (6) "Adult student" is a student who is beyond the  
15 compulsory school age and who has legally left elementary or  
16 secondary school, or a high school student who is taking an  
17 adult course required for high school graduation.

18 (7) "Adult with disability" means an individual who  
19 has a physical or mental impairment that substantially limits  
20 one or more major life activities, has a record of such  
21 impairment, or is regarded as having such an impairment, and  
22 who requires modifications to the educational program,  
23 adaptive equipment, or specialized instructional methods and  
24 services in order to participate in workforce development  
25 programs that lead to competitive employment.

26 (8) "Applied technology diploma program" means a  
27 course of study that is part of a technical degree program, is  
28 less than 60 credit hours, and leads to employment in a  
29 specific occupation. An applied technology diploma program may  
30 consist of either technical credit or college credit. A public  
31 school district may offer an applied technology diploma



1 program only as career and technical credit, with college  
2 credit awarded to a student upon articulation to a community  
3 college. Statewide articulation among public schools and  
4 community colleges is guaranteed by s. 1007.23, and is subject  
5 to guidelines and standards adopted by the State Board of  
6 Education pursuant to s. 229.551(1)(g).

7 (9) "Basic literacy," means the demonstration of  
8 academic competence from 2.0 through 5.9 educational grade  
9 levels as measured by means approved for this purpose by the  
10 State Board of Education.

11 (10) "Beginning literacy" means the demonstration of  
12 academic competence from 0 through 1.9 educational grade  
13 levels as measured by means approved for this purpose by the  
14 State Board of Education.

15 (11) "College-preparatory instruction" means courses  
16 through which a high school graduate who applies for any  
17 college credit program may attain the communication and  
18 computation skills necessary to enroll in college credit  
19 instruction.

20 (12) "Community education" means the use of a school  
21 or other public facility as a community center operated in  
22 conjunction with other public, private, and governmental  
23 organizations for the purpose of providing educational,  
24 recreational, social, cultural, health, and community services  
25 for persons in the community in accordance with the needs,  
26 interests, and concerns of that community, including lifelong  
27 learning.

28 (13) "Continuing workforce education" means  
29 instruction that does not result in a technical certificate,  
30 diploma, associate in applied science degree, or associate in  
31 science degree. Continuing workforce education is for:

1        (a) Individuals who are required to have training for  
2 licensure renewal or certification renewal by a regulatory  
3 agency or credentialing body;

4        (b) New or expanding businesses as described in  
5 chapter 288;

6        (c) Business, industry, and government agencies whose  
7 products or services are changing so that retraining of  
8 employees is necessary or whose employees need training in  
9 specific skills to increase efficiency and productivity; or

10       (d) Individuals who are enhancing occupational skills  
11 necessary to maintain current employment, to cross train, or  
12 to upgrade employment.

13       (14) "Technical degree education program" means a  
14 course of study that leads to an associate in applied science  
15 degree or an associate in science degree. A technical degree  
16 program may contain within it one or more occupational  
17 completion points and may lead to certificates or diplomas  
18 within the course of study. The term is interchangeable with  
19 the term "degree career education program." For licensure  
20 purposes, the term "associate in science degree" is  
21 interchangeable with "associate in applied science degree."

22       (15) "Family literacy" means a program for adults with  
23 a literacy component for parents and children or other  
24 intergenerational literacy components.

25       (16) "Functional literacy," which is also referred to  
26 as "intermediate adult basic education," means the  
27 demonstration of academic competence from 6.0 through 8.9  
28 educational grade levels as measured by means approved for  
29 this purpose by the State Board of Education.

30       (17) "General Educational Development (GED) test  
31 preparation" means courses of instruction designed to prepare

1 adults for success on GED subject area tests leading to  
2 qualification for a State of Florida high school diploma.

3 (18) "Lifelong learning" means a noncredit course or  
4 activity offered by a school district or community college  
5 which seeks to address community social and economic issues  
6 related to health and human relations, government, parenting,  
7 consumer economics, and senior citizens.

8 (19) "Local educational agency" means a community  
9 college or school district.

10 (20) "Local sponsor" means a school board, community  
11 college board of trustees, public library, other public  
12 entity, or private nonprofit entity, or any combination of  
13 these entities, that provides adult literacy instruction.

14 (21) "Technical certificate program" means a course of  
15 study that leads to at least one occupational completion  
16 point. The program may also confer credit that may articulate  
17 with a diploma or technical degree education program, if  
18 authorized by rules of the Department of Education. Any credit  
19 instruction designed to articulate to a degree program is  
20 subject to guidelines and standards adopted by the Department  
21 of Education pursuant to chapter 1007. The term is  
22 interchangeable with the term "certificate career and  
23 technical education program."

24 (22) "Occupational completion point" means the  
25 occupational competencies that qualify a person to enter an  
26 occupation that is linked to a career and technical program.

27 (23) "Career and technical education planning region"  
28 means the geographic area in which career and technical or  
29 adult education is provided. Each career and technical region  
30 is contiguous with one of the 28 community college service  
31 areas.

1           (24) "Vocational-preparatory instruction" means adult  
2 general education through which persons attain academic and  
3 workforce readiness skills at the level of functional literacy  
4 (grade levels 6.0-8.9) or higher so that such persons may  
5 pursue technical certificate education or higher-level  
6 technical education.

7           (25) "Career and technical program" means a group of  
8 identified competencies leading to occupations identified by a  
9 Classification of Instructional Programs number.

10           (26) "Workforce development education" means adult  
11 general education or career and technical education and may  
12 consist of a continuing workforce education course or a  
13 program of study leading to an occupational completion point,  
14 a technical certificate, an applied technology diploma, or a  
15 technical degree.

16           (27) "Workforce literacy" means the basic skills  
17 necessary to perform in entry-level occupations or the skills  
18 necessary to adapt to technological advances in the workplace.

19           Section 159. Section 1004.03, Florida Statutes, is  
20 created to read:

21           1004.03 Program approval.--

22           (1) The State Board of Education shall establish  
23 criteria for the approval of new programs at state  
24 universities, which criteria include, but are not limited to,  
25 the following:

26           (a) New programs may not be approved unless the same  
27 objectives cannot be met through use of educational  
28 technology;

29           (b) Unnecessary duplication of programs offered by  
30 public and independent institutions shall be avoided;

31

1           (c) Cooperative programs, particularly within regions,  
2 should be encouraged; and

3           (d) New programs shall be approved only if they are  
4 consistent with the state master plans adopted by the State  
5 Board of Education.

6           (e) A new graduate-level program may be approved if:

7           1. The university has taken into account the offerings  
8 of its counterparts, including institutions in other sectors,  
9 particularly at the regional level.

10           2. The addition of the program will not alter the  
11 emphasis on undergraduate education.

12           3. The regional need and demand for the graduate  
13 program was addressed and the community needs are obvious.

14           (2) The State Board of Education shall establish  
15 criteria for the approval of new programs at community  
16 colleges is that:

17           (a) New programs may not be approved unless the same  
18 objectives cannot be met through use of educational  
19 technology.

20           (b) Unnecessary duplication of programs offered by  
21 independent institutions shall be avoided.

22           (c) Cooperative programs, particularly within regions,  
23 should be encouraged.

24           (d) New programs may be approved only if they are  
25 consistent with the state master plan adopted by the State  
26 Board of Education.

27           Section 160. Section 1004.04, Florida Statutes, is  
28 created to read:

29           1004.04 Public accountability and state approval for  
30 teacher preparation programs.--

31

1           (1) INTENT.--The Legislature recognizes that skilled  
2 teachers make an important contribution to a system that  
3 allows students to obtain a high-quality education. The intent  
4 of the Legislature is to establish a system for development  
5 and approval of teacher preparation programs that will free  
6 postsecondary teacher preparation institutions to employ  
7 varied and innovative teacher preparation techniques while  
8 being held accountable for producing graduates with the  
9 competencies and skills necessary to achieve the state  
10 education goals; help the state's diverse student population,  
11 including students with limited English proficiency, meet high  
12 standards for academic achievement; maintain safe, secure  
13 classroom learning environments; and sustain the state system  
14 of school improvement and education accountability established  
15 pursuant to ss. 1000.03(5) and 1008.345. The State Board of  
16 Education shall adopt rules pursuant to ss. 120.536(1) and  
17 120.54 that establish uniform standards and competencies for  
18 each state-approved teacher preparation program.

19           (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A  
20 system developed by the Department of Education in  
21 collaboration with institutions of higher education shall  
22 assist departments and colleges of education in the  
23 restructuring of their programs to meet the need for producing  
24 quality teachers now and in the future. The system must be  
25 designed to assist teacher educators in conceptualizing,  
26 developing, implementing, and evaluating programs that meet  
27 state-adopted standards. These standards shall emphasize  
28 quality indicators drawn from research, professional  
29 literature, recognized guidelines, Florida essential teaching  
30 competencies and educator-accomplished practices, effective  
31 classroom practices, and the outcomes of the state system of

1 school improvement and education accountability, as well as  
2 performance measures. Departments and colleges of education  
3 shall emphasize the state system of school improvement and  
4 education accountability concepts and standards, including  
5 Sunshine State Standards. State-approved teacher preparation  
6 programs must incorporate appropriate English for Speakers of  
7 Other Languages instruction so that program graduates will  
8 have completed the requirements for teaching limited English  
9 proficient students in Florida public schools.

10 (3) INITIAL STATE PROGRAM APPROVAL.--

11 (a) A program approval process based on standards  
12 adopted pursuant to subsection (2) must be established for  
13 postsecondary teacher preparation programs, phased in  
14 according to timelines determined by the Department of  
15 Education, and fully implemented for all teacher preparation  
16 programs in the state. Each program shall be approved by the  
17 department, consistent with the intent set forth in subsection  
18 (1) and based primarily upon significant, objective, and  
19 quantifiable graduate performance measures.

20 (b) Each teacher preparation program approved by the  
21 Department of Education, as provided for by this section,  
22 shall require students to meet the following as prerequisites  
23 for admission into the program:

24 1. Have a grade point average of at least 2.5 on a 4.0  
25 scale for the general education component of undergraduate  
26 studies or have completed the requirements for a baccalaureate  
27 degree with a minimum grade point average of 2.5 on a 4.0  
28 scale from any college or university accredited by a regional  
29 accrediting association as defined by state board rule; and

30 2. Demonstrate mastery of general knowledge, including  
31 the ability to read, write, and compute by passing the College

1 Level Academic Skills Test, a corresponding component of the  
2 National Teachers Examination series, or a similar test  
3 pursuant to rules of the State Board of Education.

4 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding  
5 subsection (3), failure by a public or nonpublic teacher  
6 preparation program to meet the criteria for continued program  
7 approval shall result in loss of program approval. The  
8 Department of Education, in collaboration with the departments  
9 and colleges of education, shall develop procedures for  
10 continued program approval which document the continuous  
11 improvement of program processes and graduates' performance.

12 (a) Continued approval of specific teacher preparation  
13 programs at each public and nonpublic institution of higher  
14 education within the state is contingent upon the passing of  
15 the written examination required by s. 1012.56 by at least 90  
16 percent of the graduates of the program who take the  
17 examination. On request of an institution, the Department of  
18 Education shall provide an analysis of the performance of the  
19 graduates of such institution with respect to the competencies  
20 assessed by the examination required by s. 1012.56.

21 (b) Additional criteria for continued program approval  
22 for public institutions may be approved by the State Board of  
23 Education. Such criteria must emphasize instruction in  
24 classroom management and must provide for the evaluation of  
25 the teacher candidates' performance in this area. The criteria  
26 shall also require instruction in working with underachieving  
27 students. Program evaluation procedures must include, but are  
28 not limited to, program graduates' satisfaction with  
29 instruction and the program's responsiveness to local school  
30 districts. Additional criteria for continued program approval  
31 for nonpublic institutions shall be developed in the same



1 manner as for public institutions; however, such criteria must  
2 be based upon significant, objective, and quantifiable  
3 graduate performance measures. Responsibility for collecting  
4 data on outcome measures through survey instruments and other  
5 appropriate means shall be shared by the institutions of  
6 higher education and the Department of Education. By January 1  
7 of each year, the Department of Education shall report this  
8 information for each postsecondary institution that has  
9 state-approved programs of teacher education to the Governor,  
10 the State Board of Education, the Commissioner of Education,  
11 the President of the Senate, the Speaker of the House of  
12 Representatives, all Florida postsecondary teacher preparation  
13 programs, and interested members of the public. This report  
14 must analyze the data and make recommendations for improving  
15 teacher preparation programs in the state.

16 (c) Continued approval for a teacher preparation  
17 program is contingent upon the results of annual reviews of  
18 the program conducted by the institution of higher education,  
19 using procedures and criteria outlined in an institutional  
20 program evaluation plan approved by the Department of  
21 Education. This plan must incorporate the criteria established  
22 in paragraphs (a) and (b) and include provisions for involving  
23 primary stakeholders, such as program graduates, district  
24 school personnel, classroom teachers, principals, community  
25 agencies, and business representatives in the evaluation  
26 process. Upon request by an institution, the department shall  
27 provide assistance in developing, enhancing, or reviewing the  
28 institutional program evaluation plan and training evaluation  
29 team members.

30 (d) Continued approval for a teacher preparation  
31 program is contingent upon standards being in place that are

1 designed to adequately prepare elementary, middle, and high  
2 school teachers to instruct their students in higher-level  
3 mathematics concepts and in the use of technology at the  
4 appropriate grade level.

5 (e) Continued approval of teacher preparation programs  
6 is contingent upon compliance with the student admission  
7 requirements of subsection (3) and upon the receipt of at  
8 least a satisfactory rating from public schools and private  
9 schools that employ graduates of the program. Employer  
10 satisfaction shall be determined by an annually administered  
11 survey instrument approved by the Department of Education  
12 that, at a minimum, must include employer satisfaction of the  
13 graduates' ability to do the following:

14 1. Write and speak in a logical and understandable  
15 style with appropriate grammar.

16 2. Recognize signs of students' difficulty with the  
17 reading and computational process and apply appropriate  
18 measures to improve students' reading and computational  
19 performance.

20 3. Use and integrate appropriate technology in  
21 teaching and learning processes.

22 4. Demonstrate knowledge and understanding of Sunshine  
23 State Standards.

24 (f)1. Each Florida public and private institution that  
25 offers a state-approved teacher preparation program must  
26 annually report information regarding these programs to the  
27 state and the general public. This information shall be  
28 reported in a uniform and comprehensible manner that is  
29 consistent with definitions and methods approved by the  
30 Commissioner of the National Center for Educational Statistics  
31

1 and that is approved by the State Board of Education. This  
2 information must include, at a minimum:  
3       a. The percent of graduates obtaining full-time  
4 teaching employment within the first year of graduation.  
5       b. The average length of stay of graduates in their  
6 full-time teaching positions.  
7       c. Satisfaction ratings required in paragraph (e).  
8       2. Each public and private institution offering  
9 training for school readiness-related professions, including  
10 training in the fields of child care and early childhood  
11 education, whether offering vocational credit, associate in  
12 science degree programs, or associate in arts degree programs,  
13 shall annually report information regarding these programs to  
14 the state and the general public in a uniform and  
15 comprehensible manner that conforms with definitions and  
16 methods approved by the State Board of Education. This  
17 information must include, at a minimum:  
18       a. Average length of stay of graduates in their  
19 positions.  
20       b. Satisfaction ratings of graduates' employers.  
21  
22 This information shall be reported through publications,  
23 including college and university catalogs and promotional  
24 materials sent to potential applicants, secondary school  
25 guidance counselors, and prospective employers of the  
26 institution's program graduates.  
27       (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary  
28 instructors, school district personnel and instructional  
29 personnel, and school sites preparing instructional personnel  
30 through preservice field experience courses and internships  
31 shall meet special requirements.

1           (a) All instructors in postsecondary teacher  
2 preparation programs who instruct or supervise preservice  
3 field experience courses or internships shall have at least  
4 one of the following: specialized training in clinical  
5 supervision; a valid professional teaching certificate  
6 pursuant to ss. 1012.56 and 1012.585; or at least 3 years of  
7 successful teaching experience in prekindergarten through  
8 grade 12.

9           (b) All school district personnel and instructional  
10 personnel who supervise or direct teacher preparation students  
11 during field experience courses or internships must have  
12 evidence of "clinical educator" training and must successfully  
13 demonstrate effective classroom management strategies that  
14 consistently result in improved student performance. The State  
15 Board of Education shall approve the training requirements.

16           (c) Preservice field experience programs must provide  
17 specific guidance and demonstration of effective classroom  
18 management strategies, strategies for incorporating technology  
19 into classroom instruction, and ways to link instructional  
20 plans to the Sunshine State Standards, as appropriate. The  
21 length of structured field experiences may be extended to  
22 ensure that candidates achieve the competencies needed to meet  
23 certification requirements.

24           (d) Postsecondary teacher preparation programs in  
25 cooperation with district school boards and approved private  
26 school associations shall select the school sites for  
27 preservice field experience activities. These sites must  
28 represent the full spectrum of school communities, including,  
29 but not limited to, schools located in urban settings. In  
30 order to be selected, school sites must demonstrate commitment  
31

1 to the education of public school students and to the  
2 preparation of future teachers.

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

9 (7) NATIONAL BOARD STANDARDS.--The State Board of  
10 Education shall review standards and recommendations developed  
11 by the National Board for Professional Teaching Standards and  
12 may incorporate those parts deemed appropriate into criteria  
13 for continued state program approval, standards of excellence,  
14 and requirements for inservice education.

15 (8) COMMUNITY COLLEGES.--To the extent practical,  
16 postsecondary institutions offering teacher preparation  
17 programs shall establish articulation agreements on a core of  
18 liberal arts courses and introductory professional courses  
19 with field experience components which shall be offered at  
20 community colleges.

21 (9) PRETEACHER AND TEACHER EDUCATION PILOT  
22 PROGRAMS.--Universities and community colleges may establish  
23 preteacher education and teacher education pilot programs to  
24 encourage promising minority students to prepare for a career  
25 in education. These pilot programs shall be designed to  
26 recruit and provide additional academic, clinical, and  
27 counseling support for students whom the institution judges to  
28 be potentially successful teacher education candidates, but  
29 who may not meet teacher education program admission  
30 standards. Priority consideration shall be given to those  
31

1 pilot programs that are jointly submitted by community  
2 colleges and universities.

3 (a) These pilot programs shall be approved by the  
4 State Board of Education and shall be designed to provide help  
5 and support for program participants during the preteacher  
6 education period of general academic preparation at a  
7 community college or university and during professional  
8 preparation in a state-approved teacher education program.  
9 Emphasis shall be placed on development of the basic skills  
10 needed by successful teachers.

11 (b) Universities and community colleges may admit into  
12 the pilot program those incoming students who demonstrate an  
13 interest in teaching as a career, but who may not meet the  
14 requirements for entrance into an approved teacher education  
15 program.

16 1. Flexibility may be given to colleges of education  
17 to develop and market innovative teacher training programs  
18 directed at specific target groups such as graduates from the  
19 colleges of arts and sciences, employed education  
20 paraprofessionals, substitute teachers, early federal  
21 retirees, and nontraditional college students. Programs must  
22 be submitted to the State Board of Education for approval.

23 2. Academically successful graduates in the fields of  
24 liberal arts and science may be encouraged to embark upon a  
25 career in education.

26 3. Models may be developed to provide a positive  
27 initial experience in teaching in order to encourage  
28 retention. Priority should be given to models that encourage  
29 minority graduates.

30 (c) In order to be certified, a graduate from a pilot  
31 program shall meet all requirements for teacher certification

1 specified by s. 1012.56. Should a graduate of a pilot program  
2 not meet the requirements of s. 1012.56, that person shall not  
3 be included in the calculations required by paragraph (4)(a)  
4 and State Board of Education rules for continued program  
5 approval, or in the statutes used by the State Board of  
6 Education in deciding which teacher education programs to  
7 approve.

8 (d) Institutions participating in the pilot program  
9 shall submit an annual report evaluating the success of the  
10 program to the Commissioner of Education by March 1 of each  
11 year. The report shall contain, but shall not be limited to:  
12 the number of pilot program participants, including the number  
13 participating in general education and the number admitted to  
14 approved teacher education programs, the number of pilot  
15 program graduates, and the number of pilot program graduates  
16 who met the requirements of s. 1012.56. The commissioner shall  
17 consider the number of participants recruited, the number of  
18 graduates, and the number of graduates successfully meeting  
19 the requirements of s. 1012.56 reported by each institution,  
20 and shall make an annual recommendation to the state board  
21 regarding the institution's continued participation in the  
22 pilot program.

23 (10) TEACHER EDUCATION PILOT PROGRAMS FOR  
24 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs  
25 shall be established at the University of Central Florida, the  
26 University of North Florida, and the University of South  
27 Florida. These programs shall include a year-long paid  
28 teaching assignment and competency-based learning experiences  
29 and shall be designed to encourage high-achieving students, as  
30 identified by the institution, to pursue a career in  
31 education. Students chosen to participate in the pilot

1 programs shall agree to teach for at least 1 year after they  
2 receive their degrees. Criteria for identifying  
3 high-achieving students shall be developed by the institution  
4 and shall include, at a minimum, requirements that the student  
5 have a 3.3 grade point average or above and that the student  
6 has demonstrated mastery of general knowledge pursuant to s.  
7 1012.56. The year-long paid teaching assignment shall begin  
8 after completion of the equivalent of 3 years of the  
9 university teacher preparation program.

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

11 1. A year-long paid teaching assignment at a specified  
12 school site during the fourth year of the university teacher  
13 preparation program, which includes intense supervision by a  
14 support team trained in clinical education. The support team  
15 shall include a university supervisor and experienced  
16 school-based mentors. A mentor teacher shall be assigned to  
17 each fourth year employed teacher to implement an  
18 individualized learning plan. This mentor teacher will be  
19 considered an adjunct professor for purposes of this program  
20 and may receive credit for time spent as a mentor teacher in  
21 the program. The mentor teacher must have a master's degree  
22 or above, a minimum of 3 years of teaching experience, and  
23 clinical education training or certification by the National  
24 Board of Professional Teaching Standards. Experiences and  
25 instruction may be delivered by other mentors, assigned  
26 teachers, professors, individualized learning, and  
27 demonstrations. Students in this paid teaching assignment  
28 shall assume full responsibility of all teaching duties.

29 2. Professional education curriculum requirements that  
30 address the educator-accomplished practices and other  
31 competencies specified in state board rule.



1           3. A modified instructional delivery system that  
2 provides onsite training during the paid teaching assignment  
3 in the professional education areas and competencies specified  
4 in this subsection. The institutions participating in this  
5 pilot program shall be given a waiver to provide a modified  
6 instructional delivery system meeting criteria that allows  
7 earned credit through nontraditional approaches. The modified  
8 system may provide for an initial evaluation of the  
9 candidate's competencies to determine an appropriate  
10 individualized professional development plan and may provide  
11 for earned credit by:  
12           a. Internet learning and competency acquisition.  
13           b. Learning acquired by observing demonstrations and  
14 being observed in application.  
15           c. Independent study or instruction by mentor teachers  
16 or adjunct teachers.  
17           4. Satisfactory demonstration of the  
18 educator-accomplished practices and content area competencies  
19 for program completion.  
20           5. For program completion, required achievement of  
21 passing scores on all tests required for certification by  
22 State Board of Education rules.  
23           (b) Beginning in July 2003, each institution  
24 participating in the pilot program shall submit to the  
25 Commissioner of Education an annual report evaluating the  
26 effectiveness of the program. The report shall include, but  
27 shall not be limited to, the number of students selected for  
28 the pilot program, the number of students successfully  
29 completing the pilot program, the number of program  
30 participants who passed all required examinations, the number  
31 of program participants who successfully demonstrated all

1 required competencies, and a followup study to determine the  
2 number of pilot program completers who were employed in a  
3 teaching position and employers' satisfaction with the  
4 performance of pilot program completers.

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

7 (11) RULES.--The State Board of Education shall adopt  
8 necessary rules pursuant to ss. 120.536(1) and 120.54 to  
9 implement this section.

10 Section 161. Section 1004.05, Florida Statutes, is  
11 created to read:

12 1004.05 Substance abuse training programs.--

13 (1) Each state university and community college may  
14 develop courses designed for public school teachers,  
15 counselors, physicians, law enforcement personnel, and other  
16 professionals to assist them in recognizing symptoms of  
17 substance abuse impairment and identifying appropriate service  
18 providers for referral and treatment.

19 (2) Such courses may be made available to students who  
20 are currently enrolled and for continuing education units.

21 Section 162. Section 1004.06, Florida Statutes, is  
22 created to read:

23 1004.06 Prohibited expenditures.--No community  
24 college, state university, community college direct-support  
25 organization, or state university direct-support organization  
26 shall expend any funds, regardless of source, to purchase  
27 membership in, or goods and services from, any organization  
28 which discriminates on the basis of race, national origin,  
29 sex, or religion.

30 Section 163. Section 1004.06, Florida Statutes, is  
31 created to read:

1           1004.06 Prohibited expenditures.--No community  
2 college, state university, community college direct-support  
3 organization, or state university direct-support organization  
4 shall expend any funds, regardless of source, to purchase  
5 membership in, or goods and services from, any organization  
6 which discriminates on the basis of race, national origin,  
7 sex, or religion.

8           Section 164. Part II of chapter 1004 shall be entitled  
9 "State Universities" and shall consist of ss. 1004.21-1004.62.

10           Section 165. Part II.a of chapter 1004 shall be  
11 entitled "General Provisions" and shall consist of ss.  
12 1004.21-1004.32.

13           Section 166. Section 1004.21, Florida Statutes, is  
14 created to read:

15           1004.21 State universities; legislative intent.--It is  
16 the legislative intent that state universities be constituted  
17 as public corporations of the state, as defined in s.  
18 11.45(1)(i), and be operated by a board of trustees as  
19 provided in s. 1001.74.

20           Section 167. Section 1004.22, Florida Statutes, is  
21 created to read:

22           1004.22 Divisions of sponsored research at state  
23 universities.--

24           (1) Each university is authorized to create, as it  
25 deems advisable, divisions of sponsored research which will  
26 serve the function of administration and promotion of the  
27 programs of research, including sponsored training programs,  
28 of the university at which they are located. A division of  
29 sponsored research created under the provisions of this  
30 section shall be under the supervision of the president of  
31 that university.

1           (2) The university shall set such policies to regulate  
2 the activities of the divisions of sponsored research as it  
3 may consider necessary to effectuate the purposes of this act  
4 and to administer the research programs in a manner which  
5 assures efficiency and effectiveness, producing the maximum  
6 benefit for the educational programs and maximum service to  
7 the state. To this end, materials that relate to methods of  
8 manufacture or production, potential trade secrets,  
9 potentially patentable material, actual trade secrets,  
10 business transactions, or proprietary information received,  
11 generated, ascertained, or discovered during the course of  
12 research conducted within the state universities shall be  
13 confidential and exempt from the provisions of s. 119.07(1),  
14 except that a division of sponsored research shall make  
15 available upon request the title and description of a research  
16 project, the name of the researcher, and the amount and source  
17 of funding provided for such project.

18           (3) The president of the university where a division  
19 of sponsored research is created, or his or her designee, is  
20 authorized to negotiate, enter into, and execute research  
21 contracts; to solicit and accept research grants and  
22 donations; and to fix and collect fees, other payments, and  
23 donations that may accrue by reason thereof. The president or  
24 his or her designee may negotiate, enter into, and execute  
25 contracts on a cost-reimbursement basis and may provide  
26 temporary financing of such costs prior to reimbursement from  
27 moneys on deposit in a sponsored research development fund,  
28 except as may be prohibited elsewhere by law.

29           (4) A division of sponsored research shall be financed  
30 from the moneys of a university which are on deposit or  
31 received for use in the research or related programs of that

1 particular university. Such moneys shall be deposited by the  
2 university in a permanent sponsored research development fund.

3 (5) Moneys deposited in the permanent sponsored  
4 research development fund of a university shall be disbursed  
5 in accordance with the terms of the contract, grant, or  
6 donation under which they are received. Moneys received for  
7 overhead or indirect costs and other moneys not required for  
8 the payment of direct costs shall be applied to the cost of  
9 operating the division of sponsored research. Any surplus  
10 moneys shall be used to support other research or sponsored  
11 training programs in any area of the university.

12 Transportation and per diem expense allowances shall be the  
13 same as those provided by law in s. 112.061, except that  
14 personnel performing travel under a sponsored research  
15 subcontract may be reimbursed for travel expenses in  
16 accordance with the provisions of the applicable prime  
17 contract or grant and the travel allowances established by the  
18 subcontractor, subject to the requirements of subsection (7),  
19 or except as provided in subsection (11).

20 (6)(a) Each university shall submit to the State Board  
21 of Education a report of the activities of each division of  
22 sponsored research together with an estimated budget for the  
23 next fiscal year.

24 (b) Not less than 90 days prior to the convening of  
25 each regular session of the Legislature in which an  
26 appropriation shall be made, the State Board of Education  
27 shall submit to the chair of the appropriations committee of  
28 each house of the Legislature a compiled report, together with  
29 a compiled estimated budget for the next fiscal year. A copy  
30 of such report and estimated budget shall be furnished to the  
31 Governor, as the chief budget officer of the state.

1       (7) All purchases of a division of sponsored research  
2 shall be made in accordance with the policies and procedures  
3 of the university; however, upon certification addressed to  
4 the university president that it is necessary for the  
5 efficient or expeditious prosecution of a research project,  
6 the president may exempt the purchase of material, supplies,  
7 equipment, or services for research purposes shall be exempt  
8 from the general purchasing requirement of the Florida  
9 Statutes.

10       (8) The university may authorize the construction,  
11 alteration, or remodeling of buildings when the funds used are  
12 derived entirely from the sponsored research development fund  
13 of a university or from that fund in combination with other  
14 nonstate sources, provided that such construction, alteration,  
15 or remodeling is for use exclusively in the area of research;  
16 it also may authorize the acquisition of real property when  
17 the cost is entirely from said funds. Title to all real  
18 property purchased prior to January 7, 2003 or with funds  
19 appropriated by the Legislature shall vest in the Board of  
20 Trustees of the Internal Improvement Trust Fund and shall only  
21 be transferred or conveyed by it.

22       (9) The sponsored research programs of the Institute  
23 of Food and Agricultural Sciences, the University of Florida  
24 Health Science Center, and the engineering and industrial  
25 experiment station shall continue to be centered at the  
26 University of Florida as heretofore provided by law. Indirect  
27 cost reimbursements of all grants deposited in the Division of  
28 Sponsored Research shall be distributed directly to the above  
29 units in direct proportion to the amounts earned by each unit.

30       (10) The operation of the divisions of sponsored  
31 research and the conduct of the sponsored research program are

1 expressly exempted from the provisions of any other laws or  
2 portions of laws in conflict herewith and are, subject to the  
3 requirements of subsection (7), exempted from the provisions  
4 of chapters 215, 216, and 283.

5 (11) The divisions of sponsored research may pay, by  
6 advancement or reimbursement, or a combination thereof, the  
7 costs of per diem of university employees and of other  
8 authorized persons, as defined in s. 112.061(2)(e), for  
9 foreign travel up to the current rates as stated in the grant  
10 and contract terms and may also pay incidental expenses as  
11 authorized by s. 112.061(8). This subsection applies to any  
12 university employee traveling in foreign countries for  
13 sponsored programs of the university, if such travel expenses  
14 are approved in the terms of the contract or grant. The  
15 provisions of s. 112.061, other than those relating to per  
16 diem, apply to the travel described in this subsection. As  
17 used in this subsection, "foreign travel" means any travel  
18 outside the United States and its territories and possessions  
19 and Canada. Persons traveling in foreign countries pursuant  
20 to this section shall not be entitled to reimbursements or  
21 advancements pursuant to s. 112.061(6)(a)2. for such travel.

22 (12) Each division of sponsored research is authorized  
23 to advance funds to any principal investigator who, under the  
24 contract or grant terms, will be performing a portion of his  
25 or her research at a site that is remote from the university.  
26 Funds shall be advanced only to employees who have executed a  
27 proper power of attorney with the university to ensure the  
28 proper collection of such advanced funds if it becomes  
29 necessary. As used in this subsection, the term "remote"  
30 means so far removed from the university as to render normal  
31 purchasing and payroll functions ineffective.

1       (13) Each university board of trustees is authorized  
2 to adopt rules, as necessary, to administer this section.

3       Section 168. Section 1004.23, Florida Statutes, is  
4 created to read:

5       1004.23 Universities; powers; patents, copyrights, and  
6 trademarks.--Any other law to the contrary notwithstanding,  
7 each state university is authorized, in its own name, to:

8       (1) Perform all things necessary to secure letters of  
9 patent, copyrights, and trademarks on any work products and to  
10 enforce its rights therein. The university shall consider  
11 contributions by university personnel in the development of  
12 trademarks, copyrights, and patents and shall enter into  
13 written contracts with such personnel establishing the  
14 interests of the university and such personnel in each  
15 trademark, copyright, or patent.

16       (2) License, lease, assign, or otherwise give written  
17 consent to any person, firm, or corporation for the  
18 manufacture or use thereof, on a royalty basis or for such  
19 other consideration as the university shall deem proper.

20       (3) Take any action necessary, including legal action,  
21 to protect the same against improper or unlawful use or  
22 infringement.

23       (4) Enforce the collection of any sums due the  
24 university for the manufacture or use thereof by any other  
25 party.

26       (5) Sell any of the same and execute all instruments  
27 necessary to consummate any such sale.

28       (6) Do all other acts necessary and proper for the  
29 execution of powers and duties herein conferred upon the  
30 university, including adopting rules, as necessary, in order  
31 to administer this section. Any proceeds therefrom shall be



1 deposited and expended in accordance with s. 1004.22. Any  
2 action taken by the university in securing or exploiting such  
3 trademarks, copyrights, or patents shall, within 30 days, be  
4 reported in writing by the president to the Department of  
5 State.

6 Section 169. Section 1004.24, Florida Statutes, is  
7 created to read:

8 1004.24 Authorization to secure liability insurance.--

9 (1) The State Board of Education is authorized to  
10 secure, or otherwise provide as a self-insurer, or by a  
11 combination thereof, comprehensive general liability  
12 insurance, including professional liability for health care  
13 and veterinary sciences, for:

14 (a) A university board of trustees.

15 (b) The students and faculty of any state university.

16 (c) The officers, employees, or agents of a university  
17 board of trustees.

18 (d) The professional practitioners practicing a  
19 profession within, or by virtue of employment by, any state  
20 university.

21 (e) Any of the state universities or subdivisions  
22 thereof.

23 (f) Any not-for-profit corporation, organized pursuant  
24 to chapter 617, and the directors, officers, employees, and  
25 agents thereof, which is affiliated with a state university,  
26 if the corporation is operated for the benefit of a state  
27 university in a manner consistent with the best interests of  
28 the state, and if such participation is approved by the  
29 appropriate insurance trust fund council, university  
30 president, and the State Board of Education.

31

1 The State Board of Education is authorized to delegate to the  
2 university boards of trustees, as appropriate, the authority  
3 to secure any liability insurance for the above.

4 (2) In the event the State Board of Education adopts a  
5 self-insurance program, the necessary trust funds in the State  
6 Treasury may be established pursuant to law. Provided that  
7 the annual actuarial report to the self-insurance trust fund  
8 council is provided each year to the Auditor General within 60  
9 days after acceptance by the council, the assets of a  
10 self-insurance program may be deposited outside the State  
11 Treasury, at the option of the State Board of Education, in  
12 accounts established pursuant to law for that purpose.  
13 Self-insurance program trust funds shall be administered in  
14 accordance with rules established by the State Board of  
15 Education.

16 (3) There shall be no funds appropriated directly to  
17 any insurance trust fund. The State Board of Education is  
18 authorized to accept any payments, receipts, gifts, or  
19 donations made for the purposes of this section and deposit  
20 such funds in the appropriate insurance trust fund.

21 (4) No self-insurance program adopted by the State  
22 Board of Education may sue or be sued. The State Board of  
23 Education shall pay, out of the assets of a trust fund  
24 established pursuant to this section, any claim or judgment  
25 for which the self-insurance trust funds were created and  
26 which is rendered against the board. The claims files of any  
27 such program are privileged and confidential, exempt from the  
28 provisions of s. 119.07(1), and are only for the use of the  
29 program in fulfilling its duties. Any self-insurance trust  
30 fund and revenues generated by that fund shall only be used to  
31 pay claims and administration expenses.

1           (5) The State Board of Education is authorized and  
2 empowered to make such rules as may be necessary to carry out  
3 the provisions of this section, including the delegation of  
4 authority, other than rulemaking authority, to appropriate  
5 levels of administration within the state universities.

6           Section 170. Section 1004.25, Florida Statutes, is  
7 created to read:

8           1004.25 Universities; payment of costs of civil  
9 action.--A university may defray all costs of defending any  
10 civil action brought against any officer or employee of the  
11 university for any act or omission arising out of and in the  
12 course of the performance of his or her duties and  
13 responsibilities, which costs may include reasonable  
14 attorney's fees and expenses together with costs of appeal,  
15 and may save harmless and protect such person from any  
16 financial loss resulting from the lawful performance of his or  
17 her duties and responsibilities. Claims based on such actions  
18 or omissions may be settled prior to or after the filing of  
19 suit thereon. The university may arrange for and pay the  
20 premium for appropriate insurance to cover all such losses and  
21 expenses. The university may use funds available to the  
22 university system, not subject to the obligation of contract,  
23 covenant, or trust, to carry out the purposes of this section  
24 in the amount necessary. Failure by the university to perform  
25 any act authorized by this section shall not constitute a  
26 cause of action against the university or its members,  
27 officers, or employees.

28           Section 171. Section 1004.28, Florida Statutes, is  
29 created to read:

30           1004.28 Direct-support organizations; use of property;  
31 board of directors; activities; audit; facilities.--

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

2           (a) "University direct-support organization" means an  
3 organization which 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 a state university in Florida or for  
10 the benefit of a research and development park or research and  
11 development authority affiliated with a state university and  
12 organized under part V of chapter 159; and

13           3. An organization which a state university board of  
14 trustees, after review, has certified to be operating in a  
15 manner consistent with the goals of the university and in the  
16 best interest of the state. Any organization which is denied  
17 certification by the board of trustees shall not use the name  
18 of the university which it serves.

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

21           (2) USE OF PROPERTY.--

22           (a) Each state university board of trustees is  
23 authorized to permit the use of property, facilities, and  
24 personal services at any state university by any university  
25 direct-support organization, and, subject to the provisions of  
26 this section, direct-support organizations may establish  
27 accounts with the State Board of Administration for investment  
28 of funds pursuant to part IV of chapter 218.

29           (b) The board of trustees shall prescribe by rule  
30 conditions with which a university direct-support organization  
31 must comply in order to use property, facilities, or personal

1 services at any state university. Such rules shall provide  
2 for budget and audit review and oversight by the board.

3 (c) The board shall not permit the use of property,  
4 facilities, or personal services at any state university by  
5 any university direct-support organization which does not  
6 provide equal employment opportunities to all persons  
7 regardless of race, color, religion, sex, age, or national  
8 origin.

9 (3) BOARD OF DIRECTORS.--The chair of the university  
10 board of trustees may appoint a representative to the board of  
11 directors and the executive committee of any direct-support  
12 organization established under this section. The president of  
13 the university for which the direct-support organization is  
14 established, or his or her designee, shall also serve on the  
15 board of directors and the executive committee of any  
16 direct-support organization established to benefit that  
17 university.

18 (4) ACTIVITIES; RESTRICTION.--A university  
19 direct-support organization is prohibited from giving, either  
20 directly or indirectly, any gift to a political committee or  
21 committee of continuous existence as defined in s. 106.011 for  
22 any purpose other than those certified by a majority roll call  
23 vote of the governing board of the direct-support organization  
24 at a regularly scheduled meeting as being directly related to  
25 the educational mission of the university.

26 (5) ANNUAL AUDIT.--Each direct-support organization  
27 shall provide for an annual financial audit of its accounts  
28 and records to be conducted by an independent certified public  
29 accountant in accordance with rules adopted by the Auditor  
30 General pursuant to s. 11.45(8) and by the university board of  
31 trustees. The annual audit report shall be submitted, within

1 9 months after the end of the fiscal year, to the Auditor  
2 General and the State Board of Education for review. The State  
3 Board of Education, the university board of trustees, the  
4 Auditor General, and the Office of Program Policy Analysis and  
5 Government Accountability shall have the authority to require  
6 and receive from the organization or from its independent  
7 auditor any records relative to the operation of the  
8 organization. The identity of donors who desire to remain  
9 anonymous shall be protected, and that anonymity shall be  
10 maintained in the auditor's report. All records of the  
11 organization other than the auditor's report, management  
12 letter, and any supplemental data requested by the State Board  
13 of Education, the university board of trustees, the Auditor  
14 General, and the Office of Program Policy Analysis and  
15 Government Accountability shall be confidential and exempt  
16 from the provisions of s. 119.07(1).

17 (6) FACILITIES.--In addition to issuance of  
18 indebtedness pursuant to s. 1010.60(2), each direct-support  
19 organization is authorized to enter into agreements to  
20 finance, design and construct, lease, lease-purchase,  
21 purchase, or operate facilities necessary and desirable to  
22 serve the needs and purposes of the university, as determined  
23 by the systemwide strategic plan adopted by the State Board of  
24 Education. Such agreements are subject to the provisions of  
25 s. 1013.171.

26 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support  
27 organization shall submit to the university president and the  
28 State Board of Education its federal Internal Revenue Service  
29 Application for Recognition of Exemption form (Form 1023) and  
30 its federal Internal Revenue Service Return of Organization  
31 Exempt from Income Tax form (Form 990).

1           Section 172. Section 1004.29, Florida Statutes, is  
2 created to read:

3           1004.29 University health services support  
4 organizations.--

5           (1) Each state university is authorized to establish  
6 university health services support organizations which shall  
7 have the ability to enter into, for the benefit of the  
8 university academic health sciences center, arrangements with  
9 other entities as providers in other integrated health care  
10 systems or similar entities. To the extent required by law or  
11 rule, university health services support organizations shall  
12 become licensed as insurance companies, pursuant to chapter  
13 624, or be certified as health maintenance organizations,  
14 pursuant to chapter 641. University health services support  
15 organizations shall have sole responsibility for the acts,  
16 debts, liabilities, and obligations of the organization. In  
17 no case shall the state or university have any responsibility  
18 for such acts, debts, liabilities, and obligations incurred or  
19 assumed by university health services support organizations.

20           (2) Each university health services support  
21 organization shall be a Florida corporation not for profit,  
22 incorporated under the provisions of chapter 617 and approved  
23 by the Department of State.

24           (3) A state university board of trustees may  
25 prescribe, by rule, conditions with which a university health  
26 services support organization must comply in order to be  
27 certified and to use property, facilities, or personal  
28 services at any state university. The rules must provide for  
29 budget, audit review, and oversight by the board. Such rules  
30 shall provide that the university health services support  
31 organization may provide salary supplements and other

1 compensation or benefits for university faculty and staff  
2 employees only as set forth in the organization's budget,  
3 which shall be subject to approval by the university  
4 president.

5 (4) The chair of the university board of trustees may  
6 appoint a representative to the board of directors and the  
7 executive committee of any university health services support  
8 organization established under this section. The president of  
9 the university for which the university health services  
10 support organization is established, or the president's  
11 designee, shall also serve on the board of directors and the  
12 executive committee of any university health services support  
13 organization established to benefit that university.

14 (5) Each university health services support  
15 organization shall provide for an annual financial audit in  
16 accordance with s. 1004.28(5). The auditor's report,  
17 management letter, and any supplemental data requested by the  
18 State Board of Education, the university board of trustees,  
19 and the Auditor General shall be considered public records,  
20 pursuant to s. 119.07.

21 Section 173. Section 1004.30, Florida Statutes, is  
22 created to read:

23 1004.30 University health services support  
24 organization; confidentiality of information.--

25 (1) All meetings of a governing board of a university  
26 health services support organization and all university health  
27 services support organization records shall be open and  
28 available to the public in accordance with s. 286.011 and s.  
29 24(b), Art. I of the State Constitution and chapter 119 and s.  
30 24(a), Art. I of the State Constitution, respectively, unless  
31 made confidential or exempt by law. Records required by the



1 Department of Insurance to discharge its duties shall be made  
2 available to the department upon request.

3 (2) The following university health services support  
4 organization's records and information are confidential and  
5 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
6 I of the State Constitution:

7 (a) Contracts for managed care arrangements under  
8 which the university health services support organization  
9 provides health care services, preferred provider organization  
10 contracts, health maintenance organization contracts, alliance  
11 network arrangements, and exclusive provider organization  
12 contracts, and any documents directly relating to the  
13 negotiation, performance, and implementation of any such  
14 contracts for managed care arrangements or alliance network  
15 arrangements. As used in this paragraph, the term "managed  
16 care" means systems or techniques generally used by  
17 third-party payors or their agents to affect access to and  
18 control payment for health care services. Managed-care  
19 techniques most often include one or more of the following:  
20 prior, concurrent, and retrospective review of the medical  
21 necessity and appropriateness of services or site of services;  
22 contracts with selected health care providers; financial  
23 incentives or disincentives related to the use of specific  
24 providers, services, or service sites; controlled access to  
25 and coordination of services by a case manager; and payor  
26 efforts to identify treatment alternatives and modify benefit  
27 restrictions for high-cost patient care.

28 (b) Each university health services support  
29 organization's marketing plan the disclosure of which may  
30 reasonably be expected by the organization's governing board  
31 to be used by a competitor or an affiliated provider of the

1 organization to frustrate, circumvent, or exploit the purposes  
2 of the plan before it is implemented and which is not  
3 otherwise known or cannot be legally obtained by a competitor  
4 or an affiliated provider. However, documents that are  
5 submitted to the organization's governing board as part of the  
6 board's approval of the organization's budget, and the budget  
7 itself, are not confidential and exempt.

8 (c) Trade secrets, as defined in s. 688.002, including  
9 reimbursement methodologies and rates.

10 (d) The records of the peer review panels, committees,  
11 governing board, and agents of the university health services  
12 support organization which relate solely to the evaluation of  
13 health care services and professional credentials of health  
14 care providers and physicians employed by or providing  
15 services under contract to the university health services  
16 support organization. The exemptions created by this  
17 paragraph shall not be construed to impair any otherwise  
18 established rights of an individual health care provider to  
19 inspect documents concerning the determination of such  
20 provider's professional credentials.

21 (3) Any portion of a governing board or peer review  
22 panel or committee meeting during which a confidential and  
23 exempt contract, document, record, marketing plan, or trade  
24 secret, as provided for in subsection (2), is discussed is  
25 exempt from the provisions of s. 286.011 and s. 24(b), Art. I  
26 of the State Constitution.

27 (4) Those portions of any public record, such as a  
28 tape recording, minutes, and notes, generated during that  
29 portion of a governing board or peer review panel or committee  
30 meeting which is closed to the public pursuant to this  
31 section, which contain information relating to contracts,

1 documents, records, marketing plans, or trade secrets which  
2 are made confidential and exempt by this section, are  
3 confidential and exempt from the provisions of s. 119.07(1)  
4 and s. 24(a), Art. I of the State Constitution.

5 (5) The exemptions from s. 119.07(1) and s. 24(a),  
6 Art. I of the State Constitution and s. 286.011 and s. 24(b),  
7 Art. I of the State Constitution provided in this section do  
8 not apply if the governing board of a university health  
9 services support organization votes to lease, sell, or  
10 transfer all or any substantial part of the facilities or  
11 property of the university health services support  
12 organization to a nonpublic entity.

13 (6) Any person may petition a court of competent  
14 jurisdiction for an order for the public release of those  
15 portions of any public record, such as a tape recording,  
16 minutes, or notes, generated during that portion of a  
17 governing board meeting which is closed to the public pursuant  
18 to subsection (3), which record is made confidential and  
19 exempt by subsection (4). Any action pursuant to this  
20 subsection must be brought in the county where the principal  
21 office of the university health services support organization  
22 is located, as reflected in the records of the Secretary of  
23 State. In any order for the public release of a record  
24 pursuant to this subsection, the court shall make a finding  
25 that a compelling public interest is served by the release of  
26 the record or portions thereof which exceeds the public  
27 necessity for maintaining the confidentiality of such record  
28 as described in s. 2, chapter 96-171, Laws of Florida, and  
29 that the release of the record will not cause damage to or  
30 adversely affect the interests of private persons, business  
31

1 entities, the university health services support organization,  
2 or the affiliated university.

3 (7) Those portions of any public record, such as a  
4 tape recording, minutes, or notes, generated during that  
5 portion of a governing board meeting at which negotiations for  
6 contracts for managed-care arrangements occur, are reported  
7 on, or are acted on by the governing board, which record is  
8 made confidential and exempt by subsection (4), shall become  
9 public records 2 years after the termination or completion of  
10 the term of the contract to which such negotiations relate or,  
11 if no contract was executed, 2 years after the termination of  
12 the negotiations. Notwithstanding paragraph (2)(a) and  
13 subsection (4), a university health services support  
14 organization must make available, upon request, the title and  
15 general description of a contract for managed-care  
16 arrangements, the names of the contracting parties, and the  
17 duration of the contract term. All contracts for managed-care  
18 arrangements which are made confidential and exempt by  
19 paragraph (2)(a), except those portions of any contract  
20 containing trade secrets which are made confidential and  
21 exempt by paragraph (2)(c), shall become public 2 years after  
22 the termination or completion of the term of the contract.

23 (8) A university health services support organization  
24 may petition a court of competent jurisdiction to continue the  
25 confidentiality of any public record made nonconfidential by  
26 this section, upon a showing of good cause. In determining  
27 good cause, the court shall balance the property, privacy, and  
28 economic interests of any affected person or business entity  
29 with those of the university health services support  
30 organization and with the public interest and must make a  
31 finding that a substantial public interest is served by the

1 continued confidentiality of the public record for an  
2 additional time period. The length of time for this continued  
3 exemption may be no longer than is necessary to protect that  
4 substantial public interest.

5 (9) This act does not preclude discovery of records  
6 and information that are otherwise discoverable under the  
7 Florida Rules of Civil Procedure or any statutory provision  
8 allowing discovery or presuit disclosure of such records and  
9 information for the purpose of civil actions.

10 Section 174. Section 1004.31, Florida Statutes, is  
11 created to read:

12 1004.31 Assent to Hatch Act and Morrill Land-Grant  
13 Act.--The assent of the Legislature is given to the provisions  
14 and requirements of the Acts of Congress commonly known as the  
15 "Hatch Act of 1887," the "First Morrill Act of 1862," the  
16 "Second Morrill Act of 1890," and all acts supplemental  
17 thereto. The University of Florida Board of Trustees may  
18 receive grants of money appropriated for the benefit of the  
19 University of Florida Institute of Food and Agricultural  
20 Sciences in the case of the First Morrill Act, the Hatch Act,  
21 and all acts supplemental thereto. The Florida Agricultural  
22 and Mechanical University Board of Trustees may receive grants  
23 of money appropriated for the benefit of Florida Agricultural  
24 and Mechanical University in the case of the Second Morrill  
25 Act and all acts supplemental thereto. The provisions of  
26 chapter 3564, 1885, Laws of Florida, and s. 7, chapter 1776,  
27 1870, Laws of Florida, are made applicable to said  
28 universities insofar as the same are or can be made effective;  
29 and all estate, right, property claim, and emoluments, and the  
30 rents and issues thereof, or any substitutions thereof, and  
31 all claims and demands arising or that may or can arise

1 thereunder, or any Act of Congress in that regard, are hereby  
2 preserved, maintained, and transferred to the University of  
3 Florida Board of Trustees and the Florida Agricultural and  
4 Mechanical University Board of Trustees for the use and  
5 benefit of said universities under the terms of said acts.

6 Section 175. Section 1004.32, Florida Statutes, is  
7 created to read:

8 1004.32 New College of Florida.--

9 (1) MISSION AND GOALS.--New College of Florida serves  
10 a distinctive mission as a residential liberal arts honors  
11 college. To maintain this mission, New College of Florida has  
12 the following goals:

13 (a) To provide a quality education to students of high  
14 ability who, because of their ability, deserve a program of  
15 study that is both demanding and stimulating.

16 (b) To engage in undergraduate educational reform by  
17 combining educational innovation with educational excellence.

18 (c) To provide programs of study that allow students  
19 to design their educational experience as much as possible in  
20 accordance with their individual interests, values, and  
21 abilities.

22 (d) To challenge undergraduates not only to master  
23 existing bodies of knowledge but also to extend the frontiers  
24 of knowledge through original research.

25 (2) ACCREDITATION.--As soon as possible, New College  
26 of Florida shall apply to the Commission on Colleges of the  
27 Southern Association of Colleges and Schools for separate  
28 accreditation.

29 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12  
30 members to the Board of Trustees, to serve 4-year staggered  
31 terms, as follows:

- 1           (a) Three residents of Sarasota County.  
2           (b) Two residents of Manatee County.  
3           (c) Until the expiration date of the terms of office  
4 of the members who are on the board June 30, 2001, seven  
5 members selected from the Board of Trustees of the New College  
6 Foundation.

7  
8 In addition, a student body president shall be a voting member  
9 of the board.

10           Section 176. Part II.b. of chapter 1004 shall be  
11 entitled "Branch Campuses, Centers, Institutes, and Special  
12 Programs" and shall consist of ss. 1004.33-1004.62.

13           Section 177. Section 1004.33, Florida Statutes, is  
14 created to read:

15           1004.33 The University of South Florida St.  
16 Petersburg.--

17           (1) The St. Petersburg campus of the University of  
18 South Florida is established and shall be known as the  
19 "University of South Florida St. Petersburg."

20           (a) The Legislature intends that the University of  
21 South Florida St. Petersburg be operated and maintained as a  
22 separate organizational and budget entity of the University of  
23 South Florida, and that all legislative appropriations for the  
24 University of South Florida St. Petersburg be set forth as  
25 separate line items in the annual General Appropriations Act.

26           (b) The University of South Florida St. Petersburg  
27 shall have a Campus Board and a Campus Executive Officer.

28           (c) As soon as possible, but no later than the  
29 effective date of this act, the President of the University of  
30 South Florida shall begin the process of application to the  
31 Commission on Colleges of the Southern Association of Colleges

1 and Schools for separate accreditation of the University of  
2 South Florida St. Petersburg. If the application is not  
3 approved or is provisionally approved, the University of South  
4 Florida shall correct any identified deficiencies and shall  
5 continue to work for accreditation.

6 (2) The Board of Trustees of the University of South  
7 Florida shall appoint to the Campus Board, from  
8 recommendations of the President of the University of South  
9 Florida, five residents of Pinellas County. If a resident of  
10 Pinellas County is appointed to the Board of Trustees of the  
11 University of South Florida, the board shall appoint that  
12 member to serve jointly as a member of the Campus Board. If  
13 more than one Pinellas County resident is appointed to the  
14 Board of Trustees, the board shall select one joint member.  
15 The Board of Trustees may reappoint a member to the Campus  
16 Board for one additional term. The Campus Board has the powers  
17 and duties provided by law, which include the authority to:

18 (a) Review and approve an annual legislative budget  
19 request to be submitted to the Commissioner of Education. The  
20 Campus Executive Officer shall prepare the legislative budget  
21 request in accordance with guidelines established by the State  
22 Board of Education. This request must include items for campus  
23 operations and fixed capital outlay.

24 (b) Approve and submit an annual operating plan and  
25 budget for review and consultation by the Board of Trustees of  
26 the University of South Florida. The campus operating budget  
27 must reflect the actual funding available to that campus from  
28 separate line-item appropriations contained in each annual  
29 General Appropriations Act, which line-item appropriations  
30 must initially reflect the funds reported to the Legislature  
31 for the University of South Florida St. Petersburg campus for



1 fiscal year 2000-2001 and any additional funds provided in the  
2 fiscal year 2001-2002 legislative appropriation.

3 (c) Enter into central support services contracts with  
4 the Board of Trustees of the University of South Florida for  
5 any services that the St. Petersburg campus cannot provide  
6 more economically, including payroll processing, accounting,  
7 technology, construction administration, and other desired  
8 services. However, all legal services for the campus must be  
9 provided by a central services contract with the university.  
10 The Board of Trustees of the University of South Florida and  
11 the Campus Board shall determine in a letter of agreement any  
12 allocation or sharing of student fee revenue between the  
13 University of South Florida's main campus and the St.  
14 Petersburg campus.

15  
16 The Board of Trustees of the University of South Florida may  
17 lawfully delegate other powers and duties to the Campus Board  
18 for the efficient operation and improvement of the campus and  
19 for the purpose of vesting in the campus the attributes  
20 necessary to meet the requirements for separate accreditation  
21 by the Southern Association of Colleges and Schools.

22 (3) The University of South Florida St. Petersburg  
23 shall be administered by a Campus Executive Officer who shall  
24 be appointed by, report directly to, and serve at the pleasure  
25 of the President of the University of South Florida. The  
26 President shall consult with the Campus Board before hiring or  
27 terminating the Campus Executive Officer. The Campus Executive  
28 Officer has authority and responsibility as provided in law,  
29 including the authority to:

30 (a) Administer campus operations within the annual  
31 operating budget as approved by the Campus Board.

1           (b) Recommend to the Campus Board an annual  
2 legislative budget request that includes funding for campus  
3 operations and fixed capital outlay.

4           (c) Recommend to the Campus Board an annual campus  
5 operating budget.

6           (d) Recommend to the Campus Board appropriate services  
7 and terms and conditions to be included in annual central  
8 support services contracts.

9           (e) Carry out any additional responsibilities assigned  
10 or delegated by the President of the University of South  
11 Florida for the efficient operation and improvement of the  
12 campus, especially any authority necessary for the purpose of  
13 vesting in the campus attributes necessary to meet the  
14 requirements for separate accreditation.

15           (4) Students enrolled at the University of South  
16 Florida, including those enrolled at a branch campus, have the  
17 same rights and obligations as provided by law, policy, or  
18 rule adopted by the University of South Florida, the Florida  
19 Department of Education, or other lawful entity. The  
20 University of South Florida shall provide a comprehensive and  
21 coordinated system of student registration so that a student  
22 enrolled at any campus of the University of South Florida has  
23 the ability to register for courses at any other campus of the  
24 University of South Florida.

25           (5) The following entities are not affected by this  
26 section and remain under the administrative control of the  
27 University of South Florida:

28           (a) The University of South Florida College of Marine  
29 Science, which is a component college of the main campus.

30           (b) The Florida Institute of Oceanography, which is a  
31 Type One Institute.

1           (c) The University of South Florida Pediatric Research  
2 Center.

3           (d) The University of South Florida/USGS joint  
4 facility.

5           Section 178. Section 1004.34, Florida Statutes, is  
6 created to read:

7           1004.34 The University of South Florida  
8 Sarasota/Manatee.--

9           (1) The Sarasota/Manatee campus of the University of  
10 South Florida is established and shall be known as the  
11 "University of South Florida Sarasota/Manatee."

12           (a) The Legislature intends that the University of  
13 South Florida Sarasota/Manatee 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 Sarasota/Manatee be set forth as  
17 separate line items in the annual General Appropriations Act.

18           (b) The University of South Florida Sarasota/Manatee  
19 shall have a Campus Board and a Campus Executive Officer.

20           (c) As soon as possible, but no later than July 1,  
21 2002, the President of the University of South Florida shall  
22 begin the process of application to the Commission on Colleges  
23 of the Southern Association of Colleges and Schools for  
24 separate accreditation of the University of South Florida  
25 Sarasota/Manatee. If the application is not approved or is  
26 provisionally approved, the University of South Florida shall  
27 correct any identified deficiencies and shall continue to work  
28 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

1 Florida, three residents of Manatee County and two residents  
2 of Sarasota County, to serve 4-year staggered terms. If one or  
3 more residents of Sarasota County or Manatee County are  
4 appointed to the Board of Trustees of the University of South  
5 Florida, the board shall, at the next vacancy of the Campus  
6 Board, appoint one of those members to serve jointly as a  
7 member of the Campus Board. The Board of Trustees may  
8 reappoint a member to the Campus Board for one additional  
9 term. The Campus Board has the powers and duties provided by  
10 law, which include the authority to:

11 (a) Review and approve an annual legislative budget  
12 request to be submitted to the Commissioner of Education. The  
13 Campus Executive Officer shall prepare the legislative budget  
14 request in accordance with guidelines established by the State  
15 Board of Education. This request must include items for campus  
16 operations and fixed capital outlay.

17 (b) Approve and submit an annual operating plan and  
18 budget for review and consultation by the Board of Trustees of  
19 the University of South Florida. The campus operating budget  
20 must reflect the actual funding available to that campus from  
21 separate line-item appropriations contained in each annual  
22 General Appropriations Act, which line-item appropriations  
23 must initially reflect the funds reported to the Legislature  
24 for the University of South Florida Sarasota/Manatee campus  
25 for fiscal year 2000-2001 and any additional funds provided in  
26 the fiscal year 2001-2002 legislative appropriation.

27 (c) Enter into central support services contracts with  
28 the Board of Trustees of the University of South Florida for  
29 any services that the campus at Sarasota/Manatee cannot  
30 provide more economically, including payroll processing,  
31 accounting, technology, construction administration, and other

1 desired services. However, all legal services for the campus  
2 must be provided by a central services contract with the  
3 university. The Board of Trustees of the University of South  
4 Florida and the Campus Board shall determine in a letter of  
5 agreement any allocation or sharing of student fee revenue  
6 between the University of South Florida's main campus and the  
7 Sarasota/Manatee campus.

8  
9 The Board of Trustees of the University of South Florida may  
10 lawfully delegate other powers and duties to the Campus Board  
11 for the efficient operation and improvement of the campus and  
12 for the purpose of vesting in the campus the attributes  
13 necessary to meet the requirements for separate accreditation  
14 by the Southern Association of Colleges and Schools.

15 (3) The University of South Florida Sarasota/Manatee  
16 shall be administered by a Campus Executive Officer who shall  
17 be appointed by, report directly to, and serve at the pleasure  
18 of the President of the University of South Florida. The  
19 President shall consult with the Campus Board before hiring or  
20 terminating the Campus Executive Officer. The Campus Executive  
21 Officer has authority and responsibility as provided in law,  
22 including the authority to:

23 (a) Administer campus operations within the annual  
24 operating budget as approved by the Campus Board.

25 (b) Recommend to the Campus Board an annual  
26 legislative budget request that includes funding for campus  
27 operations and fixed capital outlay.

28 (c) Recommend to the Campus Board an annual campus  
29 operating budget.

30  
31

1           (d) Recommend to the Campus Board appropriate services  
2 and terms and conditions to be included in annual central  
3 support services contracts.

4           (e) Carry out any additional responsibilities assigned  
5 or delegated by the President of the University of South  
6 Florida for the efficient operation and improvement of the  
7 campus, especially any authority necessary for the purpose of  
8 vesting in the campus attributes necessary to meet the  
9 requirements for separate accreditation.

10           (4) Students enrolled at the University of South  
11 Florida, including those enrolled at a branch campus, have the  
12 same rights and obligations as provided by law, policy, or  
13 rule adopted by the University of South Florida, the Florida  
14 Department of Education, or other lawful entity. The  
15 University of South Florida shall provide a comprehensive and  
16 coordinated system of student registration so that a student  
17 enrolled at any campus of the University of South Florida has  
18 the ability to register for courses at any other campus of the  
19 University of South Florida.

20           (5) Promote technology transfer between the research  
21 operations of the University of South Florida and local  
22 economic development agencies.

23           Section 179. Section 1004.35, Florida Statutes, is  
24 created to read:

25           1004.35 Broward County campuses of Florida Atlantic  
26 University; coordination with other institutions.--The State  
27 Board of Education and Florida Atlantic University shall  
28 consult with Broward Community College and Florida  
29 International University in coordinating course offerings at  
30 the postsecondary level in Broward County. Florida Atlantic  
31 University may contract with the Board of Trustees of Broward

1 Community College and with Florida International University to  
2 provide instruction in courses offered at the Southeast  
3 Campus. Florida Atlantic University shall increase course  
4 offerings at the Southeast Campus as facilities become  
5 available.

6 Section 180. Section 1004.36, Florida Statutes, is  
7 created to read:

8 1004.36 Florida Atlantic University campuses.--

9 (1) The Broward County campuses of Florida Atlantic  
10 University are hereby established as a partner of the Florida  
11 Atlantic University campus in Boca Raton. The Broward County  
12 campuses of Florida Atlantic University shall be known as  
13 "Florida Atlantic University Broward." The Boca Raton campuses  
14 of Florida Atlantic University shall be known as "Florida  
15 Atlantic University Boca Raton." The office of the president  
16 shall be at the campus in Boca Raton.

17 (2) Florida Atlantic University shall develop and  
18 administer a separate budget for Florida Atlantic University  
19 Broward. The budget shall include, at a minimum, an allocation  
20 of those operating and capital outlay funds appropriated  
21 annually by the Legislature in the General Appropriations Act  
22 for the Broward campuses; a proportional share, based on  
23 student credit hours produced at the Broward campuses, of any  
24 allocations received by the university from student tuition  
25 and out of state fees, except for athletic fees, specifically  
26 authorized by law; all overhead charges from sponsored  
27 research conducted on the Broward campuses; and all revenues  
28 derived from vending funds, auxiliary enterprises and  
29 contracts, and grants and donations, as authorized by s.  
30 1011.91, which result from activities on Broward campuses.  
31 Florida Atlantic University Broward and Florida Atlantic

1 University Boca Raton may pay reasonable charges to  
2 appropriate levels of administration of Florida Atlantic  
3 University for services delivered universitywide.

4 (3) The Florida Atlantic University Board of Trustees  
5 shall take all actions necessary to assure that Florida  
6 Atlantic University Broward and Florida Atlantic University  
7 Boca Raton are partners in the overall policymaking and  
8 academic governance structures of the university. Annual  
9 legislative budget requests for operations and facilities  
10 shall separately identify those funds requested for Florida  
11 Atlantic University Broward and Florida Atlantic University  
12 Boca Raton. Florida Atlantic University Broward and Florida  
13 Atlantic University Boca Raton shall have local management  
14 authority over their campus faculty, staff, and programs, but  
15 there shall be universitywide standards and processes for  
16 evaluating requests for promotion and tenure; there shall be  
17 complete transferability of credits and uniform programs  
18 across campuses; and colleges operating on multiple campuses  
19 shall have only one dean for each college. Florida Atlantic  
20 University Broward shall establish a faculty senate and may  
21 establish a direct-support organization. Any such  
22 direct-support organization shall be subject to s. 1004.28(5).

23 (4) The State Board of Education, as a function of  
24 each board's comprehensive master planning process, shall  
25 continue to evaluate the need for undergraduate programs in  
26 Broward County and shall assess the extent to which existing  
27 postsecondary programs are addressing those needs.

28 Section 181. Section 1004.37, Florida Statutes, is  
29 created to read:  
30  
31



1           1004.37 County or area extension programs; cooperation  
2 between counties and University of Florida and Florida  
3 Agricultural and Mechanical University.--

4           (1) The Florida Cooperative Extension Service is  
5 administered through the University of Florida and is  
6 supported programmatically by the University of Florida and  
7 Florida Agricultural and Mechanical University in  
8 collaboration with individual county governments. County or  
9 area extension programs will be developed, based on local  
10 situations, needs, and problems, supported by scientific and  
11 technical information developed by the University of Florida,  
12 Florida Agricultural and Mechanical University, the United  
13 States Department of Agriculture, and other sources of  
14 research information. This information will be made available  
15 through the local program, with the aid of research scientists  
16 and extension specialists of the University of Florida  
17 Institute of Food and Agricultural Sciences and Florida  
18 Agricultural and Mechanical University.

19           (2) In each county or other geographic subdivision the  
20 board of county commissioners or other legally constituted  
21 governing body will annually determine the extent of its  
22 financial participation in cooperative extension work. The  
23 extent of such financial participation by the counties will  
24 influence the number of county extension agents and clerical  
25 staff employed and the scope of the local extension program.

26           (3) Boards of county commissioners or other legally  
27 constituted governing bodies will approve or disapprove of  
28 persons recommended for extension positions in the county. If  
29 the governing body of the county notifies the extension  
30 service by resolution that it wants a list of three qualified  
31 candidates, then the extension service shall, for each

1 position, make its recommendation by submitting a list of not  
2 fewer than three qualified persons, or all qualified persons  
3 if three or fewer. From this list, the board of county  
4 commissioners, or other legally constituted governing body,  
5 shall make its selection. If none of the persons recommended  
6 are approved, the extension service shall continue to submit  
7 lists of not fewer than three additional qualified persons  
8 until one person is selected. If the governing body of the  
9 county does not forward such a resolution to the extension  
10 service, the extension service shall recommend one qualified  
11 candidate to the governing body. If a person recommended is  
12 not approved, the extension service shall recommend another  
13 qualified candidate and shall repeat this procedure as  
14 necessary until one person is selected. Extension agents so  
15 appointed will be staff members of the University of Florida  
16 or Florida Agricultural and Mechanical University, depending  
17 on the source of funds. It is the responsibility of the  
18 cooperative extension service to determine qualifications for  
19 positions.

20 (4) Although county extension agents are jointly  
21 employed by the state universities and federal and county  
22 governments for the purposes of administration of the  
23 cooperative extension service, the personnel policies and  
24 procedures of the University of Florida or Florida  
25 Agricultural and Mechanical University, depending on  
26 appointment, will apply except in those instances when federal  
27 legislation or the basic memorandum of understanding is  
28 applicable.

29 (5) The University of Florida will provide county  
30 extension personnel in the county with supervision and  
31 resources for planning and programming and is responsible for

1 the programming process. The Florida Cooperative Extension  
2 Service will make available needed program materials to the  
3 extension agents through the subject matter specialists or  
4 through other resource persons available from within the  
5 university. It will be responsible for maintaining a high  
6 level of technical competence in the county extension staff  
7 through a continuous program of inservice training.

8 (6) The county extension director will report  
9 periodically to the board of county commissioners or other  
10 legally constituted governing body on programs underway and  
11 results in the county. Each board of county commissioners or  
12 other legally constituted governing body will develop a plan  
13 which will enable it to be kept informed on the progress and  
14 results of the local extension program so that its own  
15 knowledge of program needs and problems may become a part of  
16 the educational work carried on by the agents. Such plan shall  
17 provide for a means of communicating the board's satisfaction  
18 with the extension program to the county extension director  
19 and the cooperative extension service.

20 Section 182. Section 1004.38, Florida Statutes, is  
21 created to read:

22 1004.38 Master of science program in speech-language  
23 pathology; Florida International University.--A master of  
24 science degree program in speech-language pathology is hereby  
25 authorized at Florida International University.

26 Section 183. Section 1004.39, Florida Statutes, is  
27 created to read:

28 1004.39 College of law at Florida International  
29 University.--

30 (1) A college of law is authorized at Florida  
31 International University.

1           (2) The college of law at Florida International  
2 University must be operated in compliance with the standards  
3 approved by nationally recognized associations for accredited  
4 colleges of law.

5           (3) The college of law at Florida International  
6 University, to the extent consistent with the standards  
7 required by the American Bar Association or any other  
8 nationally recognized association for the accreditation of  
9 colleges of law, shall develop a law library collection  
10 utilizing electronic formats and mediums.

11           (4) The college of law at Florida International  
12 University shall develop and institute a program that is  
13 consistent with sound legal education principles as determined  
14 by the American Bar Association or any other nationally  
15 recognized association for the accreditation of colleges of  
16 law and that, to the extent consistent with such sound legal  
17 education principles, is structured to serve the legal needs  
18 of traditionally underserved portions of the population by  
19 providing an opportunity for participation in a legal clinic  
20 program or pro bono legal service.

21           (5) The Florida International University Board of  
22 Trustees shall commence the planning of a college of law at  
23 Florida International University. In planning the college of  
24 law, the Florida International University Board of Trustees  
25 and the State Board of Education may accept grants, donations,  
26 gifts, and moneys available for this purpose, including moneys  
27 for planning and constructing the college. The Florida  
28 International University Board of Trustees may procure and  
29 accept any federal funds that are available for the planning,  
30 creation, and establishment of the college of law. Classes  
31 must commence by the fall semester 2003. If the American Bar

1 Association or any other nationally recognized association for  
2 the accreditation of colleges of law issues a third  
3 disapproval of an application for provisional approval or for  
4 full approval or fails to grant, within 5 years following the  
5 graduation of the first class, a provisional approval, to the  
6 college of law at Florida International University, the State  
7 Board of Education shall make recommendations to the Governor  
8 and the Legislature as to whether the college of law will  
9 cease operations at the end of the full academic year  
10 subsequent to the receipt by the college of law of any such  
11 third disapproval, or whether the college of law will continue  
12 operations and any conditions for continued operations. If the  
13 college of law ceases operations pursuant to this section, the  
14 following conditions apply:

15       (a) The authority for the college of law at Florida  
16 International University and the authority of the Florida  
17 International University Board of Trustees and the State Board  
18 of Education provided in this section shall terminate upon the  
19 cessation of operations of the college of law at Florida  
20 International University. The college of law at Florida  
21 International University shall receive no moneys allocated for  
22 the planning, construction, or operation of the college of law  
23 after its cessation of operations other than moneys to be  
24 expended for the cessation of operations of the college of  
25 law. Any moneys allocated to the college of law at Florida  
26 International University not expended prior to or scheduled to  
27 be expended after the date of the cessation of the college of  
28 law shall be appropriated for other use by the Legislature of  
29 the State of Florida.

30       (b) Any buildings of the college of law at Florida  
31 International University constructed from the expenditure of

1 capital outlay funds appropriated by the Legislature shall be  
2 owned by the Board of Trustees of the Internal Improvement  
3 Trust Fund and managed by the Florida International University  
4 Board of Trustees upon the cessation of the college of law.

5  
6 Nothing in this section shall undermine commitments to current  
7 students receiving support as of the date of the enactment of  
8 this section from the law school scholarship program of the  
9 Florida Education Fund as provided in s. 1009.70(8). Students  
10 attending the college of law at Florida International  
11 University shall be eligible for financial, academic, or other  
12 support from the Florida Education Fund as provided in s.  
13 1009.70(8) without the college's obtaining accreditation by  
14 the American Bar Association.

15 (6) The college of law at Florida International  
16 University shall be dedicated to providing opportunities for  
17 minorities to attain representation within the legal  
18 profession proportionate to their representation in the  
19 general population; however, the college of law shall not  
20 include preferences in the admissions process for applicants  
21 on the basis of race, national origin, or sex.

22 Section 184. Section 1004.40, Florida Statutes, is  
23 created to read:

24 1004.40 College of law at Florida Agricultural and  
25 Mechanical University.--

26 (1) A college of law is authorized at Florida  
27 Agricultural and Mechanical University.

28 (2) The college of law at Florida Agricultural and  
29 Mechanical University must be operated in compliance with the  
30 standards approved by nationally recognized associations for  
31 accredited colleges of law.

1           (3) The college of law at Florida Agricultural and  
2 Mechanical University, to the extent consistent with the  
3 standards required by the American Bar Association or any  
4 other nationally recognized association for the accreditation  
5 of colleges of law, shall develop a law library collection  
6 utilizing electronic formats and mediums.

7           (4) The college of law at Florida Agricultural and  
8 Mechanical University shall develop and institute a program  
9 that is consistent with sound legal education principles as  
10 determined by the American Bar Association or any other  
11 nationally recognized association for the accreditation of  
12 colleges of law and that, to the extent consistent with such  
13 sound legal education principles, is structured to serve the  
14 legal needs of traditionally underserved portions of the  
15 population by providing an opportunity for participation in a  
16 legal clinic program or pro bono legal service.

17           (5) The Florida Agricultural and Mechanical University  
18 Board of Trustees shall commence the planning of a college of  
19 law under the auspices of Florida Agricultural and Mechanical  
20 University to be located in the I-4 corridor area. In planning  
21 the college of law, the Florida Agricultural and Mechanical  
22 University Board of Trustees and the State Board of Education  
23 may accept grants, donations, gifts, and moneys available for  
24 this purpose, including moneys for planning and constructing  
25 the college. The Florida Agricultural and Mechanical  
26 University Board of Trustees may procure and accept any  
27 federal funds that are available for the planning, creation,  
28 and establishment of the college of law. Classes must commence  
29 by the fall semester 2003. If the American Bar Association or  
30 any other nationally recognized association for the  
31 accreditation of colleges of law issues a third disapproval of

1 an application for provisional approval or for full approval  
2 or fails to grant, within 5 years following the graduation of  
3 the first class, a provisional approval, to the college of law  
4 at Florida Agricultural and Mechanical University, the State  
5 Board of Education shall make recommendations to the Governor  
6 and Legislature as to whether the college of law will cease  
7 operations at the end of the full academic year subsequent to  
8 the receipt by the college of law of any such third  
9 disapproval, or whether the college of law will continue  
10 operations and any conditions for continued operations. If the  
11 college of law ceases operations of the college of law  
12 pursuant to this section, the following conditions apply:

13 (a) The authority for the college of law at Florida  
14 Agricultural and Mechanical University and the authority of  
15 the Florida Agricultural and Mechanical University Board of  
16 Trustees and the State Board of Education provided in this  
17 section shall terminate upon the cessation of operations of  
18 the college of law at Florida Agricultural and Mechanical  
19 University. The college of law at Florida Agricultural and  
20 Mechanical University shall receive no moneys allocated for  
21 the planning, construction, or operation of the college of law  
22 after its cessation of operations other than moneys to be  
23 expended for the cessation of operations of the college of  
24 law. Any moneys allocated to the college of law at Florida  
25 Agricultural and Mechanical University not expended prior to  
26 or scheduled to be expended after the date of the cessation of  
27 the college of law shall be appropriated for other use by the  
28 Legislature of the State of Florida.

29 (b) Any buildings of the college of law at Florida  
30 Agricultural and Mechanical University constructed from the  
31 expenditure of capital outlay funds appropriated by the



1 Legislature shall be owned by the Board of Trustees of the  
2 Internal Improvement Trust Fund and managed by the Florida  
3 Agricultural and Mechanical University Board of Trustees upon  
4 the cessation of the college of law.

5  
6 Nothing in this section shall undermine commitments to current  
7 students receiving support as of the date of the enactment of  
8 this section from the law school scholarship program of the  
9 Florida Education Fund as provided in s. 1009.70(8). Students  
10 attending the college of law at Florida Agricultural and  
11 Mechanical University shall be eligible for financial,  
12 academic, or other support from the Florida Education Fund as  
13 provided in s. 1009.70(8) without the college's obtaining  
14 accreditation by the American Bar Association.

15 (6) The college of law at Florida Agricultural and  
16 Mechanical University shall be dedicated to providing  
17 opportunities for minorities to attain representation within  
18 the legal profession proportionate to their representation in  
19 the general population; however, the college of law shall not  
20 include preferences in the admissions process for applicants  
21 on the basis of race, national origin, or sex.

22 Section 185. Section 1004.41, Florida Statutes, is  
23 created to read:

24 1004.41 University of Florida; J. Hillis Miller Health  
25 Center.--

26 (1) There is established the J. Hillis Miller Health  
27 Center at the University of Florida, including campuses at  
28 Gainesville and Jacksonville and affiliated teaching  
29 hospitals, which shall include the following colleges:

30 (a) College of Dentistry.

31 (b) College of Health Professions.

1           (c) College of Medicine.

2           (d) College of Nursing.

3           (e) College of Pharmacy.

4           (f) College of Veterinary Medicine and related  
5 teaching hospitals.

6           (2) Each college of the health center shall be so  
7 maintained and operated as to comply with the standards  
8 approved by a nationally recognized association for  
9 accreditation.

10           (3)(a) The University of Florida Health Center  
11 Operations and Maintenance Trust Fund shall be administered by  
12 the University of Florida Board of Trustees. Funds shall be  
13 credited to the trust fund from the sale of goods and services  
14 performed by the University of Florida Veterinary Medicine  
15 Teaching Hospital. The purpose of the trust fund is to support  
16 the instruction, research, and service missions of the  
17 University of Florida College of Veterinary Medicine.

18           (b) Notwithstanding the provisions of s. 216.301, and  
19 pursuant to s. 216.351, any balance in the trust fund at the  
20 end of any fiscal year shall remain in the trust fund and  
21 shall be available for carrying out the purposes of the trust  
22 fund.

23           (4)(a) The University of Florida Board of Trustees  
24 shall lease the hospital facilities of the health center,  
25 known as the Shands Teaching Hospital and Clinics on the  
26 campus of the University of Florida and all furnishings,  
27 equipment, and other chattels or choses in action used in the  
28 operation of the hospital, to a private not-for-profit  
29 corporation organized solely for the purpose of operating the  
30 hospital and ancillary health care facilities of the health  
31 center and other health care facilities and programs

1 determined to be necessary by the board of the nonprofit  
2 corporation. The rental for the hospital facilities shall be  
3 an amount equal to the debt service on bonds or revenue  
4 certificates issued solely for capital improvements to the  
5 hospital facilities or as otherwise provided by law.

6 (b) The University of Florida Board of Trustees shall  
7 provide in the lease or by separate contract or agreement with  
8 the not-for-profit corporation for the following:

9 1. Approval of the articles of incorporation of the  
10 not-for-profit corporation by the University of Florida Board  
11 of Trustees and the governance of the not-for-profit  
12 corporation by a board of directors appointed and chaired by  
13 the President of the University of Florida and vice-chaired by  
14 the Vice President for Health Affairs of the University of  
15 Florida.

16 2. The use of hospital facilities and personnel in  
17 support of the research programs and of the teaching role of  
18 the health center.

19 3. The continued recognition of the collective  
20 bargaining units and collective bargaining agreements as  
21 currently composed and recognition of the certified labor  
22 organizations representing those units and agreements.

23 4. The use of hospital facilities and personnel in  
24 connection with research programs conducted by the health  
25 center.

26 5. Reimbursement to the hospital for indigent  
27 patients, state-mandated programs, underfunded state programs,  
28 and costs to the hospital for support of the teaching and  
29 research programs of the health center. Such reimbursement  
30 shall be appropriated to either the health center or the  
31

1 hospital each year by the Legislature after review and  
2 approval of the request for funds.

3 (c) The University of Florida Board of Trustees may,  
4 with the approval of the Legislature, increase the hospital  
5 facilities or remodel or renovate them, provided that the  
6 rental paid by the hospital for such new, remodeled, or  
7 renovated facilities is sufficient to amortize the costs  
8 thereof over a reasonable period of time or fund the debt  
9 service for any bonds or revenue certificates issued to  
10 finance such improvements.

11 (d) The University of Florida Board of Trustees is  
12 authorized to provide to the not-for-profit corporation  
13 leasing the hospital facilities and its not-for-profit  
14 subsidiaries comprehensive general liability insurance  
15 including professional liability from a self-insurance trust  
16 program established pursuant to s. 1004.24.

17 (e) In the event that the lease of the hospital  
18 facilities to the not-for-profit corporation is terminated for  
19 any reason, the University of Florida Board of Trustees shall  
20 resume management and operation of the hospital facilities.  
21 In such event, the Administration Commission is authorized to  
22 appropriate revenues generated from the operation of the  
23 hospital facilities to the University of Florida Board of  
24 Trustees to pay the costs and expenses of operating the  
25 hospital facility for the remainder of the fiscal year in  
26 which such termination occurs.

27 (f) The University of Florida Board of Trustees is  
28 authorized to provide to Shands Jacksonville Healthcare, Inc.,  
29 and its not-for-profit subsidiaries and affiliates and any  
30 successor corporation that acts in support of the board of  
31 trustees, comprehensive general liability coverage, including

1 professional liability, from the self-insurance programs  
2 established pursuant to s. 1004.24.

3 Section 186. Section 1004.42, Florida Statutes, is  
4 created to read:

5 1004.42 Florida State University College of  
6 Medicine.--

7 (1) CREATION.--There is hereby established a 4-year  
8 allopathic medical school within the Florida State University,  
9 to be known as the Florida State University College of  
10 Medicine, with a principal focus on recruiting and training  
11 medical professionals to meet the primary health care needs of  
12 the state, especially the needs of the state's elderly, rural,  
13 minority, and other underserved citizens.

14 (2) LEGISLATIVE INTENT.--It is the intent of the  
15 Legislature that the Florida State University College of  
16 Medicine represent a new model for the training of allopathic  
17 physician healers for the citizens of the state. In accordance  
18 with this intent, the governing philosophy of the College of  
19 Medicine should include the training of students, in a humane  
20 environment, in the scientific, clinical, and behavioral  
21 practices required to deliver patient-centered health care.  
22 Key components of the College of Medicine, which would build  
23 on the foundation of the 30-year-old Florida State University  
24 Program in Medical Sciences (PIMS), would include: admission  
25 of diverse types of students who possess good communication  
26 skills and are compassionate individuals, representative of  
27 the population of the state; basic and behavioral sciences  
28 training utilizing medical problem-based teaching; and  
29 clinical training at several dispersed sites throughout the  
30 state in existing community hospitals, clinics, and doctors'  
31 offices. The Legislature further intends that study of the

1 aging human be a continuing focus throughout the 4-year  
2 curriculum and that use of information technology be a key  
3 component of all parts of the educational program.

4 (3) PURPOSE.--The College of Medicine shall be  
5 dedicated to: preparing physicians to practice primary care,  
6 geriatric, and rural medicine, to make appropriate use of  
7 emerging technologies, and to function successfully in a  
8 rapidly changing health care environment; advancing knowledge  
9 in the applied biomedical and behavioral sciences, geriatric  
10 research, autism, cancer, and chronic diseases; training  
11 future scientists to assume leadership in health care delivery  
12 and academic medicine; and providing access to medical  
13 education for groups which are underrepresented in the medical  
14 profession.

15 (4) TRANSITION; ORGANIZATIONAL STRUCTURE; ADMISSIONS  
16 PROCESS.--The General Appropriations Act for fiscal year  
17 1999-2000 included initial funding for facilities and  
18 operations to provide a transition from the Program in Medical  
19 Sciences (PIMS) to a College of Medicine at the Florida State  
20 University. For transitional purposes, the Program in Medical  
21 Sciences (PIMS) in the College of Arts and Sciences at the  
22 Florida State University shall be reorganized and  
23 restructured, as soon as practicable, as the Institute of  
24 Human Medical Sciences. At such time as the 4-year educational  
25 program development is underway and a sufficient number of  
26 basic and behavioral sciences and clinical faculty are  
27 recruited, the Institute of Human Medical Sciences shall  
28 evolve into the Florida State University College of Medicine,  
29 with appropriate departments. The current admissions procedure  
30 utilized by the Program in Medical Sciences (PIMS) shall  
31 provide the basis for the design of an admissions process for

1 the College of Medicine, with selection criteria that focus on  
2 identifying future primary care physicians who have  
3 demonstrated interest in serving underserved areas. Enrollment  
4 levels at the College of Medicine are planned to not exceed  
5 120 students per class, and shall be phased in from 30  
6 students in the Program in Medical Sciences (PIMS), to 40  
7 students admitted to the College of Medicine as the charter  
8 class in Fall 2001, and 20 additional students admitted to the  
9 College of Medicine in each class thereafter until the maximum  
10 class size is reached.

11 (5) PARTNER ORGANIZATIONS FOR CLINICAL INSTRUCTION;  
12 GRADUATE PROGRAMS.--To provide broad-based clinical  
13 instruction in both rural and urban settings for students in  
14 the community-based medical education program, the College of  
15 Medicine, through creation of nonprofit corporations, shall  
16 seek affiliation agreements with health care systems and  
17 organizations, local hospitals, medical schools, and military  
18 health care facilities in the following targeted communities:  
19 Pensacola, Tallahassee, Orlando, Sarasota, Jacksonville, and  
20 the rural areas of the state. Selected hospitals in the target  
21 communities include, but are not limited to, the following:

- 22 (a) Baptist Health Care in Pensacola.  
23 (b) Sacred Heart Health System in Pensacola.  
24 (c) West Florida Regional Medical Center in Pensacola.  
25 (d) Tallahassee Memorial Healthcare in Tallahassee.  
26 (e) Florida Hospital Health System in Orlando.  
27 (f) Sarasota Memorial Health Care System in Sarasota.  
28 (g) Mayo Clinic in Jacksonville.  
29 (h) Lee Memorial Health System, Inc., in Fort Myers.  
30 (i) Rural hospitals in the state.  
31

1 The College of Medicine shall also explore all alternatives  
2 for cooperation with established graduate medical education  
3 programs in the state to develop a plan to retain its  
4 graduates in residency programs in Florida. To this end, the  
5 Florida State University is directed to submit to the  
6 Legislature, no later than November 30, 2001, a plan to  
7 increase opportunities for Florida medical school graduates to  
8 enter graduate medical education programs, including  
9 residencies, in the state.

10 (6) ACCREDITATION.--The College of Medicine shall  
11 develop a program which conforms to the accreditation  
12 standards of the Liaison Committee on Medical Education  
13 (LCME).

14 (7) CURRICULA; CLINICAL ROTATION TRAINING SITES.--

15 (a) The preclinical curriculum shall draw on the  
16 Florida State University's Program in Medical Sciences (PIMS)  
17 experience and national trends in basic and behavioral  
18 sciences instruction, including use of technology for  
19 distributed and distance learning. First-year instruction  
20 shall include a lecture mode and problem-based learning. In  
21 the second year, a small-group, problem-based learning  
22 approach shall provide more advanced treatment of each  
23 academic subject in a patient-centered context. Various  
24 short-term clinical exposures shall be programmed throughout  
25 the preclinical years, including rural, geriatric, and  
26 minority health, and contemporary practice patterns in these  
27 areas.

28 (b) During the third and fourth years, the curriculum  
29 shall follow a distributed, community-based model with a  
30 special focus on rural health. Subgroups of students shall be  
31



1 assigned to clinical rotation training sites in local  
2 communities in roughly equal numbers, as follows:  
3       1. Group 1 - Tallahassee.  
4       2. Group 2 - Pensacola.  
5       3. Group 3 - Orlando.  
6       4. Group 4 - Sarasota.  
7       5. Group 5 - Jacksonville.  
8       6. Group 6 - To be determined prior to 2005, based on  
9 emerging state needs.  
10       7. Group 7 - Rural Physician Associate Program (RPAP).  
11       (8) MEDICAL NEEDS OF THE ELDERLY.--The College of  
12 Medicine shall develop a comprehensive program to ensure  
13 training in the medical needs of the elderly and incorporate  
14 principles embodied in the curriculum guidelines of the  
15 American Geriatric Society. The College of Medicine shall  
16 have as one of its primary missions the improvement of medical  
17 education for physicians who will treat elder citizens. To  
18 accomplish this mission, the College of Medicine shall  
19 establish an academic leadership position in geriatrics,  
20 create an external elder care advisory committee, and  
21 implement an extensive faculty development plan. For student  
22 recruitment purposes, the current Program in Medical Sciences  
23 (PIMS) selection criteria shall be expanded to include  
24 consideration of students who have expressed an interest in  
25 elder care and who have demonstrated, through life choices, a  
26 commitment to serve older persons.  
27       (9) MEDICAL NEEDS OF UNDERSERVED AREAS.--To address  
28 the medical needs of the state's rural and underserved  
29 populations, the College of Medicine shall develop a  
30 Department of Family Medicine with a significant rural  
31 training track that provides students with early and frequent

1 clinical experiences in community-based settings to train and  
2 produce highly skilled primary care physicians. The College  
3 of Medicine shall consider developing new, rural-based family  
4 practice clinical training programs and shall establish a  
5 partnership with the West Florida Area Health Education Center  
6 to assist in developing partnerships and programs to provide  
7 incentives and support for physicians to practice in primary  
8 care, geriatric, and rural medicine in underserved areas of  
9 the state.

10 (10) INCREASING PARTICIPATION OF UNDERREPRESENTED  
11 GROUPS.--To increase the participation of underrepresented  
12 groups and socially and economically disadvantaged youth in  
13 science and medical programs, the College of Medicine shall  
14 continue the outreach efforts of the Program in Medical  
15 Sciences (PIMS) to middle and high school minority students,  
16 including the Science Students Together Reaching Instructional  
17 Diversity and Excellence (SSTRIDE), and shall build an  
18 endowment income to support recruitment programs and  
19 scholarship and financial aid packages for these students. To  
20 develop a base of qualified potential medical school  
21 candidates from underrepresented groups, the College of  
22 Medicine shall coordinate with the undergraduate premedical  
23 and science programs currently offered at the Florida State  
24 University, develop relationships with potential feeder  
25 institutions, including 4-year institutions and community  
26 colleges, and pursue grant funds to support programs, as well  
27 as support scholarship and financial aid packages. The College  
28 of Medicine shall develop plans for a postbaccalaureate,  
29 1-year academic program that provides a second chance to a  
30 limited number of students per year who have been declined  
31 medical school admission, who are state residents, and who

1 meet established criteria as socially and economically  
2 disadvantaged. The College of Medicine shall make every  
3 effort, through recruitment and retention, to employ a faculty  
4 and support staff that reflect the heterogeneous nature of the  
5 state's general population.

6 (11) TECHNOLOGY.--To create technology-rich learning  
7 environments, the College of Medicine shall build on the  
8 considerable infrastructure that already supports the many  
9 technology resources of the Florida State University and shall  
10 expand the infrastructure to conduct an effective medical  
11 education program, including connectivity between the main  
12 campus, community-based training locations, and rural clinic  
13 locations. Additional technology programs shall include  
14 extensive professional development opportunities for faculty;  
15 an on-line library of academic and medical resources for  
16 students, faculty, and community preceptors; and  
17 technology-sharing agreements with other medical schools to  
18 allow for the exchange of technology applications among  
19 medical school faculty for the purpose of enhancing medical  
20 education. The College of Medicine shall explore the  
21 opportunities afforded by Mayo Clinic in Jacksonville through  
22 clerkships, visiting professors or lectures through the  
23 existing telecommunications systems, and collaboration in  
24 research activities at the Mayo Clinic's Jacksonville campus.

25 (12) ADMINISTRATION; FACULTY.--Each of the major  
26 community-based clinical rotation training sites described in  
27 subsection (7) shall have a community dean and a student  
28 affairs/administrative officer. Teaching faculty for the  
29 community-based clinical training component shall be community  
30 physicians serving part-time appointments. Sixty faculty  
31 members shall be recruited to serve in the basic and

1 behavioral sciences department. The College of Medicine shall  
2 have a small core staff of on-campus, full-time faculty and  
3 administrators at the Florida State University, including a  
4 dean, a senior associate dean for educational programs, an  
5 associate dean for clinical education, a chief  
6 financial/administrative officer, an admissions/student  
7 affairs officer, an instructional resources coordinator, a  
8 coordinator for graduate and continuing medical education, and  
9 several mission focus coordinators.

10 (13) COLLABORATION WITH OTHER PROFESSIONALS.--To  
11 provide students with the skills, knowledge, and values needed  
12 to practice medicine in the evolving national system of health  
13 care delivery, the College of Medicine shall fully integrate  
14 modern health care delivery concepts into its curriculum. For  
15 this purpose, the College of Medicine shall develop a  
16 partnership with one or more health care organizations in the  
17 state and shall recruit faculty with strong health care  
18 delivery competencies. Faculty from other disciplines at the  
19 Florida State University shall be utilized to develop  
20 team-based approaches to core competencies in the delivery of  
21 health care.

22 (14) INDEMNIFICATION FROM LIABILITY.--This section  
23 shall be construed to authorize the Florida State University  
24 Board of Trustees to negotiate and purchase policies of  
25 insurance to indemnify from any liability those individuals or  
26 entities providing sponsorship or training to the students of  
27 the medical school, professionals employed by the medical  
28 school, and students of the medical school.

29 Section 187. Section 1004.43, Florida Statutes, is  
30 created to read:  
31

1           1004.43 H. Lee Moffitt Cancer Center and Research  
2 Institute.--There is established the H. Lee Moffitt Cancer  
3 Center and Research Institute at the University of South  
4 Florida.

5           (1) The State Board of Education shall enter into an  
6 agreement for the utilization of the facilities on the campus  
7 of the University of South Florida to be known as the H. Lee  
8 Moffitt Cancer Center and Research Institute, including all  
9 furnishings, equipment, and other chattels used in the  
10 operation of said facilities, with a Florida not-for-profit  
11 corporation organized solely for the purpose of governing and  
12 operating the H. Lee Moffitt Cancer Center and Research  
13 Institute. This not-for-profit corporation, acting as an  
14 instrumentality of the State of Florida, shall govern and  
15 operate the H. Lee Moffitt Cancer Center and Research  
16 Institute in accordance with the terms of the agreement  
17 between the State Board of Education and the not-for-profit  
18 corporation. The not-for-profit corporation may, with the  
19 prior approval of the State Board of Education, create  
20 not-for-profit corporate subsidiaries to fulfill its mission.  
21 The not-for-profit corporation and its subsidiaries are  
22 authorized to receive, hold, invest, and administer property  
23 and any moneys received from private, local, state, and  
24 federal sources, as well as technical and professional income  
25 generated or derived from practice activities of the  
26 institute, for the benefit of the institute and the  
27 fulfillment of its mission. The affairs of the corporation  
28 shall be managed by a board of directors who shall serve  
29 without compensation. The President of the University of  
30 South Florida and the chair of the State Board of Education,  
31 or his or her designee, shall be directors of the

1 not-for-profit corporation, together with 5 representatives of  
2 the state universities and no more than 14 nor fewer than 10  
3 directors who are not medical doctors or state employees.  
4 Each director shall have only one vote, shall serve a term of  
5 3 years, and may be reelected to the board. Other than the  
6 President of the University of South Florida and the chair of  
7 the State Board of Education, directors shall be elected by a  
8 majority vote of the board. The chair of the board of  
9 directors shall be selected by majority vote of the directors.  
10 (2) The State Board of Education shall provide in the  
11 agreement with the not-for-profit corporation for the  
12 following:  
13 (a) Approval of the articles of incorporation of the  
14 not-for-profit corporation by the State Board of Education.  
15 (b) Approval of the articles of incorporation of any  
16 not-for-profit corporate subsidiary created by the  
17 not-for-profit corporation.  
18 (c) Utilization of hospital facilities and personnel  
19 by the not-for-profit corporation and its subsidiaries for  
20 mutually approved teaching and research programs conducted by  
21 the University of South Florida or other accredited medical  
22 schools or research institutes.  
23 (d) Preparation of an annual postaudit of the  
24 not-for-profit corporation's financial accounts and the  
25 financial accounts of any subsidiaries to be conducted by an  
26 independent certified public accountant. The annual audit  
27 report shall include management letters and shall be submitted  
28 to the Auditor General and the State Board of Education for  
29 review. The State Board of Education, the Auditor General,  
30 and the Office of Program Policy Analysis and Government  
31 Accountability shall have the authority to require and receive

1 from the not-for-profit corporation and any subsidiaries or  
2 from their independent auditor any detail or supplemental data  
3 relative to the operation of the not-for-profit corporation or  
4 subsidiary.

5 (e) Provision by the not-for-profit corporation and  
6 its subsidiaries of equal employment opportunities to all  
7 persons regardless of race, color, religion, sex, age, or  
8 national origin.

9 (3) The State Board of Education is authorized to  
10 secure comprehensive general liability protection, including  
11 professional liability protection, for the not-for-profit  
12 corporation and its subsidiaries pursuant to s. 1004.24.

13 (4) In the event that the agreement between the  
14 not-for-profit corporation and the State Board of Education is  
15 terminated for any reason, the State Board of Education shall  
16 resume governance and operation of said facilities.

17 (5) The institute shall be administered by a chief  
18 executive officer who shall serve at the pleasure of the board  
19 of directors of the not-for-profit corporation and who shall  
20 have the following powers and duties subject to the approval  
21 of the board of directors:

22 (a) The chief executive officer shall establish  
23 programs which fulfill the mission of the institute in  
24 research, education, treatment, prevention, and the early  
25 detection of cancer; however, the chief executive officer  
26 shall not establish academic programs for which academic  
27 credit is awarded and which terminate in the conference of a  
28 degree without prior approval of the State Board of Education.

29 (b) The chief executive officer shall have control  
30 over the budget and the dollars appropriated or donated to the  
31 institute from private, local, state, and federal sources, as

1 well as technical and professional income generated or derived  
2 from practice activities of the institute. However,  
3 professional income generated by university faculty from  
4 practice activities at the institute shall be shared between  
5 the institute and the university as determined by the chief  
6 executive officer and the appropriate university dean or  
7 vice-president.

8 (c) The chief executive officer shall appoint members  
9 to carry out the research, patient care, and educational  
10 activities of the institute and determine compensation,  
11 benefits, and terms of service. Members of the institute  
12 shall be eligible to hold concurrent appointments at  
13 affiliated academic institutions. University faculty shall be  
14 eligible to hold concurrent appointments at the institute.

15 (d) The chief executive officer shall have control  
16 over the use and assignment of space and equipment within the  
17 facilities.

18 (e) The chief executive officer shall have the power  
19 to create the administrative structure necessary to carry out  
20 the mission of the institute.

21 (f) The chief executive officer shall have a reporting  
22 relationship to the Commissioner of Education.

23 (g) The chief executive officer shall provide a copy  
24 of the institute's annual report to the Governor and Cabinet,  
25 the President of the Senate, the Speaker of the House of  
26 Representatives, and the chair of the State Board of  
27 Education.

28 (6) The board of directors of the not-for-profit  
29 corporation shall create a council of scientific advisers to  
30 the chief executive officer comprised of leading researchers,  
31 physicians, and scientists. This council shall review programs



1 and recommend research priorities and initiatives so as to  
2 maximize the state's investment in the institute. The council  
3 shall be appointed by the board of directors of the  
4 not-for-profit corporation and shall include five appointees  
5 of the State Board of Education. Each member of the council  
6 shall be appointed to serve a 2-year term and may be  
7 reappointed to the council.

8 (7) In carrying out the provisions of this section,  
9 the not-for-profit corporation and its subsidiaries are not  
10 "agencies" within the meaning of s. 20.03(11).

11 (8)(a) Records of the not-for-profit corporation and  
12 of its subsidiaries are public records unless made  
13 confidential or exempt by law.

14 (b) Proprietary confidential business information is  
15 confidential and exempt from the provisions of s. 119.07(1)  
16 and s. 24(a), Art. I of the State Constitution. However, the  
17 Auditor General, the Office of Program Policy Analysis and  
18 Government Accountability, and the State Board of Education,  
19 pursuant to their oversight and auditing functions, must be  
20 given access to all proprietary confidential business  
21 information upon request and without subpoena and must  
22 maintain the confidentiality of information so received. As  
23 used in this paragraph, the term "proprietary confidential  
24 business information" means information, regardless of its  
25 form or characteristics, which is owned or controlled by the  
26 not-for-profit corporation or its subsidiaries; is intended to  
27 be and is treated by the not-for-profit corporation or its  
28 subsidiaries as private and the disclosure of which would harm  
29 the business operations of the not-for-profit corporation or  
30 its subsidiaries; has not been intentionally disclosed by the  
31 corporation or its subsidiaries unless pursuant to law, an

1 order of a court or administrative body, a legislative  
2 proceeding pursuant to s. 5, Art. III of the State  
3 Constitution, or a private agreement that provides that the  
4 information may be released to the public; and which is  
5 information concerning:  
6       1. Internal auditing controls and reports of internal  
7 auditors;  
8       2. Matters reasonably encompassed in privileged  
9 attorney-client communications;  
10       3. Contracts for managed-care arrangements, including  
11 preferred provider organization contracts, health maintenance  
12 organization contracts, and exclusive provider organization  
13 contracts, and any documents directly relating to the  
14 negotiation, performance, and implementation of any such  
15 contracts for managed-care arrangements;  
16       4. Bids or other contractual data, banking records,  
17 and credit agreements the disclosure of which would impair the  
18 efforts of the not-for-profit corporation or its subsidiaries  
19 to contract for goods or services on favorable terms;  
20       5. Information relating to private contractual data,  
21 the disclosure of which would impair the competitive interest  
22 of the provider of the information;  
23       6. Corporate officer and employee personnel  
24 information;  
25       7. Information relating to the proceedings and records  
26 of credentialing panels and committees and of the governing  
27 board of the not-for-profit corporation or its subsidiaries  
28 relating to credentialing;  
29       8. Minutes of meetings of the governing board of the  
30 not-for-profit corporation and its subsidiaries, except  
31

1 minutes of meetings open to the public pursuant to subsection  
2 (9);

3 9. Information that reveals plans for marketing  
4 services that the corporation or its subsidiaries reasonably  
5 expect to be provided by competitors;

6 10. Trade secrets as defined in s. 688.002, including  
7 reimbursement methodologies or rates; or

8 11. The identity of donors or prospective donors of  
9 property who wish to remain anonymous or any information  
10 identifying such donors or prospective donors. The anonymity  
11 of these donors or prospective donors must be maintained in  
12 the auditor's report.

13  
14 As used in this paragraph, the term "managed care" means  
15 systems or techniques generally used by third-party payors or  
16 their agents to affect access to and control payment for  
17 health care services. Managed-care techniques most often  
18 include one or more of the following: prior, concurrent, and  
19 retrospective review of the medical necessity and  
20 appropriateness of services or site of services; contracts  
21 with selected health care providers; financial incentives or  
22 disincentives related to the use of specific providers,  
23 services, or service sites; controlled access to and  
24 coordination of services by a case manager; and payor efforts  
25 to identify treatment alternatives and modify benefit  
26 restrictions for high-cost patient care.

27 (9) Meetings of the governing board of the  
28 not-for-profit corporation and meetings of the subsidiaries of  
29 the not-for-profit corporation at which the expenditure of  
30 dollars appropriated to the not-for-profit corporation by the  
31 state are discussed or reported must remain open to the public

1 in accordance with s. 286.011 and s. 24(b), Art. I of the  
2 State Constitution, unless made confidential or exempt by law.  
3 Other meetings of the governing board of the not-for-profit  
4 corporation and of the subsidiaries of the not-for-profit  
5 corporation are exempt from s. 286.011 and s. 24(b), Art. I of  
6 the State Constitution.

7 Section 188. Section 1004.435, Florida Statutes, is  
8 created to read:

9 1004.435 Cancer control and research.--

10 (1) SHORT TITLE.--This section shall be known and may  
11 be cited as the "Cancer Control and Research Act."

12 (2) LEGISLATIVE INTENT.--It is the finding of the  
13 Legislature that:

14 (a) Advances in scientific knowledge have led to the  
15 development of preventive and therapeutic capabilities in the  
16 control of cancer. Such knowledge and therapy must be made  
17 available to all citizens of this state through educational  
18 and therapeutic programs.

19 (b) The present state of our knowledge concerning the  
20 prevalence, cause or associated factors, and treatment of  
21 cancer have resulted primarily from a vast federal investment  
22 into basic and clinical research, some of which is expended in  
23 this state. These research activities must continue, but  
24 programs must be established to extend this knowledge in  
25 preventive measures and patient treatment throughout the  
26 state.

27 (c) Research in cancer has implicated the environment  
28 as a causal factor for many types of cancer, i.e., sunshine, X  
29 rays, diet, smoking, etc., and programs are needed to further  
30 document such cause and effect relationships. Proven causes  
31

1 of cancer should be publicized and be the subject of  
2 educational programs for the prevention of cancer.

3 (d) An effective cancer control program would mobilize  
4 the scientific, educational, and medical resources that  
5 presently exist into an intense attack against this dread  
6 disease.

7 (3) DEFINITIONS.--The following words and phrases when  
8 used in this section have, unless the context clearly  
9 indicates otherwise, the meanings given to them in this  
10 subsection:

11 (a) "Cancer" means all malignant neoplasms, regardless  
12 of the tissue of origin, including lymphoma and leukemia.

13 (b) "Council" means the Florida Cancer Control and  
14 Research Advisory Council, which is an advisory body appointed  
15 to function on a continuing basis for the study of cancer and  
16 which recommends solutions and policy alternatives to the  
17 State Board of Education and the secretary and which is  
18 established by this section.

19 (c) "Department" means the Department of Health.

20 (d) "Fund" means the Florida Cancer Control and  
21 Research Fund established by this section.

22 (e) "Qualified nonprofit association" means any  
23 association, incorporated or unincorporated, that has received  
24 tax-exempt status from the Internal Revenue Service.

25 (f) "Secretary" means the Secretary of Health.

26 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY  
27 COUNCIL; CREATION; COMPOSITION.--

28 (a) There is created within the H. Lee Moffitt Cancer  
29 Center and Research Institute, Inc., the Florida Cancer  
30 Control and Research Advisory Council. The council shall  
31 consist of 35 members, which includes the chairperson, all of

1 whom must be residents of this state. All members, except  
2 those appointed by the Speaker of the House of Representatives  
3 and the President of the Senate, must be appointed by the  
4 Governor. At least one of the members appointed by the  
5 Governor must be 60 years of age or older. One member must be  
6 a representative of the American Cancer Society; one member  
7 must be a representative of the Florida Tumor Registrars  
8 Association; one member must be a representative of the  
9 Sylvester Comprehensive Cancer Center of the University of  
10 Miami; one member must be a representative of the Department  
11 of Health; one member must be a representative of the  
12 University of Florida Shands Cancer Center; one member must be  
13 a representative of the Agency for Health Care Administration;  
14 one member must be a representative of the Florida Nurses  
15 Association; one member must be a representative of the  
16 Florida Osteopathic Medical Association; one member must be a  
17 representative of the American College of Surgeons; one member  
18 must be a representative of the School of Medicine of the  
19 University of Miami; one member must be a representative of  
20 the College of Medicine of the University of Florida; one  
21 member must be a representative of NOVA Southeastern College  
22 of Osteopathic Medicine; one member must be a representative  
23 of the College of Medicine of the University of South Florida;  
24 one member must be a representative of the College of Public  
25 Health of the University of South Florida; one member must be  
26 a representative of the Florida Society of Clinical Oncology;  
27 one member must be a representative of the Florida Obstetric  
28 and Gynecologic Society who has had training in the specialty  
29 of gynecologic oncology; one member must be a representative  
30 of the Florida Medical Association; one member must be a  
31 member of the Florida Pediatric Society; one member must be a

1 representative of the Florida Radiological Society; one member  
2 must be a representative of the Florida Society of  
3 Pathologists; one member must be a representative of the H.  
4 Lee Moffitt Cancer Center and Research Institute, Inc.; three  
5 members must be representatives of the general public acting  
6 as consumer advocates; one member must be a member of the  
7 House of Representatives appointed by the Speaker of the House  
8 of Representatives; one member must be a member of the Senate  
9 appointed by the President of the Senate; one member must be a  
10 representative of the Department of Education; one member must  
11 be a representative of the Florida Dental Association; one  
12 member must be a representative of the Florida Hospital  
13 Association; one member must be a representative of the  
14 Association of Community Cancer Centers; one member shall be a  
15 representative from a statutory teaching hospital affiliated  
16 with a community-based cancer center; one member must be a  
17 representative of the Florida Association of Pediatric Tumor  
18 Programs, Inc.; one member must be a representative of the  
19 Cancer Information Service; one member must be a  
20 representative of the Florida Agricultural and Mechanical  
21 University Institute of Public Health; and one member must be  
22 a representative of the Florida Society of Oncology Social  
23 Workers. Of the members of the council appointed by the  
24 Governor, at least 10 must be individuals who are minority  
25 persons as defined by s. 288.703(3).

26 (b) The terms of the members shall be 4 years from  
27 their respective dates of appointment.

28 (c) A chairperson shall be appointed by the Governor  
29 for a term of 2 years. The chairperson shall appoint an  
30 executive committee of no fewer than three persons to serve at  
31

1 the pleasure of the chairperson. This committee will prepare  
2 material for the council but make no final decisions.

3 (d) The council shall meet no less than semiannually  
4 at the call of the chairperson or, in his or her absence or  
5 incapacity, at the call of the secretary. Sixteen members  
6 constitute a quorum for the purpose of exercising all of the  
7 powers of the council. A vote of the majority of the members  
8 present is sufficient for all actions of the council.

9 (e) The council members shall serve without pay.  
10 Pursuant to the provisions of s. 112.061, the council members  
11 may be entitled to be reimbursed for per diem and travel  
12 expenses.

13 (f) No member of the council shall participate in any  
14 discussion or decision to recommend grants or contracts to any  
15 qualified nonprofit association or to any agency of this state  
16 or its political subdivisions with which the member is  
17 associated as a member of the governing body or as an employee  
18 or with which the member has entered into a contractual  
19 arrangement.

20 (g) The council may prescribe, amend, and repeal  
21 bylaws governing the manner in which the business of the  
22 council is conducted.

23 (h) The council shall advise the State Board of  
24 Education, the secretary, and the Legislature with respect to  
25 cancer control and research in this state.

26 (i) The council shall approve each year a program for  
27 cancer control and research to be known as the "Florida Cancer  
28 Plan" which shall be consistent with the State Health Plan and  
29 integrated and coordinated with existing programs in this  
30 state.

31



1        (j) The council shall formulate and recommend to the  
2 secretary a plan for the care and treatment of persons  
3 suffering from cancer and recommend the establishment of  
4 standard requirements for the organization, equipment, and  
5 conduct of cancer units or departments in hospitals and  
6 clinics in this state. The council may recommend to the  
7 secretary the designation of cancer units following a survey  
8 of the needs and facilities for treatment of cancer in the  
9 various localities throughout the state. The secretary shall  
10 consider the plan in developing departmental priorities and  
11 funding priorities and standards under chapter 395.

12        (k) The council is responsible for including in the  
13 Florida Cancer Plan recommendations for the coordination and  
14 integration of medical, nursing, paramedical, lay, and other  
15 plans concerned with cancer control and research. Committees  
16 shall be formed by the council so that the following areas  
17 will be established as entities for actions:

18            1. Cancer plan evaluation: tumor registry, data  
19 retrieval systems, and epidemiology of cancer in the state and  
20 its relation to other areas.

21            2. Cancer prevention.

22            3. Cancer detection.

23            4. Cancer patient management: treatment,  
24 rehabilitation, terminal care, and other patient-oriented  
25 activities.

26            5. Cancer education: lay and professional.

27            6. Unproven methods of cancer therapy: quackery and  
28 unorthodox therapies.

29            7. Investigator-initiated project research.

30        (l) In order to implement in whole or in part the  
31 Florida Cancer Plan, the council shall recommend to the State

1 Board of Education or the secretary the awarding of grants and  
2 contracts to qualified profit or nonprofit associations or  
3 governmental agencies in order to plan, establish, or conduct  
4 programs in cancer control or prevention, cancer education and  
5 training, and cancer research.

6 (m) If funds are specifically appropriated by the  
7 Legislature, the council shall develop or purchase  
8 standardized written summaries, written in layperson's terms  
9 and in language easily understood by the average adult  
10 patient, informing actual and high-risk breast cancer  
11 patients, prostate cancer patients, and men who are  
12 considering prostate cancer screening of the medically viable  
13 treatment alternatives available to them in the effective  
14 management of breast cancer and prostate cancer; describing  
15 such treatment alternatives; and explaining the relative  
16 advantages, disadvantages, and risks associated therewith.  
17 The breast cancer summary, upon its completion, shall be  
18 printed in the form of a pamphlet or booklet and made  
19 continuously available to physicians and surgeons in this  
20 state for their use in accordance with s. 458.324 and to  
21 osteopathic physicians in this state for their use in  
22 accordance with s. 459.0125. The council shall periodically  
23 update both summaries to reflect current standards of medical  
24 practice in the treatment of breast cancer and prostate  
25 cancer. The council shall develop and implement educational  
26 programs, including distribution of the summaries developed or  
27 purchased under this paragraph, to inform citizen groups,  
28 associations, and voluntary organizations about early  
29 detection and treatment of breast cancer and prostate cancer.

30 (n) The council shall have the responsibility to  
31 advise the State Board of Education and the secretary on

1 methods of enforcing and implementing laws already enacted and  
2 concerned with cancer control, research, and education.

3 (o) The council may recommend to the State Board of  
4 Education or the secretary rules not inconsistent with law as  
5 it may deem necessary for the performance of its duties and  
6 the proper administration of this section.

7 (p) The council shall formulate and put into effect a  
8 continuing educational program for the prevention of cancer  
9 and its early diagnosis and disseminate to hospitals, cancer  
10 patients, and the public information concerning the proper  
11 treatment of cancer.

12 (q) The council shall be physically located at the H.  
13 Lee Moffitt Cancer Center and Research Institute, Inc., at the  
14 University of South Florida.

15 (r) On February 15 of each year, the council shall  
16 report to the Governor and to the Legislature.

17 (5) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION,  
18 THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.,  
19 AND THE SECRETARY.--

20 (a) The State Board of Education or the secretary,  
21 after consultation with the council, shall award grants and  
22 contracts to qualified nonprofit associations and governmental  
23 agencies in order to plan, establish, or conduct programs in  
24 cancer control and prevention, cancer education and training,  
25 and cancer research.

26 (b) The H. Lee Moffitt Cancer Center and Research  
27 Institute, Inc., shall provide such staff, information, and  
28 other assistance as reasonably necessary for the completion of  
29 the responsibilities of the council.

30  
31

1           (c) The State Board of Education or the secretary,  
2 after consultation with the council, may adopt rules necessary  
3 for the implementation of this section.

4           (d) The secretary, after consultation with the  
5 council, shall make rules specifying to what extent and on  
6 what terms and conditions cancer patients of the state may  
7 receive financial aid for the diagnosis and treatment of  
8 cancer in any hospital or clinic selected. The department may  
9 furnish to citizens of this state who are afflicted with  
10 cancer financial aid to the extent of the appropriation  
11 provided for that purpose in a manner which in its opinion  
12 will afford the greatest benefit to those afflicted and may  
13 make arrangements with hospitals, laboratories, or clinics to  
14 afford proper care and treatment for cancer patients in this  
15 state.

16           (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

17           (a) There is created the Florida Cancer Control and  
18 Research Fund consisting of funds appropriated therefor from  
19 the General Revenue Fund and any gifts, grants, or funds  
20 received from other sources.

21           (b) The fund shall be used exclusively for grants and  
22 contracts to qualified nonprofit associations or governmental  
23 agencies for the purpose of cancer control and prevention,  
24 cancer education and training, cancer research, and all  
25 expenses incurred in connection with the administration of  
26 this section and the programs funded through the grants and  
27 contracts authorized by the State Board of Education or the  
28 secretary.

29           Section 189. Section 1004.44, Florida Statutes, is  
30 created to read:

1           1004.44 Louis de la Parte Florida Mental Health  
2 Institute.--There is established the Louis de la Parte Florida  
3 Mental Health Institute within the University of South  
4 Florida.

5           (1) The purpose of the institute is to strengthen  
6 mental health services throughout the state by providing  
7 technical assistance and support services to mental health  
8 agencies and mental health professionals. Such assistance and  
9 services shall include:

10           (a) Technical training and specialized education.

11           (b) Development, implementation, and evaluation of  
12 mental health service programs.

13           (c) Evaluation of availability and effectiveness of  
14 existing mental health services.

15           (d) Analysis of factors that influence the incidence  
16 and prevalence of mental and emotional disorders.

17           (e) Dissemination of information about innovations in  
18 mental health services.

19           (f) Consultation on all aspects of program development  
20 and implementation.

21           (g) Provisions for direct client services, provided  
22 for a limited period of time either in the institute facility  
23 or in other facilities within the state, and limited to  
24 purposes of research or training.

25           (2) The Department of Children and Family Services is  
26 authorized to designate the Louis de la Parte Florida Mental  
27 Health Institute a treatment facility for the purpose of  
28 accepting voluntary and involuntary clients in accordance with  
29 institute programs. Clients to be admitted are exempted from  
30 prior screening by a community mental health center.

31

1       (3) The institute may provide direct services in  
2 coordination with other agencies. The institute may also  
3 provide support services to state agencies through joint  
4 programs, collaborative agreements, contracts, and grants.

5       (4) The institute shall operate under the authority of  
6 the President of the University of South Florida and shall  
7 employ a mental health professional as director. The director  
8 shall hold a faculty appointment in a college or department  
9 related to mental health within the university. The director  
10 has primary responsibility for establishing active liaisons  
11 with the community of mental health professionals and other  
12 related constituencies in the state and may, with approval of  
13 the university president, establish appropriate statewide  
14 advisory groups to assist in developing these communication  
15 links.

16       Section 190. Section 1004.45, Florida Statutes, is  
17 created to read:

18       1004.45 Ringling Center for Cultural Arts.--

19       (1) The Florida State University Ringling Center for  
20 Cultural Arts is created. The center consists of the following  
21 properties located in Sarasota County:

22       (a) The John and Mable Ringling Museum of Art composed  
23 of:

- 24       1. The art museum;
- 25       2. The Ca' d'Zan (the Ringling residence); and
- 26       3. The Ringling Museum of the Circus.

27       (b) The Florida State University Center for the Fine  
28 and Performing Arts, including the Asolo Theater and the  
29 Florida State University Center for the Performing Arts, both  
30 of which shall provide for academic programs in theatre,  
31 dance, art, art history, and museum management.

1  
2 The center shall be operated by the Florida State University,  
3 which shall be charged with encouraging participation by K-12  
4 schools and by other colleges and universities, public and  
5 private, in the educational and cultural enrichment programs  
6 of the center.

7       (2)(a) The John and Mable Ringling Museum of Art is  
8 designated as the official Art Museum of the State of Florida.  
9 The purpose and function of the museum is to maintain and  
10 preserve all objects of art and artifacts donated to the state  
11 through the will of John Ringling; to acquire and preserve  
12 objects of art or artifacts of historical or cultural  
13 significance; to exhibit such objects to the public; to  
14 undertake scholarly research and publication, including that  
15 relating to the collection; to provide educational programs  
16 for students at K-12 schools and those in college and graduate  
17 school and enrichment programs for children and adults; to  
18 assist other museums in the state and nation through education  
19 programs and through loaning objects from the collection when  
20 such loans do not threaten the safety and security of the  
21 objects; to enhance knowledge and appreciation of the  
22 collection; and to engage in other activities related to  
23 visual arts which benefit the public. The museum shall also  
24 engage in programs on the national and international level to  
25 enhance further the cultural resources of the state.

26       (b) The Florida State University shall approve a John  
27 and Mable Ringling Museum of Art direct-support organization.  
28 Such direct-support organization shall consist of no more than  
29 31 members appointed by the president of the university from a  
30 list of nominees provided by the Ringling direct-support  
31 organization. No fewer than one-third of the members must be

1 residents of Sarasota and Manatee Counties, and the remaining  
2 members may reside elsewhere. The current members of the Board  
3 of Trustees of the John and Mable Ringling Museum of Art may  
4 be members of the direct-support organization. They shall  
5 develop a charter and bylaws to govern their operation, and  
6 these shall be subject to approval by the Florida State  
7 University.

8 (c) The John and Mable Ringling Museum of Art  
9 direct-support organization, operating under the charter and  
10 bylaws and such contracts as are approved by the university,  
11 shall set policies to maintain and preserve the collections of  
12 the Art Museum; the Circus Museum; the furnishings and objects  
13 in the Ringling home, referred to as the Ca' d'Zan; and other  
14 objects of art and artifacts in the custody of the museum.  
15 Title to all such collections, art objects, and artifacts of  
16 the museums and its facilities shall remain with the Florida  
17 State University, which shall assign state registration  
18 numbers to, and conduct annual inventories of, all such  
19 properties. The direct-support organization shall develop  
20 policy for the museum, subject to the provisions of the John  
21 Ringling will and the overall direction of the president of  
22 the university; and it is invested with power and authority to  
23 nominate a museum director who is appointed by and serves at  
24 the pleasure of the president of the university and shall  
25 report to the provost of the university or his or her  
26 designee. The museum director, with the approval of the  
27 provost or his or her designee, shall appoint other employees  
28 in accordance with Florida Statutes and rules; remove the same  
29 in accordance with Florida Statutes and rules; provide for the  
30 proper keeping of accounts and records and budgeting of funds;  
31 enter into contracts for professional programs of the museum



1 and for the support and maintenance of the museum; secure  
2 public liability insurance; and do and perform every other  
3 matter or thing requisite to the proper management,  
4 maintenance, support, and control of the museum at the highest  
5 efficiency economically possible, while taking into  
6 consideration the purposes of the museum.

7 (d) Notwithstanding the provision of s. 287.057, the  
8 John and Mable Ringling Museum of Art direct-support  
9 organization may enter into contracts or agreements with or  
10 without competitive bidding, in its discretion, for the  
11 restoration of objects of art in the museum collection or for  
12 the purchase of objects of art that are to be added to the  
13 collection.

14 (e) Notwithstanding s. 273.055, the university may  
15 sell any art object in the museum collection, which object has  
16 been acquired after 1936, if the director and the  
17 direct-support organization recommend such sale to the  
18 president of the university and if they first determine that  
19 the object is no longer appropriate for the collection. The  
20 proceeds of the sale shall be deposited in the Ringling Museum  
21 Art Acquisition, Restoration, and Conservation Trust Fund. The  
22 university also may exchange any art object in the collection,  
23 which object has been acquired after 1936, for an art object  
24 or objects that the director and the museum direct-support  
25 organization recommend to the university after judging these  
26 to be of equivalent or greater value to the museum.

27 (f) An employee or member of the museum direct-support  
28 organization may not receive a commission, fee, or financial  
29 benefit in connection with the sale or exchange of a work of  
30 art and may not be a business associate of any individual,  
31 firm, or organization involved in the sale or exchange.

1           (g) The university, in consultation with the  
2 direct-support organization, shall establish policies and may  
3 adopt rules for the sale or exchange of works of art.

4           (h) The John and Mable Ringling Museum of Art  
5 direct-support organization shall provide for an annual  
6 financial audit in accordance with s. 1004.28(5). Florida  
7 State University is authorized to require and receive from the  
8 direct-support organization, or from its independent auditor,  
9 any detail or supplemental data relative to the operation of  
10 such organization. Information that, if released, would  
11 identify donors who desire to remain anonymous, is  
12 confidential and exempt from the provisions of s. 119.07(1).  
13 Information that, if released, would identify prospective  
14 donors is confidential and exempt from the provisions of s.  
15 119.07(1) when the direct-support organization has identified  
16 the prospective donor itself and has not obtained the name of  
17 the prospective donor by copying, purchasing, or borrowing  
18 names from another organization or source. Identities of such  
19 donors and prospective donors shall not be revealed in the  
20 auditor's report.

21           (i) The direct-support organization is given authority  
22 to make temporary loans of paintings and other objects of art  
23 or artifacts belonging to the John and Mable Ringling Museum  
24 of Art for the purpose of public exhibition in art museums,  
25 other museums, or institutions of higher learning wherever  
26 located, including such museums or institutions in other  
27 states or countries. Temporary loans may also be made to the  
28 executive mansion in Tallahassee, chapters and affiliates of  
29 the John and Mable Ringling Museum of Art, and, for education  
30 purposes, to schools, public libraries, or other institutions  
31 in the state, if such exhibition will benefit the general

1 public as the university deems wise and for the best interest  
2 of the John and Mable Ringling Museum of Art and under  
3 policies established by Florida State University for the  
4 protection of the paintings and other objects of art and  
5 artifacts. In making temporary loans, the direct-support  
6 organization shall give first preference to art museums, other  
7 museums, and institutions of higher learning.

8 (j) Notwithstanding any other provision of law, the  
9 John and Mable Ringling Museum of Art direct-support  
10 organization is eligible to match state funds in the Major  
11 Gifts Trust Fund established pursuant to s. 1011.94 as  
12 follows:

13 1. For the first \$1,353,750, matching shall be on the  
14 basis of 75 cents in state matching for each dollar of private  
15 funds.

16 2. For additional funds, matching shall be provided on  
17 the same basis as is authorized in s. 1011.94.

18 Section 191. Section 1004.46, Florida Statutes, is  
19 created to read:

20 1004.46 Multidisciplinary Center for Affordable  
21 Housing.--

22 (1) The Multidisciplinary Center for Affordable  
23 Housing is established within the School of Building  
24 Construction of the College of Architecture of the University  
25 of Florida with the collaboration of other related disciplines  
26 such as agriculture, business administration, engineering,  
27 law, and medicine. The center shall work in conjunction with  
28 other state universities. The Multidisciplinary Center for  
29 Affordable Housing shall:

30 (a) Conduct research relating to the problems and  
31 solutions associated with the availability of affordable

1 housing in the state for families who are below the median  
2 income level and widely disseminate the results of such  
3 research to appropriate public and private audiences in the  
4 state. Such research shall emphasize methods to improve the  
5 planning, design, and production of affordable housing,  
6 including, but not limited to, the financial, maintenance,  
7 management, and regulatory aspects of residential development.  
8 (b) Provide public services to local, regional, and  
9 state agencies, units of government, and authorities by  
10 helping them create regulatory climates that are amenable to  
11 the introduction of affordable housing within their  
12 jurisdictions.  
13 (c) Conduct special research relating to firesafety.  
14 (d) Provide a focus for the teaching of new technology  
15 and skills relating to affordable housing in the state.  
16 (e) Develop a base of informational and financial  
17 support from the private sector for the activities of the  
18 center.  
19 (f) Develop prototypes for both multifamily and  
20 single-family units.  
21 (g) Establish a research agenda and general work plan  
22 in cooperation with the Department of Community Affairs which  
23 is the state agency responsible for research and planning for  
24 affordable housing and for training and technical assistance  
25 for providers of affordable housing.  
26 (h) Submit a report to the Governor, the President of  
27 the Senate, and the Speaker of the House of Representatives by  
28 January 1 of each year. The annual report shall include  
29 information relating to the activities of the center,  
30 including collaborative efforts with public and private  
31 entities, affordable housing models, and any other findings

1 and recommendations related to the production of safe, decent,  
2 and affordable housing.

3 (2) The Director of the Multidisciplinary Center for  
4 Affordable Housing shall be appointed by the Dean of the  
5 College of Architecture of the University of Florida.

6 Section 192. Section 1004.47, Florida Statutes, is  
7 created to read:

8 1004.47 Research activities relating to solid and  
9 hazardous waste management.--Research, training, and service  
10 activities related to solid and hazardous waste management  
11 conducted by state universities shall be coordinated by the  
12 State Board of Education. Proposals for research contracts and  
13 grants; public service assignments; and responses to requests  
14 for information and technical assistance by state and local  
15 government, business, and industry shall be addressed by a  
16 formal Type I Center process involving an advisory board of  
17 university personnel appointed by the Commissioner of  
18 Education and chaired and directed by an individual appointed  
19 by the Commissioner of Education. The State Board of Education  
20 shall consult with the Department of Environmental Protection  
21 in developing the research programs and provide the department  
22 with a copy of the proposed research program for review and  
23 comment before the research is undertaken. Research contracts  
24 shall be awarded to independent nonprofit colleges and  
25 universities within the state which are accredited by the  
26 Southern Association of Colleges and Schools on the same basis  
27 as those research contracts awarded to the state universities.  
28 Research activities shall include, but are not limited to, the  
29 following areas:

30 (1) Methods and processes for recycling solid and  
31 hazardous waste;

1           (2) Methods of treatment for detoxifying hazardous  
2 waste; and

3           (3) Technologies for disposing of solid and hazardous  
4 waste.

5           Section 193. Section 1004.48, Florida Statutes, is  
6 created to read:

7           1004.48 Research protocols to determine most  
8 appropriate pollutant dispersal agents.--The Center for Solid  
9 and Hazardous Waste Management shall coordinate the research  
10 protocols for projects to determine the most appropriate  
11 dispersal agents that can be used in an environmentally safe  
12 manner in Florida waters as part of a pollutant cleanup  
13 activity. Such research shall be used by the Department of  
14 Environmental Protection in approving the use of such agents  
15 by pollutant spill cleanup contractors and others who may be  
16 required to use such agents in containing and cleaning up  
17 pollutant spills in the waters of the state.

18           Section 194. Section 1004.49, Florida Statutes, is  
19 created to read:

20           1004.49 Florida LAKEWATCH Program.--The Florida  
21 LAKEWATCH Program is hereby created within the Department of  
22 Fisheries and Aquaculture of the Institute of Food and  
23 Agricultural Sciences at the University of Florida. The  
24 purpose of the program is to provide public education and  
25 training with respect to the water quality of Florida's lakes.  
26 The Department of Fisheries and Aquaculture may, in  
27 implementing the LAKEWATCH program:

28           (1) Train, supervise, and coordinate volunteers to  
29 collect water quality data from Florida's lakes.

30           (2) Compile the data collected by volunteers.

31

1           (3) Disseminate information to the public about the  
2 LAKEWATCH program.

3           (4) Provide or loan equipment to volunteers in the  
4 program.

5           (5) Perform other functions as may be necessary or  
6 beneficial in coordinating the LAKEWATCH program.

7  
8 Data collected and compiled shall be used to establish trends  
9 and provide general background information and shall in no  
10 instance be used in a regulatory proceeding.

11           Section 195. Section 1004.50, Florida Statutes, is  
12 created to read:

13           1004.50 Institute on Urban Policy and Commerce.--

14           (1) There is created the Institute on Urban Policy and  
15 Commerce as a Type I Institute at Florida Agricultural and  
16 Mechanical University to improve the quality of life in urban  
17 communities through research, teaching, and outreach  
18 activities.

19           (2) The major purposes of the institute are to pursue  
20 basic and applied research on urban policy issues confronting  
21 the inner-city areas and neighborhoods in the state; to  
22 influence the equitable allocation and stewardship of federal,  
23 state, and local financial resources; to train a new  
24 generation of civic leaders and university students interested  
25 in approaches to community planning and design; to assist with  
26 the planning, development, and capacity building of urban area  
27 nonprofit organizations and government agencies; to develop  
28 and maintain a database relating to inner-city areas; and to  
29 support the community development efforts of inner-city areas,  
30 neighborhood-based organizations, and municipal agencies.

1           (3) The institute shall research and recommend  
2 strategies concerning critical issues facing the underserved  
3 population in urban communities, including, but not limited  
4 to, transportation and physical infrastructure; affordable  
5 housing; tourism and commerce; environmental restoration; job  
6 development and retention; child care; public health; lifelong  
7 learning; family intervention; public safety; and community  
8 relations.

9           (4) The institute may establish regional urban centers  
10 to be located in the inner cities of St. Petersburg, Tampa,  
11 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,  
12 Miami, Daytona Beach, and Pensacola to assist urban  
13 communities on critical economic, social, and educational  
14 problems affecting the underserved population.

15           (5) Before January 1 of each year, the institute shall  
16 submit a report of its critical findings and recommendations  
17 for the prior year to the President of the Senate, the Speaker  
18 of the House of Representatives, and the appropriate  
19 committees of the Legislature. The report shall be titled "The  
20 State of Unmet Needs in Florida's Urban Communities" and shall  
21 include, but is not limited to, a recommended list of  
22 resources that could be made available for revitalizing urban  
23 communities; significant accomplishments and activities of the  
24 institute; and recommendations concerning the expansion,  
25 improvement, or termination of the institute.

26           (6) The Governor shall submit an annual report to the  
27 Legislature on the unmet needs in the state's urban  
28 communities.

29           Section 196. Section 1004.51, Florida Statutes, is  
30 created to read:

31



1           1004.51 Community and Faith-based Organizations  
2 Initiative; Community and Library Technology Access  
3 Partnership.--

4           (1) CREATION.--There is created the Community and  
5 Faith-based Organizations Initiative which shall be  
6 administered by the Institute on Urban Policy and Commerce at  
7 Florida Agricultural and Mechanical University and the  
8 Community and Library Technology Access Partnership which  
9 shall be administered by the Division of Library and  
10 Information Services of the Department of State.

11           (2) INTENT.--The purpose of the initiative is to  
12 promote community development in low-income communities  
13 through partnerships with not-for-profit community and  
14 faith-based organizations. The purpose of the partnership is  
15 to encourage public libraries eligible for e-rate discounted  
16 telecommunications services to partner with community and  
17 faith-based organizations to provide technology access and  
18 training to assist other state efforts to close the digital  
19 divide.

20           (3) AUTHORIZED ACTIVITIES.--

21           (a) Authorized activities of the initiative.--The  
22 Institute on Urban Policy and Commerce at Florida Agricultural  
23 and Mechanical University may conduct the following activities  
24 as part of the Community and Faith-based Organizations  
25 Initiative:

26           1. Create and operate training programs to enhance the  
27 professional skills of individuals in community and  
28 faith-based organizations.

29           2. Create and operate a program to select and place  
30 students and recent graduates from business and related  
31 professional schools as interns with community and faith-based

1 organizations for a period not to exceed 1 year, and provide  
2 stipends for such interns.

3 3. Organize an annual conference for community and  
4 faith-based organizations to discuss and share information on  
5 best practices regarding issues relevant to the creation,  
6 operation, and sustainability of these organizations.

7 4. Provide funding for the development of materials  
8 for courses on topics in the area of community development,  
9 and for research on economic, operational, and policy issues  
10 relating to community development.

11 5. Provide financial assistance to community and  
12 faith-based organizations through small grants for  
13 partnerships with universities and the operation of programs  
14 to build strong communities and future community development  
15 leaders. The Institute on Urban Policy and Commerce at Florida  
16 Agricultural and Mechanical University shall develop selection  
17 criteria for awarding such grants which are based on the goals  
18 of the initiative.

19  
20 The institute, to the maximum extent possible, shall leverage  
21 state funding for the initiative with any federal funding that  
22 the institute may receive to support similar community-based  
23 activities.

24 (b) Authorized activities of the partnership.--The  
25 Division of Library and Information Services of the Department  
26 of State may conduct the following activities as part of the  
27 Community and Library Technology Access Partnership:

28 1. Provide funding for e-rate eligible public  
29 libraries to provide technology access and training to  
30 community and faith-based organizations. Funding provided  
31 under this subparagraph must be for eligible public libraries

1 in distressed communities in the state. The division shall  
2 consult with the Institute on Urban Policy and Commerce to  
3 identify such communities and to develop criteria to be used  
4 in evaluating funding proposals. The division shall coordinate  
5 with the institute to ensure that, to the maximum extent  
6 possible, the division and the institute leverage their  
7 resources under the programs authorized by this section in  
8 order to focus efforts on addressing the most distressed  
9 communities in the state. The division shall include a  
10 representative of the institute on a review team to evaluate  
11 funding proposals under this subparagraph.

12 2. Provide a method of assessment and outcome  
13 measurement for e-rate eligible public libraries to assess  
14 progress in closing the digital divide and in training for  
15 individuals to succeed in the emerging information economy.

16 (4) ELIGIBILITY.--A community or faith-based  
17 organization receiving funding or other assistance under the  
18 Community and Faith-based Organizations Initiative or the  
19 Community Library Technology Access Partnership must be a  
20 nonprofit organization holding a current exemption from  
21 federal taxation under s. 501(c)(3) or (4) of the Internal  
22 Revenue Code. Funding under this section shall not be used for  
23 religious or sectarian purposes.

24 Section 197. Section 1004.52, Florida Statutes, is  
25 created to read:

26 1004.52 Community computer access grant program.--

27 (1) The Legislature finds that there is a growing  
28 digital divide in the state, manifested in the fact that many  
29 youths from distressed urban communities do not possess the  
30 degree and ease of access to computers and information  
31 technologies which youths in other communities in the state

1 possess. This disparity in access to rapidly changing and  
2 commercially significant technologies has a negative impact on  
3 the educational, workforce development, and employment  
4 competitiveness of these needy youths, and thereby impedes the  
5 economic development of the distressed urban communities in  
6 which these youths reside. Although many public libraries  
7 offer users access to computers and are increasingly making  
8 library materials available to the public through electronic  
9 means, many youths from distressed urban communities do not  
10 live near a library that has such technology and do not have  
11 computers to access Internet-based virtual libraries.  
12 Neighborhood organizations, such as churches, are more likely,  
13 however, to be located in closer proximity to the homes of  
14 these youths than are educational institutions or libraries,  
15 and these youths are more likely to gain the desirable  
16 computer access at church-related or other neighborhood  
17 facilities than at other institutions. The Legislature  
18 therefore finds that a public purpose is served in enhancing  
19 the ability of youths from these communities to have access to  
20 computers and the Internet within the neighborhoods in which  
21 they reside.

22 (2) Subject to legislative appropriation, there is  
23 created the Community High-Technology Investment Partnership  
24 (CHIP) program to assist distressed urban communities in  
25 securing computers for access by youths between the ages of 5  
26 years and 18 years who reside in these communities. The  
27 program shall be administered by the Institute on Urban Policy  
28 and Commerce at Florida Agricultural and Mechanical University  
29 pursuant to a performance-based contract with the Division of  
30 Library and Information Services of the Department of State.  
31 The division shall develop performance measures, standards,

1 and sanctions for the program. Performance measures must  
2 include, but are not limited to: the number of youths  
3 obtaining access to computers purchased under this program;  
4 the number of hours computers are made available to youths;  
5 and the number of hours spent by youths on computers purchased  
6 under this program for educational purposes. The  
7 administrative costs for administration of this program cannot  
8 exceed 10 percent of the amount appropriated to the division  
9 for the program.

10 (3)(a) Under this program, neighborhood facilities,  
11 through their governing bodies, may apply to the institute for  
12 grants to purchase computers that will be available for use by  
13 eligible youths who reside in the immediate vicinity of the  
14 neighborhood facility. For purposes of this program, eligible  
15 neighborhood facilities include, but are not limited to,  
16 facilities operated by:

17 1. Units of local government, including school  
18 districts;

19 2. Nonprofit, faith-based organizations, including  
20 neighborhood churches;

21 3. Nonprofit civic associations or homeowners'  
22 associations; and

23 4. Nonprofit organizations, the missions of which  
24 include improving conditions for residents of distressed urban  
25 communities.

26  
27 To be eligible for funding under this program, a nonprofit  
28 organization or association must hold a current exemption from  
29 federal taxation under s. 501(c)(3) or (4) of the Internal  
30 Revenue Code.

31

1           (b) Notwithstanding the eligibility of the  
2 organizations identified in paragraph (a), the institute shall  
3 give priority consideration for funding under this program to  
4 applications submitted by neighborhood churches or by  
5 neighborhood-based, nonprofit organizations that have as a  
6 principal part of their missions the improvement of conditions  
7 for residents of the same neighborhoods in which the  
8 organizations are located. The institute also shall give  
9 priority consideration to organizations that demonstrate that  
10 they have not been awarded community enhancement or similar  
11 community support grants from state or local government on a  
12 regular basis in the past. The institute shall develop  
13 weighted criteria to be used in evaluating applications from  
14 such churches or organizations. Funding under this section  
15 shall not be used for religious or sectarian purposes.

16           (4) The institute shall develop guidelines governing  
17 the administration of this program and shall establish  
18 criteria to be used in evaluating an application for funding.  
19 At a minimum, the institute must find that:

20           (a) The neighborhood that is to be served by the grant  
21 suffers from general economic distress;

22           (b) Eligible youths who reside in the vicinity of the  
23 neighborhood facility have difficulty obtaining access to a  
24 library or schools that have sufficient computers; and

25           (c) The neighborhood facility has developed a detailed  
26 plan, as required under subsection (5), for:

27           1. Providing youths who reside in the vicinity of the  
28 facility with access to any computer purchased with grant  
29 funds, including evening and weekend access when libraries and  
30 schools are closed; and

31

1           2. Promoting the maximum participation of neighborhood  
2 youths in use of any computers purchased with grant funds.

3           (5) As part of an application for funding, the  
4 neighborhood facility must submit a plan that demonstrates:

5           (a) The manner in which eligible youths who reside in  
6 the immediate vicinity of the facility will be provided with  
7 access to any computer purchased with grant funds, including  
8 access during hours when libraries and schools are closed;

9           (b) The existence of safeguards to ensure that any  
10 computer purchased with grant funds is reserved for the  
11 educational use of eligible youths who reside in the immediate  
12 vicinity of the facility and is not used to support the  
13 business operations of the neighborhood facility or its  
14 governing body; and

15           (c) The existence, in the neighborhood facility, of  
16 telecommunications infrastructure necessary to guarantee  
17 access to the Internet through any computer purchased with  
18 grant funds.

19           (6) To the maximum extent possible, funding shall be  
20 awarded under this program in a manner designed to ensure the  
21 participation of distressed urban communities from regions  
22 throughout the state.

23           (7) The maximum amount of a grant which may be awarded  
24 to any single neighborhood facility under this program is  
25 \$25,000.

26           (8) Before the institute may allocate funds for a  
27 grant under this program, the institute and the eligible  
28 neighborhood facility must execute a grant agreement that  
29 governs the terms and conditions of the grant.

30           (9) The institute, based upon guidance from the State  
31 Technology Office and the state's Chief Information Officer,

1 shall establish minimum requirements governing the  
2 specifications and capabilities of any computers purchased  
3 with funds awarded under this grant program.

4 Section 198. Section 1004.53, Florida Statutes, is  
5 created to read:

6 1004.53 Interdisciplinary Center for Brownfield  
7 Rehabilitation Assistance.--The Center for Brownfield  
8 Rehabilitation Assistance in the Environmental Sciences and  
9 Policy Program is established in the College of Arts and  
10 Sciences at the University of South Florida with the  
11 collaboration of other related disciplines such as business  
12 administration, environmental science, and medicine. The  
13 center shall work in conjunction with other state  
14 universities. The Center for Brownfield Rehabilitation  
15 Assistance shall:

16 (1) Conduct research relating to problems and  
17 solutions associated with rehabilitation and restoration of  
18 brownfield areas as defined in s. 376.79. The research must  
19 include identifying innovative solutions to removing  
20 contamination from brownfield sites to reduce the threats to  
21 drinking water supplies and other potential public health  
22 threats from contaminated sites.

23 (2) Provide public service to local, regional, and  
24 state agencies, units of government, and authorities by  
25 helping them to create workable mechanisms, partnerships with  
26 public and private sectors, and other techniques for  
27 rehabilitating brownfield areas.

28 (3) Conduct special research relating to risk-based  
29 corrective actions for rehabilitation of brownfield areas.  
30  
31



1           (4) Develop a base of informational and financial  
2 support from the private sector for the activities of the  
3 center.

4           Section 199. Section 1004.54, Florida Statutes, is  
5 created to read:

6           1004.54 Learning Development and Evaluation Center.--

7           (1) For the purpose of providing academic support for  
8 learning disabled students, the verbal communications  
9 laboratory at Florida Agricultural and Mechanical University  
10 is established as the Learning Development and Evaluation  
11 Center. The university shall provide housing, equipment, and  
12 utilities for the center.

13           (2) The primary objective of the center shall be to  
14 provide learning disabled students with accessibility to  
15 learning by providing a program for building student  
16 self-acceptance, self-esteem, and faculty acceptance. The  
17 program shall also provide for diagnosing and clarifying the  
18 nature of the disability and for identifying strategies that  
19 can be used to enhance learning. Services shall include:

20           (a) Problem identification;

21           (b) Diagnostic evaluation, including neurological,  
22 psychological, speech, and hearing diagnoses;

23           (c) Training, including tutoring and study;

24           (d) Academic, psychological, social, and vocational  
25 counseling;

26           (e) Followup;

27           (f) Maintenance of academic course requirements with  
28 provision for support services to identified students; and

29           (g) Modifications of methods of reaching course  
30 requirements which do not detract from the course purpose.

31

1           (3) Participants in the program shall be students with  
2 specific learning disabilities who meet eligibility criteria  
3 as defined by Rule 6A-6.03018.

4           (4) An outreach component shall be established which  
5 shall include:

6           (a) Notifying secondary schools, community colleges,  
7 career education centers, and community agencies of the  
8 program;

9           (b) Working with community colleges, career education  
10 centers, and community agencies to identify students who may  
11 benefit from the program;

12           (c) Providing secondary schools, community colleges,  
13 career education centers, and community agencies with a  
14 description of methods used by the program for identification  
15 of students who have learning disabilities;

16           (d) Providing secondary schools, community colleges,  
17 career education centers, and community agencies with a  
18 description of program services and the support services  
19 available;

20           (e) Providing on-campus and off-campus activities for  
21 students, administrators, faculty, and staff to enhance  
22 learning of the disabled secondary students;

23           (f) Providing training for school district personnel  
24 to enable them to develop a better understanding of the needs  
25 of learning disabled students;

26           (g) Designing, developing, and implementing, in  
27 cooperation with Florida Agricultural and Mechanical  
28 University, public school districts, community colleges, and  
29 career education centers within the Department of Education,  
30 model programs for the learning disabled student;

31

1           (h) Providing assistance to community colleges and  
2 state universities in designing, developing, and evaluating  
3 model programs for learning disabled students;

4           (i) Establishing a procedure for the annual review and  
5 update of model programs developed for the learning disabled;  
6 and

7           (j) Providing precollegiate residential experiences.

8           (5) On or before November 1, the president of the  
9 university shall submit to the State Board of Education and  
10 the Legislature a report on program effectiveness, which  
11 report shall include:

12           (a) The number of students participating in the  
13 program;

14           (b) An ongoing analysis of overall student performance  
15 as a result of participation in the program;

16           (c) A description of the methods used in identifying  
17 students with learning disabilities;

18           (d) A description of methods and materials prescribed  
19 to meet the specific learning needs of each participant;

20           (e) The number and types of disabilities of students  
21 in the program;

22           (f) How the program accomplished its objectives;

23           (g) Procedures used to counsel and advise students  
24 that would build self-acceptance and enhance learning;

25           (h) Procedures for promoting faculty acceptance of the  
26 program and its participants;

27           (i) A detailed description of each program objective  
28 and the results;

29           (j) Projections of future participation by learning  
30 disabled students based on enrollment, queries, and program  
31 results; and

1           (k) The number of postsecondary and secondary students  
2 participating in the program and the type of service provided.

3           (6) Funding of this program shall be provided for in  
4 the General Appropriations Act.

5           Section 200. Section 1004.55, Florida Statutes, is  
6 created to read:

7           1004.55 Regional autism centers.--

8           (1) Six regional autism centers are established to  
9 provide nonresidential resource and training services for  
10 persons of all ages and of all levels of intellectual  
11 functioning who have autism, as defined in s. 393.063; who  
12 have a pervasive developmental disorder that is not otherwise  
13 specified; who have an autistic-like disability; who have a  
14 dual sensory impairment; or who have a sensory impairment with  
15 other handicapping conditions. Each center shall be  
16 operationally and fiscally independent and shall provide  
17 services within its geographical region of the state. Each  
18 center shall coordinate services within and between state and  
19 local agencies and school districts but may not duplicate  
20 services provided by those agencies or school districts. The  
21 respective locations and service areas of the centers are:

22           (a) The Department of Communication Disorders at  
23 Florida State University, which serves Bay, Calhoun, Escambia,  
24 Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon,  
25 Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,  
26 Walton, and Washington Counties.

27           (b) The College of Medicine at the University of  
28 Florida, which serves Alachua, Bradford, Citrus, Columbia,  
29 Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion,  
30 Putnam, Suwannee, and Union Counties.

31

1        (c) The University of Florida Health Science Center at  
2 Jacksonville, which serves Baker, Clay, Duval, Flagler,  
3 Nassau, and St. Johns Counties.

4        (d) The Louis de la Parte Florida Mental Health  
5 Institute at the University of South Florida, which serves  
6 Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands,  
7 Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee,  
8 Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

9        (e) The Mailman Center for Child Development at the  
10 University of Miami, which serves Broward, Dade, Monroe, and  
11 Palm Beach Counties.

12        (f) The College of Health and Public Affairs at the  
13 University of Central Florida, which serves Brevard, Lake,  
14 Orange, Osceola, Seminole, Sumter, and Volusia Counties.

15        (2) There is established for each center a  
16 constituency board, which shall work collaboratively with the  
17 center. Each board shall consist of no fewer than six  
18 members, each of whom is either an individual who has a  
19 disability that is described in subsection (1) or is a member  
20 of a family that includes a person who has such a disability,  
21 who are selected by each university president from a list that  
22 has been developed by the Autism Society of Florida and other  
23 relevant constituency groups that represent persons who have  
24 sensory impairments as described in subsection (1). As  
25 representatives of the center's constituencies, these boards  
26 shall meet quarterly with the staff of each of the centers to  
27 provide advice on policies, priorities, and activities. Each  
28 board shall submit to the university president and to the  
29 Department of Education an annual report that evaluates the  
30 activities and accomplishments of its center during the year.  
31

1       (3) To promote statewide planning and coordination, a  
2 conference must be held annually for staff from each of the  
3 five centers and representatives from each center's  
4 constituency board. The purpose of the conference is to  
5 facilitate coordination, networking, cross-training, and  
6 feedback among the staffs and constituency boards of the  
7 centers.

8       (4) Each center shall provide:

9       (a) A staff that has expertise in autism and  
10 autistic-like behaviors and in sensory impairments.

11       (b) Individual and direct family assistance in the  
12 home, community, and school. A center's assistance should not  
13 supplant other responsibilities of state and local agencies,  
14 and each school district is responsible for providing an  
15 appropriate education program for clients of a center who are  
16 school age.

17       (c) Technical assistance and consultation services,  
18 including specific intervention and assistance for a client of  
19 the center, the client's family, and the school district, and  
20 any other services that are appropriate.

21       (d) Professional training programs that include  
22 developing, providing, and evaluating preservice and inservice  
23 training in state-of-the-art practices for personnel who work  
24 with the populations served by the centers and their families.

25       (e) Public education programs to increase awareness of  
26 the public about autism, autistic-related disabilities of  
27 communication and behavior, dual sensory impairments, and  
28 sensory impairments with other handicapping conditions.

29       (5) The State Board of Education, in cooperation with  
30 the regional autism centers, shall adopt the necessary rules  
31 to carry out the purposes of this section.

1 Section 201. Section 1004.56, Florida Statutes, is  
2 created to read:

3 1004.56 Florida Museum of Natural History;  
4 functions.--

5 (1) The functions of the Florida Museum of Natural  
6 History, located at the University of Florida, are to make  
7 scientific investigations toward the sustained development of  
8 natural resources and a greater appreciation of human cultural  
9 heritage, including, but not limited to, biological surveys,  
10 ecological studies, environmental impact assessments, in-depth  
11 archaeological research, and ethnological analyses, and to  
12 collect and maintain a depository of biological,  
13 archaeological, and ethnographic specimens and materials in  
14 sufficient numbers and quantities to provide within the state  
15 and region a base for research on the variety, evolution, and  
16 conservation of wild species; the composition, distribution,  
17 importance, and functioning of natural ecosystems; and the  
18 distribution of prehistoric and historic archaeological sites  
19 and an understanding of the aboriginal and early European  
20 cultures that occupied them. State institutions, departments,  
21 and agencies may deposit type collections from archaeological  
22 sites in the museum, and it shall be the duty of each state  
23 institution, department, and agency to cooperate by depositing  
24 in the museum voucher and type biological specimens collected  
25 as part of the normal research and monitoring duties of its  
26 staff and to transfer to the museum those biological specimens  
27 and collections in its possession but not actively being  
28 curated or used in the research or teaching of that  
29 institution, department, or agency. The Florida Museum of  
30 Natural History is empowered to accept, preserve, maintain, or  
31 dispose of these specimens and materials in a manner which

1 makes each collection and its accompanying data available for  
2 research and use by the staff of the museum and by cooperating  
3 institutions, departments, agencies, and qualified independent  
4 researchers. The biological, archaeological, and ethnographic  
5 collections shall belong to the state with the title vested in  
6 the Florida Museum of Natural History, except as provided in  
7 s. 267.12(3). In collecting or otherwise acquiring these  
8 collections, the museum shall comply with pertinent state  
9 wildlife, archaeological, and agricultural laws and rules.  
10 However, all collecting, quarantine, and accreditation permits  
11 issued by other institutions, departments, and agencies shall  
12 be granted routinely for said museum research study or  
13 collecting effort on state lands or within state jurisdiction  
14 which does not pose a significant threat to the survival of  
15 endangered wild species, habitats, or ecosystems. In  
16 addition, the museum shall develop exhibitions and conduct  
17 programs which illustrate, interpret, and explain the natural  
18 history of the state and region and shall maintain a library  
19 of publications pertaining to the work as herein provided.  
20 The exhibitions, collections, and library of the museum shall  
21 be open, free to the public, under suitable rules to be  
22 promulgated by the director of the museum and approved by the  
23 University of Florida.

24 (2) Any gifts, transfers, bequests, or other  
25 conveyances made to the Florida State Museum are deemed to  
26 have been made to the Florida Museum of Natural History.

27 Section 202. Section 1004.57, Florida Statutes, is  
28 created to read:

29 1004.57 Vertebrate paleontological sites and remains;  
30 legislative intent and state policy.--

31



1       (1) It is the declared intention of the Legislature  
2 that vertebrate paleontological sites be protected and  
3 preserved and that, pursuant thereto, vertebrate  
4 paleontological field investigation activities, including, but  
5 not limited to, collection, excavation, salvage, restoration,  
6 and cataloging of fossils, be discouraged except when such  
7 activities are carried on in accordance with both the  
8 provisions and the spirit of this act. However, it is not the  
9 intention of the Legislature that the provisions of this act  
10 impede mining or quarrying for rock, gravel, fill, phosphate,  
11 and other minerals, or the construction of canals or similar  
12 excavations, when such activities are permitted by law.  
13 Rather, it is the intent of the Legislature that mine and  
14 heavy equipment operators be encouraged to cooperate with the  
15 state in preserving its vertebrate paleontological heritage  
16 and vertebrate fossils by notifying the Florida Museum of  
17 Natural History whenever vertebrate fossils are discovered  
18 during mining or digging operations and by allowing such  
19 fossils to be properly salvaged and that persons having  
20 knowledge of vertebrate paleontological sites be encouraged to  
21 communicate such information to the museum.

22       (2) It is hereby declared to be the public policy of  
23 this state to protect and preserve vertebrate paleontological  
24 sites containing vertebrate fossils, including bones, teeth,  
25 natural casts, molds, impressions, and other remains of  
26 prehistoric fauna, and to provide for the collection,  
27 acquisition, and study of the vertebrate fossils of the state  
28 which offer documentation of the diversity of life on this  
29 planet.

30       (3) It is further declared to be the public policy of  
31 the state that all vertebrate fossils found on state-owned

1 lands, including submerged lands and uplands, belong to the  
2 state with title to the fossils vested in the Florida Museum  
3 of Natural History for the purpose of administration of this  
4 section and ss. 1004.575-1004.577.

5 Section 203. Section 1004.575, Florida Statutes, is  
6 created to read:

7 1004.575 Program of vertebrate paleontology within  
8 Florida Museum of Natural History.--There is established  
9 within the Florida Museum of Natural History a program of  
10 vertebrate paleontology, which program has the following  
11 responsibilities:

12 (1) Encouraging the study of the vertebrate fossils  
13 and vertebrate paleontological heritage of the state and  
14 providing exhibits and other educational materials on the  
15 vertebrate fauna to the universities and schools of the state.

16 (2) Developing a statewide plan, to be submitted to  
17 the director of the Florida Museum of Natural History, for  
18 preserving the vertebrate paleontological resources of the  
19 state in a manner which is consistent with the state policies  
20 in s. 1004.57 and which will not unduly hamper development in  
21 this state, including mining and excavating operations.

22 (3) Locating, surveying, acquiring, collecting,  
23 salvaging, conserving, and restoring vertebrate fossils;  
24 conducting research on the history and systematics of the  
25 fossil fauna of the state; and maintaining the official state  
26 depository of vertebrate fossils.

27 (4) Locating, surveying, acquiring, excavating, and  
28 operating vertebrate paleontological sites and properties  
29 containing vertebrate fossils, which sites and properties have  
30 great significance to the scientific study of such vertebrate  
31

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

1           (8) Arranging for the disposition of the vertebrate  
2 fossils by accredited institutions and for the temporary or  
3 permanent loan of such fossils for the purpose of further  
4 scientific study, interpretative display, and curatorial  
5 responsibilities by such institutions.

6           Section 204. Section 1004.576, Florida Statutes, is  
7 created to read:

8           1004.576 Destruction, purchase, and sale of vertebrate  
9 fossils prohibited, exceptions; field investigation permits  
10 required; penalty for violation.--

11           (1) The destruction, defacement, purchase, and sale of  
12 vertebrate fossils found on or under land owned or leased by  
13 the state and on land in state-designated vertebrate  
14 paleontological sites are prohibited, except that the Florida  
15 Museum of Natural History may sell vertebrate fossils and may  
16 adopt rules defining "nonessential vertebrate fossils" and  
17 prescribing the conditions under which such fossils may be  
18 sold or otherwise disposed of by a person holding a permit  
19 issued by the Florida Museum of Natural History. Field  
20 investigations of vertebrate fossils, including, but not  
21 limited to, the systematic collection, acquisition,  
22 excavation, salvage, exhumation, or restoration of such  
23 fossils, are prohibited on all lands owned or leased by the  
24 state and on lands in state-designated vertebrate  
25 paleontological sites, unless such activities are conducted  
26 under the authority of permits issued by the Florida Museum of  
27 Natural History. A permit may be granted by the Florida  
28 Museum of Natural History upon application for the permit  
29 accompanied by an application fee not to exceed \$5 as provided  
30 in rules adopted pursuant to s. 240.227(1) which rules are in  
31 furtherance of the preservation of the vertebrate

1 paleontological resources of this state. The privileges  
2 authorized pursuant to the grant of a permit as provided in  
3 this subsection may not be assigned or sublet to any other  
4 party.

5 (2) Any person who, in violation of this section,  
6 engages in any of the activities described in subsection (1)  
7 without first having obtained a permit to engage in such  
8 activity is guilty of a misdemeanor, punishable by a fine not  
9 to exceed \$500 or by imprisonment in the county jail for a  
10 period not to exceed 6 months, or both; and, in addition, he  
11 or she shall forfeit to the state all specimens, objects, and  
12 materials collected and excavated in violation of this  
13 section, together with all photographs and records relating to  
14 such materials.

15 (3) The Florida Museum of Natural History may  
16 institute a civil action in the appropriate circuit court for  
17 recovery of any unlawfully taken vertebrate fossil. The  
18 fossil shall be forfeited to the state if the Florida Museum  
19 of Natural History shows by the greater weight of the evidence  
20 that the fossil has been taken from a particular site within  
21 this state and that the person found in possession of the  
22 fossil is not authorized by law to possess such fossil.

23 Section 205. Section 1004.577, Florida Statutes, is  
24 created to read:

25 1004.577 Certain rights of mine or quarry operators  
26 and dragline or heavy equipment operators preserved.--Nothing  
27 in ss. 1004.57-1004.576 shall infringe upon the right of a  
28 legitimate mine or quarry operator to extract rock, gravel,  
29 fill, phosphate, or other minerals or infringe upon the right  
30 of a legitimate operator of draglines or similar heavy  
31 dredging, trenching, or digging equipment to construct

1 drainage canals or other excavations because of the actual or  
2 potential destruction of vertebrate fossils.

3 Section 206. Section 1004.58, Florida Statutes, is  
4 created to read:

5 1004.58 Leadership Board for Applied Research and  
6 Public Service.--

7 (1) There is created the Leadership Board for Applied  
8 Research and Public Service to be staffed by the Institute of  
9 Science and Public Affairs at Florida State University. The  
10 purpose of the board is to focus, coordinate, and maximize  
11 university resources on current issues and events affecting  
12 Florida's residents and elected officials. Emphasis shall be  
13 placed on being responsive to and providing accurate, timely,  
14 useful, and relevant information to decisionmakers in state  
15 and local governments. The board shall set forth a process to  
16 provide comprehensive guidance and advice for improving the  
17 types and quality of services to be delivered by the state  
18 universities. Specifically, the board shall better identify  
19 and define the missions and roles of existing institutes and  
20 centers at each state university, work to eliminate  
21 duplication and confusion over conflicting roles and missions,  
22 involve more students in learning with applied research and  
23 public service activities, and be organizationally separate  
24 from academic departments. The board shall meet at least  
25 quarterly. The board may create internal management councils  
26 that may include working institute and center directors. The  
27 board is responsible for, but is not limited to:

28 (a) Providing strategic direction, planning, and  
29 accompanying decisions that support a coordinated applied  
30 public service and research approach in the state.  
31

1           (b) Addressing state university policy matters and  
2 making recommendations to the State Board of Education as they  
3 relate to applied public service and research.

4           (c) Serving as a clearinghouse for services requested  
5 by public officials.

6           (d) Providing support for funding and fiscal  
7 initiatives involving applied public service and research.

8           (2) Membership of the board shall be:

9           (a) The Commissioner of Education, or the  
10 commissioner's designee, who shall serve as chair.

11           (b) The director of the Office of Planning and  
12 Budgeting of the Executive Office of the Governor.

13           (c) The secretary of the Department of Management  
14 Services.

15           (d) The director of Economic and Demographic Research.

16           (e) The director of the Office of Program Policy  
17 Analysis and Government Accountability.

18           (f) The President of the Florida League of Cities.

19           (g) The President for the Florida Association of  
20 Counties.

21           (h) The President of the Florida School Board  
22 Association.

23           (i) Five additional university president members,  
24 designated by the commissioner, to rotate annually.

25           (3) The board shall prepare a report for the State  
26 Board of Education to be submitted to the Governor and the  
27 Legislature by January 1 of each year which summarizes the  
28 work and recommendations of the board in meeting its purpose  
29 and mission.

30           Section 207. Section 1004.59, Florida Statutes, is  
31 created to read:

1           1004.59 Florida Conflict Resolution Consortium.--It is  
2 the intent of the Legislature to reduce the public and private  
3 costs of litigation; resolve public disputes, including those  
4 related to growth management issues, more quickly and  
5 effectively; and improve intergovernmental communications,  
6 cooperation, and consensus-building. The Legislature hereby  
7 formally establishes the Florida Conflict Resolution  
8 Consortium as a statewide center based at Florida State  
9 University, or at another campus as may be designated by the  
10 Commissioner of Education. The purpose of the consortium is  
11 to serve as a neutral resource to assist citizens and public  
12 and private interests in Florida to seek cost-effective  
13 solutions to public disputes and problems through the use of  
14 alternative dispute resolution and consensus-building.

15           Section 208. Section 1004.60, Florida Statutes, is  
16 created to read:

17           1004.60 Research of Rosewood incident.--State  
18 universities shall continue the research of the Rosewood  
19 incident and the history of race relations in Florida and  
20 develop materials for the educational instruction of these  
21 events.

22           Section 209. Section 1004.61, Florida Statutes, is  
23 created to read:

24           1004.61 Partnerships to develop child protection  
25 workers.--The Department of Children and Family Services is  
26 directed to form partnerships with the schools of social work  
27 of the universities of the state in order to encourage the  
28 development of graduates trained to work in child protection.  
29 The department shall give hiring preferences for child  
30 protection jobs to graduates who have earned bachelor's and  
31 master's degrees from these programs with a concentration in



1 child protection. The partnership between the department and  
2 the schools of social work shall include, but not be limited  
3 to, modifying existing graduate and undergraduate social work  
4 curricula, providing field placements for students into child  
5 protection internships in the department, and collaborating in  
6 the design and delivery of advanced levels of social work  
7 practice.

8 Section 210. Section 1004.62, Florida Statutes, is  
9 created to read:

10 1004.62 Incentives for urban or socially and  
11 economically disadvantaged area internships.--The Legislature  
12 establishes incentives for urban or socially and economically  
13 disadvantaged area internships to give university students the  
14 opportunity to study the social, economic, educational, and  
15 political life of inner cities in metropolitan or socially and  
16 economically disadvantaged areas of the state. The incentives  
17 are for internships that are open to students in all  
18 disciplines, including business, education, physical science,  
19 social science, the liberal arts, and the fine arts.  
20 Incentives may be given to any state university. Incentives  
21 must be for one semester's duration, or more, in which an  
22 intern may earn up to 12 hours of credit for the internship.  
23 Student interns must work in teams to address a specific urban  
24 or socially and economically disadvantaged area social problem  
25 or carry out an urban or socially and economically  
26 disadvantaged area social program. The results of each team's  
27 work must be published in a report and distributed to the  
28 colleges of education at each state university.

29 Section 211. Part III of chapter 1004 shall be  
30 entitled "Community Colleges" and shall consist of ss.  
31 1004.65-1004.81.

1           Section 212. Part III.a. of chapter 1004 shall be  
2 entitled "General Provisions" and shall consist of ss.  
3 1004.65-1004.726.

4           Section 213. Section 1004.65, Florida Statutes, is  
5 created to read:

6           1004.65 Community colleges; definition, mission, and  
7 responsibilities.--

8           (1) State community colleges shall consist of all  
9 public educational institutions operated by community college  
10 district boards of trustees under statutory authority and  
11 rules of the State Board of Education.

12           (2) Each community college district authorized by law  
13 and the Department of Education is an independent, separate,  
14 legal entity created for the operation of a community college.

15           (3) A community college may provide adult education  
16 services, including adult basic education, adult general  
17 education, adult secondary education, and general educational  
18 development test instruction.

19           (4) The state community colleges are locally based and  
20 governed entities with statutory and funding ties to state  
21 government. As such, the community colleges' mission reflects  
22 a commitment to be responsive to local educational needs and  
23 challenges. In achieving this mission, the colleges strive to  
24 maintain sufficient local authority and flexibility while  
25 preserving appropriate legal accountability to the state.

26           (5) As comprehensive institutions, the community  
27 colleges shall provide high-quality, affordable education and  
28 training opportunities, shall foster a climate of excellence,  
29 and shall provide opportunities to all while combining high  
30 standards with an open-door admission policy. The community  
31 colleges shall, as open-access institutions, serve all who can

1 benefit, without regard to age, race, gender, creed, or ethnic  
2 or economic background, while emphasizing the achievement of  
3 social and educational equity so that all can be prepared for  
4 full participation in society.

5 (6) The primary mission and responsibility of public  
6 community colleges is responding to community needs for  
7 postsecondary academic education and technical degree  
8 education. This mission and responsibility includes being  
9 responsible for:

10 (a) Providing lower level undergraduate instruction  
11 and awarding associate degrees.

12 (b) Preparing students directly for vocations  
13 requiring less than baccalaureate degrees. This may include  
14 preparing for job entry, supplementing of skills and  
15 knowledge, and responding to needs in new areas of technology.  
16 Career and technical education in the community college shall  
17 consist of technical certificates, credit courses leading to  
18 associate in science degrees and associate in applied science  
19 degrees, and other programs in fields requiring substantial  
20 academic work, background, or qualifications. A community  
21 college may offer career and technical education programs in  
22 fields having lesser academic or technical requirements.

23 (c) Providing student development services, including  
24 assessment, student tracking, support for disabled students,  
25 advisement, counseling, financial aid, career development, and  
26 remedial and tutorial services, to ensure student success.

27 (d) Promoting economic development for the state  
28 within each community college district through the provision  
29 of special programs, including, but not limited to, the:

30 1. Enterprise Florida-related programs.

31 2. Technology transfer centers.

1           3. Economic development centers.  
2           4. Workforce literacy programs.  
3           (e) Providing dual enrollment instruction.  
4           (7) A separate and secondary role for community  
5 colleges includes:  
6           (a) Providing upper level instruction and awarding  
7 baccalaureate degrees as specifically authorized by law.  
8           (b) The offering of programs in:  
9           1. Community services which are not directly related  
10 to academic or occupational advancement.  
11           2. Adult general education.  
12           3. Recreational and leisure services.  
13           (8) Funding for community colleges shall reflect their  
14 mission as follows:  
15           (a) Postsecondary academic and career and technical  
16 education programs and adult general education programs shall  
17 have first priority in community college funding.  
18           (b) Community service programs shall be presented to  
19 the Legislature with rationale for state funding. The  
20 Legislature may identify priority areas for use of these  
21 funds.  
22           (9) Community colleges are authorized to offer such  
23 programs and courses as are necessary to fulfill their mission  
24 and are authorized to grant associate in arts degrees,  
25 associate in science degrees, associate in applied science  
26 degrees, certificates, awards, and diplomas. Each community  
27 college is also authorized to make provisions for the general  
28 educational development examination. Each community college  
29 may provide access to baccalaureate degrees in accordance with  
30 law.  
31

1           Section 214. Section 1004.66, Florida Statutes, is  
2 created to read:

3           1004.66 "Community college" and "junior college" used  
4 interchangeably.--Whenever the terms "community college" and  
5 "junior college" appear in the Florida Statutes in reference  
6 to a tax-supported institution, they shall be construed  
7 identically.

8           Section 215. Section 1004.67, Florida Statutes, is  
9 created to read:

10           1004.67 Community colleges; legislative intent.--It is  
11 the legislative intent that community colleges, constituted as  
12 political subdivisions of the state, continue to be operated  
13 by community college boards of trustees as provided in s.  
14 1001.63 and that no department, bureau, division, agency, or  
15 subdivision of the state exercise any responsibility and  
16 authority to operate any community college of the state except  
17 as specifically provided by law or rules of the State Board of  
18 Education.

19           Section 216. Section 1004.68, Florida Statutes, is  
20 created to read:

21           1004.68 Community college; degrees and certificates;  
22 tests for certain skills.--

23           (1) Each community college board of trustees shall  
24 adopt rules establishing student performance standards for the  
25 award of degrees and certificates.

26           (2) Each community college board of trustees shall  
27 require the use of scores on tests for college-level  
28 communication and computation skills provided in s. 229.551 as  
29 a condition for graduation with an associate in arts degree.

30           Section 217. Section 1004.70, Florida Statutes, is  
31 created to read:

1           1004.70 Community college direct-support  
2 organizations.--  
3           (1) DEFINITIONS.--For the purposes of this section:  
4           (a) "Community college direct-support organization"  
5 means an organization that is:  
6           1. A Florida corporation not for profit, incorporated  
7 under the provisions of chapter 617 and approved by the  
8 Department of State.  
9           2. Organized and operated exclusively to receive,  
10 hold, invest, and administer property and to make expenditures  
11 to, or for the benefit of, a community college in this state.  
12           3. An organization that the community college board of  
13 trustees, after review, has certified to be operating in a  
14 manner consistent with the goals of the community college and  
15 in the best interest of the state. Any organization that is  
16 denied certification by the board of trustees may not use the  
17 name of the community college that it serves.  
18           (b) "Personal services" includes full-time or  
19 part-time personnel as well as payroll processing.  
20           (2) BOARD OF DIRECTORS.--The chair of the board of  
21 trustees shall appoint a representative to the board of  
22 directors and the executive committee of each direct-support  
23 organization established under this section, including those  
24 established before July 1, 1998. The president of the  
25 community college for which the direct-support organization is  
26 established, or the president's designee, shall also serve on  
27 the board of directors and the executive committee of the  
28 direct-support organization, including any direct-support  
29 organization established before July 1, 1998.  
30           (3) USE OF PROPERTY.--  
31

1       (a) The board of trustees is authorized to permit the  
2 use of property, facilities, and personal services at any  
3 state community college by any community college  
4 direct-support organization, subject to the provisions of this  
5 section.

6       (b) The board of trustees is authorized to prescribe  
7 by rule any condition with which a community college  
8 direct-support organization must comply in order to use  
9 property, facilities, or personal services at any state  
10 community college.

11       (c) The board of trustees may not permit the use of  
12 property, facilities, or personal services at any state  
13 community college by any community college direct-support  
14 organization that does not provide equal employment  
15 opportunities to all persons regardless of race, color,  
16 national origin, sex, age, or religion.

17       (4) ACTIVITIES; RESTRICTIONS.--

18       (a) A direct-support organization may, at the request  
19 of the district board of trustees, provide residency  
20 opportunities on or near campus for students.

21       (b) A direct-support organization that constructs  
22 facilities for use by a community college or its students must  
23 comply with all requirements of law relating to the  
24 construction of facilities by a community college, including  
25 requirements for competitive bidding.

26       (c) Any transaction or agreement between one  
27 direct-support organization and another direct-support  
28 organization or between a direct-support organization and a  
29 center of technology innovation designated under s. 1004.77  
30 must be approved by the district board of trustees.

31

1       (d) A community college direct-support organization is  
2 prohibited from giving, either directly or indirectly, any  
3 gift to a political committee or committee of continuous  
4 existence as defined in s. 106.011 for any purpose other than  
5 those certified by a majority roll call vote of the governing  
6 board of the direct-support organization at a regularly  
7 scheduled meeting as being directly related to the educational  
8 mission of the community college.

9       (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support  
10 organization shall submit to the board of trustees its federal  
11 Internal Revenue Service Application for Recognition of  
12 Exemption form (Form 1023) and its federal Internal Revenue  
13 Service Return of Organization Exempt from Income Tax form  
14 (Form 990).

15       (6) ANNUAL AUDIT.--Each direct-support organization  
16 shall provide for an annual financial audit in accordance with  
17 rules adopted by the Auditor General pursuant to s. 11.45(8).  
18 The annual audit report must be submitted, within 9 months  
19 after the end of the fiscal year, to the Auditor General, the  
20 State Board of Education, and the board of trustees for  
21 review. The board of trustees, the Auditor General, and the  
22 Office of Program Policy Analysis and Government  
23 Accountability may require and receive from the organization  
24 or from its independent auditor any detail or supplemental  
25 data relative to the operation of the organization. The  
26 identity of donors who desire to remain anonymous shall be  
27 protected, and that anonymity shall be maintained in the  
28 auditor's report. All records of the organization, other than  
29 the auditor's report, any information necessary for the  
30 auditor's report, any information related to the expenditure  
31 of funds, and any supplemental data requested by the board of



1 trustees, the Auditor General, and the Office of Program  
2 Policy Analysis and Government Accountability, shall be  
3 confidential and exempt from the provisions of s. 119.07(1).

4 Section 218. Section 1004.71, Florida Statutes, is  
5 created to read:

6 1004.71 Statewide community college direct-support  
7 organizations.--

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

9 (a) "Statewide community college direct-support  
10 organization" means an organization that is:

11 1. A Florida corporation not for profit, incorporated  
12 under the provisions of chapter 617 and approved by the  
13 Department of State.

14 2. Organized and operated exclusively to receive,  
15 hold, invest, and administer property and to make expenditures  
16 to, or for the benefit of, the public community colleges in  
17 this state.

18 3. An organization that the State Board of Education,  
19 after review, has certified to be operating in a manner  
20 consistent with the goals of the public community colleges and  
21 in the best interest of the state.

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

24 (2) BOARD OF DIRECTORS.--The chair of the State Board  
25 of Education may appoint a representative to the board of  
26 directors and the executive committee of any statewide,  
27 direct-support organization established under this section or  
28 s. 1004.70. The chair of the State Board of Education, or the  
29 chair's designee, shall also serve on the board of directors  
30 and the executive committee of any direct-support organization  
31

1 established to benefit the public community colleges of  
2 Florida.

3 (3) USE OF PROPERTY.--

4 (a) The State Board of Education may permit the use of  
5 property, facilities, and personal services of the Department  
6 of Education by any statewide community college direct-support  
7 organization, subject to the provisions of this section.

8 (b) The State Board of Education may prescribe by rule  
9 any condition with which a statewide community college  
10 direct-support organization must comply in order to use  
11 property, facilities, or personal services of the Department  
12 of Education.

13 (c) The State Board of Education may not permit the  
14 use of property, facilities, or personal services of the  
15 Department of Education by any statewide community college  
16 direct-support organization that does not provide equal  
17 employment opportunities to all persons regardless of race,  
18 color, national origin, sex, age, or religion.

19 (4) RESTRICTIONS.--

20 (a) A statewide, direct-support organization may not  
21 use public funds to acquire, construct, maintain, or operate  
22 any facilities.

23 (b) Any transaction or agreement between a statewide,  
24 direct-support organization and any other direct-support  
25 organization or between a statewide, direct-support  
26 organization and a center of technology innovation designated  
27 under s. 1004.77 must be approved by the State Board of  
28 Education.

29 (c) A statewide community college direct-support  
30 organization is prohibited from giving, either directly or  
31 indirectly, any gift to a political committee or committee of

1 continuous existence as defined in s. 106.011 for any purpose  
2 other than those certified by a majority roll call vote of the  
3 governing board of the direct-support organization at a  
4 regularly scheduled meeting as being directly related to the  
5 educational mission of the State Board of Education.

6 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support  
7 organization shall submit to the State Board of Education its  
8 federal Internal Revenue Service Application for Recognition  
9 of Exemption form (Form 1023) and its federal Internal Revenue  
10 Service Return of Organization Exempt from Income Tax form  
11 (Form 990).

12 (6) ANNUAL AUDIT.--A statewide community college  
13 direct-support organization shall provide for an annual  
14 financial audit in accordance with s. 1004.70. The identity of  
15 a donor or prospective donor who desires to remain anonymous  
16 and all information identifying such donor or prospective  
17 donor are confidential and exempt from the provisions of s.  
18 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
19 anonymity shall be maintained in the auditor's report.

20 Section 219. Section 1004.725, Florida Statutes, is  
21 created to read:

22 1004.725 Expenditures for self-insurance services;  
23 special account.--

24 (1) The community college boards of trustees, singly  
25 or collectively, are authorized to contract with an  
26 administrator or service company approved by the Department of  
27 Insurance pursuant to chapter 626 to provide self-insurance  
28 services, including, but not limited to, the evaluation,  
29 settlement, and payment of self-insurance claims on behalf of  
30 the board or a consortium of boards.

31

1           (2) Pursuant to such a contract, a board may advance  
2 money to the administrator or service company to be deposited  
3 in a special account for paying claims against the board under  
4 its self-insurance program. The special account shall be  
5 maintained in a designated depository as provided by s.  
6 136.01. The board may replenish such account as often as  
7 necessary upon the presentation by the administrator or  
8 service company of documentation for claims paid in an amount  
9 equal to the amount of the requested reimbursement. Any  
10 contract for disbursement of funds from the special account  
11 shall ensure that the payments are subject to proper  
12 disbursement controls and accounting procedures.

13           Section 1004.726, Florida Statutes, is created to read:  
14           1004.726 Trademarks, copyrights, or patents.--

15           Each community college board of trustees may develop  
16 and produce work products relating to educational endeavors  
17 which are subject to trademark, copyright, or patent statutes.  
18 To this end, the board shall consider the relative  
19 contribution by the personnel employed in the development of  
20 such work products and shall enter into binding agreements  
21 with such personnel, organizations, corporations, or  
22 government entities, which agreements shall establish the  
23 percentage of ownership of such trademarks, copyrights, or  
24 patents. Any other law to the contrary notwithstanding, the  
25 board may in its own name:

26           (1) Perform all things necessary to secure letters of  
27 patent, copyrights, and trademarks on any such work products  
28 and enforce its rights therein.

29           (2) License, lease, assign, or otherwise give written  
30 consent to any person, firm, or corporation for the  
31

1 manufacture or use of its work products on a royalty basis or  
2 for such other consideration as the board deems proper.

3 (3) Take any action necessary, including legal action,  
4 to protect its work products against improper or unlawful use  
5 of infringement.

6 (4) Enforce the collection of any sums due the board  
7 for the manufacture or use of its work products by any other  
8 party.

9 (5) Sell any of its work products and execute all  
10 instruments necessary to consummate any such sale.

11 (6) Do all other acts necessary and proper for the  
12 execution of powers and duties provided by this section.

13 Section 220. Part III.b. of chapter 1004 shall be  
14 entitled "Special Programs; Centers" and shall consist of ss.  
15 1004.73-1004.81.

16 Section 221. Section 1004.73, Florida Statutes, is  
17 created to read:

18 1004.73 St. Petersburg College.--

19 (1) LEGISLATIVE INTENT.--The Legislature intends to  
20 create an innovative means to increase access to baccalaureate  
21 degree level education in populous counties that are  
22 underserved by public baccalaureate degree granting  
23 institutions. This education is intended to address the  
24 state's workforce needs, especially the need for teachers,  
25 nurses, and business managers in agencies and firms that  
26 require expertise in technology.

27 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.  
28 Petersburg College shall immediately seek accreditation from  
29 the Southern Association of Colleges and Schools as a  
30 baccalaureate degree granting college.

31

1       (a) The primary mission of St. Petersburg College is  
2 to provide high-quality undergraduate education at an  
3 affordable price for students and the state. The purpose is to  
4 promote economic development by preparing people for  
5 occupations that require a bachelor's degree and are in demand  
6 by existing or emerging public and private employers in this  
7 state.

8       (b) St. Petersburg College shall maintain the mission  
9 and policies of a Florida community college, including the  
10 open-door admissions policy and the authority to offer all  
11 programs consistent with a public community college's  
12 authority.

13       (c) St. Petersburg College shall maintain the  
14 distinction between the college and its university center. St.  
15 Petersburg College is limited to community college programs  
16 and to selected baccalaureate degree level programs that meet  
17 community needs and are authorized as provided by this  
18 section. The University Center may make available more diverse  
19 program offerings, but those programs are offered by a  
20 participating college or university and are not to be  
21 classified or funded as programs of St. Petersburg College.

22       (d) The academic policies of the upper-division  
23 program at St. Petersburg College must be in accordance with  
24 policies of the State Board of Education.

25       (e) Sections 1013.39 and 1013.82 apply to St.  
26 Petersburg College.

27       (3) STUDENTS; FEES.--

28       (a) St. Petersburg College shall maintain separate  
29 records for students who are enrolled in courses classified in  
30 the upper division and lower division of a baccalaureate  
31 program, according to the common course numbering and

1 designation system. A student shall be reported as a community  
2 college student for enrollment in a lower-division course and  
3 as a baccalaureate degree program student for enrollment in an  
4 upper-division course.

5 (b) The Board of Trustees of St. Petersburg College  
6 shall establish the level of tuition and other authorized  
7 student fees consistent with law and proviso in the General  
8 Appropriations Act.

9 1. For each credit hour of enrollment in a certificate  
10 level course or lower-division level college credit course,  
11 tuition and fees must be within the range authorized in law  
12 and rule for a community college student at that level.

13 2. For each credit hour of enrollment in an  
14 upper-division level course, matriculation and tuition fees  
15 must be in an amount established by the Board of Trustees of  
16 St. Petersburg College. However, fees for upper-division  
17 students must reflect the fact that the college does not incur  
18 the costs of major research programs. Therefore, the board  
19 shall establish fees for upper-division students within a  
20 range that is lower than the fees established for students at  
21 a public university but higher than the fees for community  
22 college students.

23 3. Other mandatory fees and local fees must be at the  
24 same level for all lower-division students. For upper-division  
25 students, other mandatory fees and local fees must be at a  
26 level less than fees established for University of South  
27 Florida students, regardless of program enrollment or level.  
28 However, students in workforce development education courses  
29 maintain the authorized fee exemptions described in s. 1009.25  
30 and may be exempt from local fees imposed by the Board of  
31 Trustees, at the board's discretion.

1           (4) DEGREES.--

2           (a) In addition to the certificates, diplomas, and  
3 degrees authorized in s. 1004.65, St. Petersburg College may  
4 offer selected baccalaureate degrees. Initially, the college  
5 may offer programs that lead to a baccalaureate degree in the  
6 following fields:

7           1. Bachelor of Science in Nursing. This program must  
8 be designed to articulate with the associate in science degree  
9 in nursing. St. Petersburg College shall continue to offer the  
10 associate in science degree in nursing.

11           2. Bachelor of Arts and Bachelor of Science in  
12 Elementary Education.

13           3. Bachelor of Arts and Bachelor of Science in Special  
14 Education.

15           4. Bachelor of Arts and Bachelor of Science in  
16 Secondary Education.

17           5. Bachelor of Applied Science in fields selected by  
18 the Board of Trustees of St. Petersburg College. The Board of  
19 Trustees shall base the selection on an analysis of workforce  
20 needs and opportunities in the following counties: Pinellas,  
21 Pasco, Hernando, and other counties approved by the Florida  
22 Department of Education. For each program selected, St.  
23 Petersburg College must offer a related associate in science  
24 or associate in applied science degree program, and the  
25 baccalaureate degree level program must be designed to  
26 articulate fully with at least one associate in science degree  
27 program. The college is encouraged to develop articulation  
28 agreements for enrollment of graduates of related associate in  
29 applied science degree programs.

30  
31



1           (b) St. Petersburg College may offer courses that  
2 enable teachers to qualify for certification and  
3 recertification as required by law or rule.

4           (c) St. Petersburg College may offer programs to  
5 provide opportunities for a person who holds a baccalaureate  
6 degree, but is not certified to teach, to obtain any  
7 additional courses required for teacher certification.

8           (d) Master's degree level programs and doctoral  
9 programs may be provided by agreement with a college or  
10 university participating in the University Center of St.  
11 Petersburg College.

12           (e) For those students living outside Pinellas County,  
13 St. Petersburg College shall recruit for the upper division  
14 only those students who have earned an associate degree. In  
15 recruiting upper-division students in Pasco and Hernando  
16 Counties, St. Petersburg College shall work cooperatively with  
17 Pasco-Hernando Community College and shall seek to offer  
18 courses and programs at Pasco-Hernando Community College when  
19 feasible. The nursing programs, in particular, must be  
20 conducted cooperatively, and programs at St. Petersburg  
21 College shall not conflict with Pasco-Hernando Community  
22 College's and the University of South Florida's cooperative  
23 nursing program.

24           (5) BOARDS.--

25           (a) The Board of Trustees of St. Petersburg College  
26 serves as the college's governing board. The Governor shall  
27 appoint members as provided in s. 1001.61, and the board has  
28 the duties and authorities granted in ss. 1001.63 and 1001.64  
29 and by rules of the State Board of Education.

30  
31

1       (b) The Board of Trustees of St. Petersburg College  
2 may authorize direct-support organizations as authorized in  
3 ss. 1004.28 and 1004.70.

4       (c) The Board of Trustees of St. Petersburg College  
5 may continue to award degrees, diplomas, and certificates as  
6 authorized for St. Petersburg Junior College, and in the name  
7 of St. Petersburg Junior College, until St. Petersburg College  
8 receives its accreditation.

9       (d) A coordinating board shall assist the Board of  
10 Trustees in its deliberations concerning issues that affect  
11 the upper division of St. Petersburg College. The coordinating  
12 board consists of the President of the University of South  
13 Florida, the President of St. Petersburg College, the  
14 President of Pasco-Hernando Community College, and the chairs  
15 of the boards of trustees of those institutions.

16       (e) Beginning 4 years after the college receives  
17 accreditation to offer baccalaureate degrees, the Board of  
18 Trustees of St. Petersburg College may determine additional  
19 programs to be offered, with the approval of the coordinating  
20 board. The determination must consider community needs and  
21 economic opportunities.

22       (f) The coordinating board shall meet at the request  
23 of the President of the University of South Florida or the  
24 President of St. Petersburg College.

25       (g) If the coordinating board cannot decide an issue  
26 of importance to the programs designed for upper-division  
27 students, the State Board of Education of this state shall  
28 resolve the issue.

29       (6) EMPLOYEES.--

30       (a) Employment at St. Petersburg College is governed  
31 by the same laws that govern community colleges, except that

1 upper-division faculty are eligible for continuing contracts  
2 upon the completion of the fifth year of teaching.

3 (b) Employee records for all personnel shall be  
4 maintained as required by s. 1012.81.

5 (7) FACILITIES.--St. Petersburg College may request  
6 funding from the Public Education Capital Outlay and Debt  
7 Service Trust Fund as a community college and as a university.  
8 The municipalities in Pinellas County, the Board of County  
9 Commissioners of Pinellas County, and all other governmental  
10 entities are authorized to cooperate with the Board of  
11 Trustees of St. Petersburg College in establishing this  
12 institution. The acquisition and donation of lands, buildings,  
13 and equipment for the use of St. Petersburg College are  
14 authorized as a public purpose. The Board of County  
15 Commissioners of Pinellas County and all municipalities in  
16 Pinellas County may exercise the power of eminent domain to  
17 acquire lands, buildings, and equipment for the use of St.  
18 Petersburg College, regardless of whether such lands,  
19 buildings, and equipment are located in a community  
20 redevelopment area.

21 (8) STATE FUNDING.--

22 (a) The Legislature intends to fund St. Petersburg  
23 College as a community college for its workforce development  
24 education programs and for its lower-division level college  
25 credit courses and programs.

26 (b) The Legislature intends to fund St. Petersburg  
27 College as a baccalaureate degree level institution for its  
28 upper-division level courses and programs.

29 Section 222. Section 1004.74, Florida Statutes, is  
30 created to read:

31 1004.74 Florida School of the Arts.--

1       (1) As the state strives to achieve excellence in all  
2 aspects of public education, it is the intent of the  
3 Legislature that specific attention be given to the needs of  
4 artistically talented high school and college students. It is  
5 further intended that such students who are occupationally  
6 oriented to the arts be provided with the means for achieving  
7 both an academic education and artistic training appropriate  
8 to their gifts.

9       (2) There is created the Florida School of the Arts.  
10 The school shall offer a program of academic and artistic  
11 studies in the visual and performing arts, which program shall  
12 be available to talented high school and college students in  
13 the state.

14       (3) The Florida School of the Arts is assigned to the  
15 District Board of Trustees of the St. Johns River Community  
16 College for purposes of administration and governance; but the  
17 Florida School of the Arts, within appropriations and  
18 limitations established annually by the Legislature, shall  
19 serve as a professional school on a statewide basis for all  
20 qualified students.

21       (4) The Council for the Florida School of the Arts  
22 shall be established to advise the community college district  
23 board of trustees on matters pertaining to the operation of  
24 the school. The council shall consist of nine members,  
25 appointed by the Commissioner of Education for 4-year terms. A  
26 member may serve three terms and may serve until replaced.

27       Section 223. Section 1004.75, Florida Statutes, is  
28 created to read:

29       1004.75 Training school consolidation pilot  
30 projects.--

31

1           (1) ESTABLISHMENT.--To consolidate and more  
2 efficiently use state and taxpayer resources by combining  
3 training programs, pilot training centers are established to  
4 provide public criminal justice training in Leon and St. Johns  
5 Counties. The following pilot training centers are  
6 established:

7           (a) The Pat Thomas Center at Tallahassee Community  
8 College.

9           (b) The Criminal Justice Academy at St. Johns River  
10 Community College.

11           (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING  
12 PROGRAMS.--Notwithstanding ss. 1001.31, 1001.33, and 1007.25,  
13 or any other provision of law to the contrary, criminal  
14 justice training programs in the pilot counties will transfer  
15 to community colleges, effective July 1, 1999, at which time  
16 responsibility for the provision of basic recruit, advanced,  
17 career development, and continuing training courses and  
18 programs offered in public criminal justice training programs  
19 and for the operation of existing public criminal justice  
20 training programs will be shifted from the school district to  
21 the community college in whose service area the public  
22 criminal justice training program is located. Certification of  
23 the program granted by the Criminal Justice Standards and  
24 Training Commission will be transferred to the respective  
25 community college and the college must continue to meet the  
26 requirements of the commission.

27           (3) FACILITIES.--

28           (a) Criminal justice training program educational  
29 facilities, educational plants, and related equipment as  
30 defined in s. 1013.01(6) and (7) which are owned by the state  
31 and paid for with only state funds shall be transferred to the

1 community college, except that, if such an educational  
2 facility or educational plant or part of such facility or  
3 plant is used for other purposes in addition to public  
4 criminal justice training, the Criminal Justice Standards and  
5 Training Commission shall mediate the transfer or a suitable  
6 multiuse arrangement.

7 (b) Criminal justice training program educational  
8 facilities, educational plants, and related equipment as  
9 defined in s. 1013.01(6) and (7) which are owned by the school  
10 district and paid for in whole or in part with local tax funds  
11 shall be leased to the community college. However, if such an  
12 educational facility or educational plant, or part of such  
13 facility or plant, is used for other purposes in addition to  
14 public criminal justice training, the Criminal Justice  
15 Standards and Training Commission shall mediate a suitable  
16 lease agreement. If a school district and a community college  
17 cannot agree on the terms and conditions of the lease  
18 agreement, the Criminal Justice Standards and Training  
19 Commission shall finalize the agreement and report its  
20 decision to the Legislature. The Department of Education,  
21 Office of Educational Facilities, shall conduct an analysis,  
22 by December 31, 1999, to determine the amount of local tax  
23 contribution used in the construction of a  
24 school-district-owned criminal justice training program,  
25 educational facility, or educational plant affected by the  
26 transfer. This analysis shall be used to establish a purchase  
27 price for the facility or plant. The local community college  
28 district board of trustees may make a legislative budget  
29 request through the State Board of Community Colleges to  
30 purchase the facility or plant, or it may continue to lease  
31 the facility or plant.

1           (4) PROGRAM REQUIREMENTS.--Each pilot training center  
2 will be regional in nature, as defined by the Criminal Justice  
3 Standards and Training Commission. Each community college with  
4 responsibility for a public criminal justice training program  
5 must:

6           (a) Establish a pilot training center advisory  
7 committee made up of professionals from the field of each  
8 training program included in the pilot project.

9           (b) Provide certificate and noncredit options for  
10 students and training components of the pilot training center  
11 that so require.

12           (c) Develop an articulation agreement with the State  
13 University System to facilitate the transfer of graduates of a  
14 community college degree training program to the upper  
15 division of a state university with a corresponding program.

16           (5) STAFFING.--The community college board of trustees  
17 may provide for school district public criminal justice  
18 training staff employed in full-time budgeted positions to be  
19 transferred into the community college personnel system at the  
20 same rate of salary. Retirement and leave provisions will be  
21 transferred according to law.

22           (6) FUNDING.--Beginning July 1, 1999, the Department  
23 of Education shall shift funds generated by students in the  
24 pilot training centers established by this section, including  
25 workforce development recurring and nonrecurring funds, from  
26 the appropriate school district to the respective community  
27 college. The community college shall qualify for future  
28 facilities funding upon transfer of the facility.

29           (a) Consistent with s. 1011.62(7), school districts  
30 that transfer programs will receive an amount equal to 15  
31

1 percent of the funding generated for the program under the  
2 FEFP in 1996-1997.

3 (b) Reflecting the lower program costs in the  
4 Community College System, notwithstanding the funding  
5 generated in paragraph (a), community colleges will receive 90  
6 percent of the funding generated for the program under the  
7 FEFP in 1996-1997. The school district will retain the  
8 remaining 10 percent.

9 (c) Notwithstanding ss. 1011.80(5)(a) and  
10 1009.22(3)(a), or any other provision of law to the contrary,  
11 fees for continuing workforce education for public law  
12 enforcement officers at these pilot centers shall not exceed  
13 25 percent of the cost of the course, and state funding shall  
14 not under any circumstances exceed 50 percent of the cost of  
15 the course.

16 Section 224. Section 1004.76, Florida Statutes, is  
17 created to read:

18 1004.76 Florida Martin Luther King, Jr., Institute for  
19 Nonviolence.--

20 (1) As used in this section:

21 (a) "Board" means the advisory board of the institute.

22 (b) "Institute" means the Florida Martin Luther King,  
23 Jr., Institute for Nonviolence.

24 (2) There is hereby created the Florida Martin Luther  
25 King, Jr., Institute for Nonviolence to be established at  
26 Miami-Dade Community College. The institute shall have an  
27 advisory board consisting of 13 members as follows: the  
28 Attorney General, the Commissioner of Education, and 11  
29 members to be appointed by the Governor, such members to  
30 represent the population of the state based on its ethnic,  
31 gender, and socioeconomic diversity. Of the members appointed



1 by the Governor, one shall be a member of the Senate appointed  
2 by the Governor on the recommendation of the President of the  
3 Senate; one shall be a member of the Senate appointed by the  
4 Governor on the recommendation of the minority leader; one  
5 shall be a member of the House of Representatives appointed by  
6 the Governor on the recommendation of the Speaker of the House  
7 of Representatives; one shall be a member of the House of  
8 Representatives appointed by the Governor on the  
9 recommendation of the minority leader; and seven shall be  
10 members appointed by the Governor, no more than three of whom  
11 shall be members of the same political party. The following  
12 groups shall be represented by the seven members: the Florida  
13 Sheriffs Association; the Florida Association of Counties; the  
14 Florida League of Cities; state universities human services  
15 agencies; community relations or human relations councils; and  
16 youth. A chairperson shall be elected by the members and  
17 shall serve for a term of 3 years. Members of the board shall  
18 serve the following terms of office which shall be staggered:  
19 (a) A member of the Legislature appointed to the board  
20 shall serve for a single term not to exceed 5 years and shall  
21 serve as a member only while he or she is a member of the  
22 Legislature.  
23 (b) Of the seven members who are not members of the  
24 Legislature, three shall serve for terms of 4 years, two shall  
25 serve for terms of 3 years, and one shall serve for a term of  
26 1 year. Thereafter, each member, except for a member  
27 appointed to fill an unexpired term, shall serve for a 5-year  
28 term. No member shall serve on the board for more than 10  
29 years.

1 In the event of a vacancy occurring in the office of a member  
2 of the board by death, resignation, or otherwise, the Governor  
3 shall appoint a successor to serve for the balance of the  
4 unexpired term.

5 (3)(a) The board shall provide for the holding of  
6 regular and special meetings. A majority of the members shall  
7 constitute a quorum for the transaction of any business, and  
8 the acts of a majority of the members present at a meeting at  
9 which a quorum is present shall be deemed to be the acts of  
10 the board.

11 (b) An executive director shall be appointed by the  
12 board and shall be the chief administrative and operational  
13 officer of the board. The executive director shall direct and  
14 supervise administrative affairs and the general management of  
15 the board. The executive director may contract with or employ  
16 legal and technical experts and such other employees,  
17 permanent and temporary, as shall be authorized by the board.

18 (c) Members of the board shall serve without  
19 compensation, but shall be reimbursed for per diem and travel  
20 expenses in accordance with s. 112.061.

21 (4) The institute shall have the following powers and  
22 duties:

23 (a) To conduct training, provide symposia, and develop  
24 continuing education and programs to promote skills in  
25 nonviolent conflict resolution for persons in government,  
26 private enterprise, community groups, and voluntary  
27 associations.

28 (b) To enter into formal and informal relationships  
29 with other public or private institutions for purposes of  
30 fulfilling the goals of the institute and to ensure geographic  
31 dispersion of services to all regions of the state.

1        (c) To establish a clearinghouse to provide materials,  
2 including publications, handbooks, training manuals, and  
3 audiovisual materials, on the programs, studies, research,  
4 training, and educational opportunities of the institute.

5        (d) To adopt, amend, and alter bylaws not inconsistent  
6 with the laws of the state.

7        (e) To charge and collect subscription and other  
8 participation costs and fees for its services, including  
9 publications and courses of study.

10       (f) To receive and accept from any federal, state, or  
11 local agency grants, or advances for, or in aid of, the  
12 purposes of this act and to receive and accept contributions  
13 from any source of either money, property, labor, or other  
14 things of value, to be held, used, and applied for said  
15 purposes.

16       (g) To do any and all lawful acts and things necessary  
17 or desirable to carry out the objectives and purposes of this  
18 act.

19       (5) The institute may establish fellowships through  
20 the awarding of financial assistance to individuals and  
21 organizations to enable them to pursue scholarly inquiry and  
22 study other appropriate forms of strategies for peace and  
23 nonviolent conflict resolution.

24       Section 225. Section 1004.77, Florida Statutes, is  
25 created to read:

26       1004.77 Centers of technology innovation.--

27       (1) The State Board of Education may designate centers  
28 of technology innovation at single community colleges,  
29 consortia of community colleges, or consortia of community  
30 colleges with other educational institutions. The state board  
31 shall adopt rules necessary to implement the provisions of

1 this section. The state board shall cooperate with the  
2 Workforce Florida, Inc., in the designation of the centers as  
3 it relates to the centers of applied technology.

4 (2) Centers shall be designated when a community  
5 college or consortia provides evidence that it has developed  
6 expertise in one or more specialized technologies. To be  
7 designated, the community college or consortia must provide  
8 benefits to the state, which may include, but are not limited  
9 to:

10 (a) Curriculum development.

11 (b) Faculty development.

12 (c) Research, testing, and technology transfer.

13 (d) Instructional equipment and materials  
14 identification and development.

15 (e) Partnerships with industries dependent upon  
16 staying current in the related technologies and in the  
17 development of workforce capabilities.

18 (f) Partnerships with industries needing to convert  
19 their existing technology base to other technologies in order  
20 to continue conducting business in Florida, including  
21 converting defense-related technologies to other technologies.

22 (3) Centers may provide services to their service area  
23 and receive funding through:

24 (a) Serving as a technology transfer center, as  
25 created in s. 1004.78.

26 (b) Serving as an incubator facility for small  
27 business concerns, as created in s. 1004.79.

28 (c) Serving as an economic development center, as  
29 created in s. 1004.80.

30 (4) Centers may provide instruction, as follows:  
31

1       (a) To students enrolled in the community college,  
2 especially for purposes of providing training for technicians  
3 in areas that support the employers involved in the technology  
4 specialization.

5       (b) To students enrolled at the undergraduate and  
6 graduate level in a university, college, or community college  
7 which is a member of the designated consortia. Such enrollment  
8 shall be funded by the enrolling institution.

9       (c) To employees in the service area needing training  
10 and retraining in the technology of specialization, which may  
11 include, but is not limited to, the retraining necessary to  
12 convert defense-related technologies to other technologies.

13       (d) To secondary school students and teachers where  
14 such instruction will stimulate interest in further education.

15       (5) The State Board of Education shall give priority  
16 in the designation of centers to those community colleges that  
17 specialize in technology in environmental areas and in areas  
18 related to target industries of Enterprise Florida. Priority  
19 in designation shall also be given to community colleges that  
20 develop new and improved manufacturing techniques and related  
21 business practices.

22       (6) Centers, including the facilities of the center,  
23 may be made available to the public agencies of the state, the  
24 counties and cities of the service area, and the employers of  
25 the state and service area. Centers may also be used for  
26 applied research in the area of specialization.

27       (7) Each center shall have a board of directors with  
28 at least five members who shall be appointed by the district  
29 board of trustees. The board of directors is responsible for  
30 overseeing the operation of the center, approval of the annual  
31 budget, and setting policy to guide the director in the

1 operation of the center. The board of directors shall consist  
2 of at least the following:

3 (a) The director of the center.

4 (b) The vice president of academic affairs, or the  
5 equivalent, of the community college.

6 (c) The vice president of business affairs, or the  
7 equivalent, of the community college.

8 (d) Two members designated by the president of the  
9 community college.

10 (8) Each center shall establish a schedule of fees or  
11 rates to be charged to all who use the facilities of the  
12 center. In addition, each center may negotiate user contracts  
13 with governmental users, industrial users, researchers, public  
14 or private educational institutions, or individuals for use of  
15 the facilities. It is the intent of the Legislature that the  
16 centers of technology innovation established pursuant to this  
17 act shall not seek any additional state funding. Centers may  
18 solicit and accept grants and donations, including, but not  
19 limited to, federal and state grants to assist companies in  
20 converting defense-related technologies to other technologies.

21 (9) The State Board of Education may award grants to  
22 designated centers for the purposes of this section. Grants  
23 awarded shall be in accordance with rules established by the  
24 State Board of Education, which rules shall require an annual  
25 report.

26 Section 226. Section 1004.78, Florida Statutes, is  
27 created to read:

28 1004.78 Technology transfer centers at community  
29 colleges.--

30 (1) Each public community college may establish a  
31 technology transfer center for the purpose of providing

1 institutional support to local business and industry and  
2 governmental agencies in the application of new research in  
3 technology. The primary responsibilities of such centers may  
4 include: identifying technology research developed by  
5 universities, research institutions, businesses, industries,  
6 the United States Armed Forces, and other state or federal  
7 governmental agencies; determining and demonstrating the  
8 application of technologies; training workers to integrate  
9 advanced equipment and production processes; and determining  
10 for business and industry the feasibility and efficiency of  
11 accommodating advanced technologies.

12 (2) The community college board of trustees shall set  
13 such policies to regulate the activities of the technology  
14 transfer center as it may consider necessary to effectuate the  
15 purposes of this act and to administer the programs of the  
16 center in a manner which assures efficiency and effectiveness,  
17 producing the maximum benefit for the educational programs and  
18 maximum service to the state. To this end, materials that  
19 relate to methods of manufacture or production, potential  
20 trade secrets, potentially patentable material, actual trade  
21 secrets, business transactions, or proprietary information  
22 received, generated, ascertained, or discovered during the  
23 course of activities conducted within the community colleges  
24 shall be confidential and exempt from the provisions of s.  
25 119.07(1), except that a community college shall make  
26 available upon request the title and description of a project,  
27 the name of the investigator, and the amount and source of  
28 funding provided for such project.

29 (3) A technology transfer center created under the  
30 provisions of this act shall be under the supervision of the  
31 board of trustees of that community college, which is

1 authorized to appoint a director; to employ full-time and  
2 part-time staff, research personnel, and professional  
3 services; to employ on a part-time basis personnel of the  
4 community college; and to employ temporary employees whose  
5 salaries are paid entirely from the permanent technology  
6 transfer fund or from that fund in combination with other  
7 nonstate sources, with such positions being exempt from the  
8 requirements of the Florida Statutes relating to salaries,  
9 except that no such appointment shall be made for a total  
10 period of longer than 1 year.

11 (4) The board of trustees of the community college in  
12 which a technology transfer center is created, or its  
13 designee, may negotiate, enter into, and execute contracts;  
14 solicit and accept grants and donations; and fix and collect  
15 fees, other payments, and donations that may accrue by reason  
16 thereof for technology transfer activities. The board or its  
17 designee may negotiate, enter into, and execute contracts on a  
18 cost-reimbursement basis and may provide temporary financing  
19 of such costs prior to reimbursement from moneys on deposit in  
20 the technology transfer fund, except as may be prohibited  
21 elsewhere by law.

22 (5) A technology transfer center shall be financed  
23 from the Academic Improvement Program or from moneys of a  
24 community college which are on deposit or received for use in  
25 the activities conducted in the center. Such moneys shall be  
26 deposited by the community college in a permanent technology  
27 transfer fund in a depository or depositories approved for the  
28 deposit of state funds and shall be accounted for and  
29 disbursed subject to regular audit by the Auditor General.

30 (6) The fund balance in any existing research trust  
31 fund of a community college at the time a technology transfer



1 center is created shall be transferred to a permanent  
2 technology transfer fund established for the community  
3 college, and thereafter the fund balance of the technology  
4 transfer fund at the end of any fiscal period may be used  
5 during any succeeding period pursuant to this section.

6 (7) Moneys deposited in the permanent technology  
7 transfer fund of a community college shall be disbursed in  
8 accordance with the terms of the contract, grant, or donation  
9 under which they are received. Moneys received for overhead  
10 or indirect costs and other moneys not required for the  
11 payment of direct costs shall be applied to the cost of  
12 operating the technology transfer center.

13 (8) All purchases of a technology transfer center  
14 shall be made in accordance with the policies and procedures  
15 of the community college.

16 (9) The community college board of trustees may  
17 authorize the construction, alteration, or remodeling of  
18 buildings when the funds used are derived entirely from the  
19 technology transfer fund of a community college or from that  
20 fund in combination with other nonstate sources, provided that  
21 such construction, alteration, or remodeling is for use  
22 exclusively by the center. It also may authorize the  
23 acquisition of real property when the cost is entirely from  
24 said funds. Title to all real property shall vest in the  
25 board of trustees.

26 (10) The State Board of Education may award grants to  
27 community colleges, or consortia of public and private  
28 colleges and universities and other public and private  
29 entities, for the purpose of supporting the objectives of this  
30 section. Grants awarded pursuant to this subsection shall be  
31

1 in accordance with rules of the State Board of Education.  
2 Such rules shall include the following provisions:  
3       (a) The number of centers established with state funds  
4 provided expressly for the purpose of technology transfer  
5 shall be limited, but shall be geographically located to  
6 maximize public access to center resources and services;  
7       (b) Grants to centers funded with state revenues  
8 appropriated specifically for technology transfer activities  
9 shall be reviewed and approved by the State Board of Education  
10 using proposal solicitation, evaluation, and selection  
11 procedures established by the board in consultation with  
12 Enterprise Florida, Inc. Such procedures may include  
13 designation of specific areas or applications of technology as  
14 priorities for the receipt of funding; and  
15       (c) Priority for the receipt of state funds  
16 appropriated specifically for the purpose of technology  
17 transfer shall be given to grant proposals developed jointly  
18 by community colleges and public and private colleges and  
19 universities.  
20       (11) Each technology transfer center established under  
21 the provisions of this section shall establish a technology  
22 transfer center advisory committee. Each committee shall  
23 include representatives of a university or universities  
24 conducting research in the area of specialty of the center.  
25 Other members shall be determined by the community college  
26 board of trustees.  
27       Section 227. Section 1004.79, Florida Statutes, is  
28 created to read:  
29       1004.79 Incubator facilities for small business  
30 concerns.--  
31

1       (1) Each community college established pursuant to s.  
2 1004.02(2) may provide incubator facilities to eligible small  
3 business concerns. As used in this section, "small business  
4 concern" shall be defined as an independently owned and  
5 operated business concern incorporated in Florida which is not  
6 an affiliate or a subsidiary of a business dominant in its  
7 field of operation, and which employs 25 or fewer full-time  
8 employees. "Incubator facility" shall be defined as a facility  
9 in which small business concerns share common space,  
10 equipment, and support personnel and through which such  
11 concerns have access to professional consultants for advice  
12 related to the technical and business aspects of conducting a  
13 commercial enterprise. The community college board of trustees  
14 shall authorize concerns for inclusion in the incubator  
15 facility.

16       (2) Each community college that provides an incubator  
17 facility shall provide the following:

18           (a) Management and maintenance of the incubator  
19 facility;

20           (b) Secretarial and other support personnel,  
21 equipment, and utilities; and

22           (c) Mechanisms to assist with the acquisition of  
23 technical, management, and entrepreneurial expertise to  
24 resident and other local small business concerns.

25       (3) The incubator facility and any improvements to the  
26 facility shall be owned or leased by the community college.  
27 The community college may charge residents of the facility all  
28 or part of the cost for facilities, utilities, and support  
29 personnel and equipment. No small business concern shall  
30 reside in the incubator facility for more than 5 calendar  
31 years. The state shall not be liable for any act or failure

1 to act of any small business concern residing in an incubator  
2 facility pursuant to this section or of any such concern  
3 benefiting from the incubator facilities program.

4 (4) Community colleges are encouraged to establish  
5 incubator facilities through which emerging small businesses  
6 supportive of spaceport endeavors and other high-technology  
7 enterprises may be served.

8 (5) Community colleges are encouraged to establish  
9 incubator facilities through which emerging small businesses  
10 supportive of development of content and technology for  
11 digital broadband media and digital broadcasting may be  
12 served.

13 Section 228. Section 1004.80, Florida Statutes, is  
14 created to read:

15 1004.80 Economic development centers.--

16 (1) Community colleges may establish economic  
17 development centers for the purpose of serving as liaisons  
18 between community colleges and the business sector. The  
19 responsibilities of each center shall include:

20 (a) Promoting the economic well-being of businesses  
21 and industries.

22 (b) Coordinating, with chambers of commerce,  
23 government agencies, school boards, and other organizations,  
24 efforts to provide educational programs which promote economic  
25 development, including, but not limited to, business  
26 incubators, industrial development and research parks,  
27 industry recruitment efforts, publication of business research  
28 and resource guides, and sponsorship of workshops,  
29 conferences, seminars, and consultation services.

30 (2) The board of trustees of a community college in  
31 which an economic development center is created, or its

1 designee, may negotiate, enter into, and execute contracts;  
2 solicit and accept grants and donations; and fix and collect  
3 fees, other payments, and donations that may accrue by reason  
4 of activities of the center and its staff.

5 (3) Economic development centers shall operate under  
6 policies and procedures established by the community college  
7 board of trustees.

8 (4) The State Board of Education may award grants to  
9 economic development centers for the purposes of this section.  
10 Grants awarded pursuant to this subsection shall be in  
11 accordance with rules established by the State Board of  
12 Education.

13 Section 229. Section 1004.81, Florida Statutes, is  
14 created to read:

15 1004.81 Establishment of child development training  
16 centers at community colleges.--

17 (1) The Legislature recognizes the importance of  
18 preschool developmental education and the need for adult  
19 students with limited economic resources to have access to  
20 high-quality, affordable child care at variable hours for  
21 their children. It is therefore the intent of the Legislature  
22 that community colleges provide high-quality, affordable child  
23 care to the children of adult students enrolled in community  
24 colleges. The primary purpose of these child development  
25 training centers is to provide affordable child care for  
26 children of adult students, particularly those who demonstrate  
27 financial need, as well as for employees and staff of the  
28 institution. Further, the child development training centers  
29 are intended to provide both preschool instruction to the  
30 children and clinical experiences for prospective child care  
31 and early childhood instructional and administrative

1 personnel. A secondary mission of the centers shall be to  
2 provide instruction in parenting skills for the clients of the  
3 center as well as for the community.

4 (2) In consultation with the student government  
5 association or a recognized student group representing the  
6 student body, a community college board of trustees may  
7 establish a child development training center in accordance  
8 with this section. Each child development training center  
9 shall be a child care center established to provide child care  
10 during the day and at variable hours, including evenings and  
11 weekends, for the children of students. Emphasis should be  
12 placed on serving students who demonstrate financial need as  
13 defined by the board of trustees. At least 50 percent of the  
14 child care slots must be made available to students, and  
15 financially needy students, as defined by the board of  
16 trustees, shall receive child care slots first. The center may  
17 serve the children of staff, employees, and faculty; however,  
18 a designated number of child care slots shall not be allocated  
19 for employees. Whenever possible, the center shall be located  
20 on the campus of the community college. However, the board may  
21 elect to provide child care services for students through  
22 alternative mechanisms, which may include contracting with  
23 private providers.

24 (3) There shall be a board of directors of each child  
25 development training center, consisting of the president or  
26 his or her designee, the student government president or his  
27 or her designee, the chair of the department participating in  
28 the center or his or her designee, and one parent for each 25  
29 children enrolled in the center, elected by the parents of the  
30 children enrolled in the center. There shall be a director of  
31 each center, selected by the board of directors of the center.

1 The director shall be an ex officio, nonvoting member of the  
2 board. The board of trustees shall establish local policies  
3 and perform local oversight and operational guidance for the  
4 center.

5 (4) Each center may charge fees for the care and  
6 services it provides. Each board of trustees shall establish  
7 mechanisms to facilitate access to center services for  
8 students with financial need, which shall include a sliding  
9 fee scale and other methods adopted by the board to reduce or  
10 defray payment of fees for students. The board of trustees is  
11 authorized to seek and receive grants and other resources to  
12 support the operation of the child development center.

13 (5) In addition to revenues derived from child care  
14 fees charged to parents and other external resources, each  
15 child development training center may be funded by a portion  
16 of funds from the student activity and service fee authorized  
17 by s. 1009.23(7) and the capital improvement fee authorized by  
18 s. 1009.23(11). Community colleges are authorized to transfer  
19 funds as necessary from the college's general fund to support  
20 the operation of the child development training center.

21 (6) This section does not preclude the continuation of  
22 or in any way affect child care centers operated by community  
23 colleges which were established by the district board of  
24 trustees prior to July 1, 1994.

25 Section 230. Part IV of chapter 1004 shall be entitled  
26 "Workforce Development Education" and shall consist of ss.  
27 1004.91-1004.98.

28 Section 231. Section 1004.91, Florida Statutes, is  
29 created to read:

30 1004.91 Vocational preparatory instruction.--  
31

1       (1) The State Board of Education shall adopt, by rule,  
2 standards of basic skill mastery for certificate technical  
3 education programs. Each school district and community college  
4 that conducts programs that confer technical credit shall  
5 provide vocational preparatory instruction through which  
6 students receive the basic skills instruction required  
7 pursuant to this section.

8       (2) Students who enroll in a program offered for  
9 technical credit of 450 hours or more shall complete an  
10 entry-level examination within the first 6 weeks of admission  
11 into the program. The State Board of Education shall  
12 designate examinations that are currently in existence, the  
13 results of which are comparable across institutions, to assess  
14 student mastery of basic skills. Any student found to lack the  
15 required level of basic skills for such program shall be  
16 referred to vocational-preparatory instruction or adult basic  
17 education for a structured program of basic skills  
18 instruction. Such instruction may include English for speakers  
19 of other languages. A student may not receive a technical  
20 certificate of completion without first demonstrating the  
21 basic skills required in the state curriculum frameworks for  
22 the program.

23       (3) An adult student with a disability may be exempted  
24 from the provisions of this section. A student who possesses a  
25 college degree at the associate in applied science level or  
26 higher is exempt from this section. A student who has  
27 completed or who is exempt from the college-level  
28 communication and computation skills examination pursuant to  
29 s. 1008.29, or who is exempt from the college entry-level  
30 examination pursuant to s. 1008.29 is exempt from the  
31 provisions of this section. Students who have passed a state,



1 national or industry licensure exam are exempt from this  
2 section.

3 Section 232. Section 1004.92, Florida Statutes, is  
4 created to read:

5 1004.92 Purpose and responsibilities for career and  
6 technical education.--

7 (1) The purpose of career and technical education is  
8 to enable students who complete career and technical programs  
9 to attain and sustain employment and realize economic  
10 self-sufficiency. The purpose of this section is to identify  
11 issues related to career and technical education for which  
12 school boards and community college boards of trustees are  
13 accountable. It is the intent of the Legislature that the  
14 standards articulated in subsection (2) be considered in the  
15 development of accountability standards for public schools  
16 pursuant to ss. 1000.03, 1008.345, and 1001.42(16) and for  
17 community colleges pursuant to s. 1008.45.

18 (2) School board, superintendent, and area technical  
19 center, and community college board of trustees and president,  
20 accountability for career and technical education programs  
21 includes, but is not limited to:

22 1. Student demonstration of the academic skills  
23 necessary to enter an occupation.

24 2. Student preparation to enter an occupation in an  
25 entry-level position or continue postsecondary study.

26 3. Career and technical program articulation with  
27 other corresponding postsecondary programs and job training  
28 experiences.

29 4. Employer satisfaction with the performance of  
30 students who complete career and technical education or reach  
31 occupational completion points.

1           5. Student completion, placement, and retention rates  
2 pursuant to s. 1008.43.

3           (c) Department of Education accountability for career  
4 and technical education includes, but is not limited to:

5           1. The provision of timely, accurate technical  
6 assistance to school districts and community colleges.

7           2. The provision of timely, accurate information to  
8 the State Board of Education, the Legislature, and the public.

9           3. The development of policies, rules, and procedures  
10 that facilitate institutional attainment of the accountability  
11 standards and coordinate the efforts of all divisions within  
12 the department.

13           4. The development of program standards and  
14 industry-driven benchmarks for career and technical, adult,  
15 and community education programs, which must be updated every  
16 3 years. The standards must include technical, academic, and  
17 workplace skills; viability of distance learning for  
18 instruction; and work/learn cycles that are responsive to  
19 business and industry.

20           5. Overseeing school district and community college  
21 compliance with the provisions of this chapter.

22           6. Ensuring that the educational outcomes for the  
23 technical component of career and technical programs and are  
24 uniform and designed to provide a graduate who is capable of  
25 entering the workforce on an equally competitive basis  
26 regardless of the institution of choice.

27           (3) Each area technical center operated by a school  
28 board shall establish a center advisory council pursuant to s.  
29 1001.452. The center advisory council shall assist in the  
30 preparation and evaluation of center improvement plans  
31 required pursuant to s. 1001.42(16) and may provide

1 assistance, upon the request of the center director, in the  
2 preparation of the center's annual budget and plan as required  
3 by s. 1008.385(1).

4 Section 233. Section 1004.93, Florida Statutes, is  
5 created to read:

6 1004.93 Adult general education.--

7 (1)(a) The intent of this section is to encourage the  
8 provision of educational services that will enable adults to  
9 acquire:

10 1. The basic skills necessary to attain basic and  
11 functional literacy.

12 2. A high school diploma or successfully complete the  
13 general educational development test.

14 3. An educational foundation that will enable them to  
15 become more employable, productive, and self-sufficient  
16 citizens.

17 (b) It is further intended that educational  
18 opportunities be available for adults who have earned a  
19 diploma or high school equivalency diploma but who lack the  
20 basic skills necessary to function effectively in everyday  
21 situations, to enter the job market, or to enter technical  
22 certificate instruction.

23 (2) The adult education program must provide academic  
24 services to students in the following priority:

25 (a) Students who demonstrate skills at less than a  
26 fifth grade level, as measured by tests approved for this  
27 purpose by the State Board of Education, and who are studying  
28 to achieve basic literacy.

29 (b) Students who demonstrate skills at the fifth grade  
30 level or higher, but below the ninth grade level, as measured  
31 by tests approved for this purpose by the State Board of

1 Education, and who are studying to achieve functional  
2 literacy.  
3 (c) Students who are earning credit required for a  
4 high school diploma or who are preparing for the general  
5 educational development test.  
6 (d) Students who have earned high school diplomas and  
7 require specific improvement in order to:  
8 1. Obtain or maintain employment or benefit from  
9 certificate technical education programs;  
10 2. Pursue a postsecondary degree; or  
11 3. Develop competence in the English language to  
12 qualify for employment.  
13 (e) Students who enroll in lifelong learning courses  
14 or activities that seek to address community social and  
15 economic issues that consist of health and human relations,  
16 government, parenting, consumer economics, and senior  
17 citizens.  
18 (f) Students who enroll in courses that relate to the  
19 recreational or leisure pursuits of the students. The cost of  
20 courses conducted pursuant to this paragraph shall be borne by  
21 the enrollees.  
22 (3)(a) Each school board or community college board of  
23 trustees shall negotiate with the regional workforce board for  
24 basic and functional literacy skills assessments for  
25 participants in the welfare transition employment and training  
26 programs. Such assessments shall be conducted at a site  
27 mutually acceptable to the school board or community college  
28 board of trustees and the regional workforce board.  
29 (b) State employees who are employed in local or  
30 regional offices of state agencies shall inform clients of the  
31 availability of adult basic and secondary programs in the

1 region. The identities of clients who do not possess high  
2 school diplomas or who demonstrate skills below the level of  
3 functional literacy shall be conveyed, with their consent, to  
4 the local school district or community college, or both.

5 (c) To the extent funds are available, the Department  
6 of Children and Family Services shall provide for day care and  
7 transportation services to clients who enroll in adult basic  
8 education programs.

9 (4)(a) Adult general education shall be evaluated and  
10 funded as provided in s. 1011.80.

11 (b) Fees adult basic instruction are to be charged in  
12 accordance with chapter 1009.

13 (c) The State Board of Education shall define, by  
14 rule, the levels and courses of instruction to be funded  
15 through the college-preparatory program. The state board shall  
16 coordinate the establishment of costs for college-preparatory  
17 courses, the establishment of statewide standards that define  
18 required levels of competence, acceptable rates of student  
19 progress, and the maximum amount of time to be allowed for  
20 completion of college-preparatory instruction.

21 College-preparatory instruction is part of an associate in  
22 arts degree program and may not be funded as an adult and  
23 technical education program.

24 (d) Expenditures for college-preparatory and lifelong  
25 learning students shall be reported separately. Allocations  
26 for college-preparatory courses shall be based on proportional  
27 full-time equivalent enrollment. Program review results shall  
28 be included in the determination of subsequent allocations. A  
29 student shall be funded to enroll in the same  
30 college-preparatory class within a skill area only twice,  
31 after which time the student shall pay 100 percent of the full

1 cost of instruction to support the continuous enrollment of  
2 that student in the same class; however, students who withdraw  
3 or fail a class due to extenuating circumstances may be  
4 granted an exception only once for each class, provided  
5 approval is granted according to policy established by the  
6 board of trustees. Each community college shall have the  
7 authority to review and reduce payment for increased fees due  
8 to continued enrollment in a college-preparatory class on an  
9 individual basis contingent upon the student's financial  
10 hardship, pursuant to definitions and fee levels established  
11 by the State Board of Education. College-preparatory and  
12 lifelong learning courses do not generate credit toward an  
13 associate or baccalaureate degree.

14 (e) A district school board or a community college  
15 board of trustees may negotiate a contract with the regional  
16 workforce board for specialized services for participants in  
17 the welfare transition program, beyond what is routinely  
18 provided for the general public, to be funded by the regional  
19 workforce board.

20 (5) If students who have been determined to be adults  
21 with disabilities are enrolled in workforce development  
22 programs, the funding formula must provide additional  
23 incentives for their achievement of performance outputs and  
24 outcomes.

25 (6) The commissioner shall recommend the level of  
26 funding for public school and community college adult  
27 education within the legislative budget request and make other  
28 recommendations and reports considered necessary or required  
29 by rules of the State Board of Education.

30 (7) Buildings, land, equipment, and other property  
31 owned by a school board or community college board of trustees

1 may be used for the conduct of the adult education program.  
2 Buildings, land, equipment, and other property owned or leased  
3 by cooperating public or private agencies, organizations, or  
4 institutions may also be used for the purposes of this  
5 section.

6 (8) The State Board of Education may adopt rules  
7 necessary for the implementation of this section.

8 Section 234. Section 1004.94, Florida Statutes, is  
9 created to read:

10 1004.94 Adult literacy.--

11 (1)(a) An adult, individualized literacy instruction  
12 program is created for adults who possess literacy skills  
13 below the ninth grade level. The purpose of the program is to  
14 provide self-paced, competency-based, individualized tutorial  
15 instruction. The commissioner shall administer this section in  
16 coordination with community college boards of trustees, local  
17 school boards, and the Division of Library and Information  
18 Services of the Department of State.

19 (b) Local adult, individualized literacy instruction  
20 programs may be coordinated with local public library systems  
21 and with public or private nonprofit agencies, organizations,  
22 or institutions. A local public library system and a public  
23 or private nonprofit agency, organization, or institution may  
24 use funds appropriated for the purposes of this section to  
25 hire program coordinators. Such coordinators shall offer  
26 training activities to volunteer tutors and oversee the  
27 operation of local literacy programs. A local public library  
28 system and a public or private nonprofit agency, organization,  
29 or institution may also purchase student instructional  
30 materials and modules that instruct tutors in the teaching of  
31 basic and functional literacy and English for speakers of

1 other languages. To the extent funds are appropriated,  
2 cooperating local library systems shall purchase, and make  
3 available for loan, reading materials of high interest and  
4 with a vocabulary appropriate for use by students who possess  
5 literacy skills below the ninth grade level and students of  
6 English for speakers of other languages.

7 (2)(a) The adult literacy program is intended to  
8 increase adult literacy as prescribed in the agency functional  
9 plan of the Department of Education. The commissioner shall  
10 establish guidelines for the purpose of determining  
11 achievement of this goal.

12 (b) Each participating local sponsor shall submit an  
13 annual report to the commissioner which must contain  
14 information to demonstrate the extent to which there has been  
15 progress toward increasing the percentage of adults within the  
16 service area who possess literacy skills.

17 (c) Based on the information provided from the local  
18 reports, the commissioner shall develop an annual status  
19 report on literacy and adult education.

20 (3) Funds appropriated for the purposes of this  
21 section shall be allocated as grants for implementing adult  
22 literacy programs. Such funds may not be used to supplant  
23 funds used for activities that would otherwise be conducted in  
24 the absence of literacy funding. A grant awarded pursuant to  
25 this section may not exceed \$50,000. Priority for the use of  
26 such funds shall be given to paying expenses related to the  
27 instruction of volunteer tutors, including materials and the  
28 salary of the program coordinator. Local sponsors may also  
29 accept funds from private sources for the purposes of this  
30 section.

31



1           (4)(a) The commissioner shall submit a state adult  
2 literacy plan to the State Board of Education to serve as a  
3 reference for school boards and community colleges boards of  
4 trustees to increase adult literacy in their service areas as  
5 prescribed in the agency functional plan of the Department of  
6 Education. The plan must include, at a minimum:

7           1. Policies and objectives for adult literacy  
8 programs, including evaluative criteria.

9           2. Strategies for coordinating adult literacy  
10 activities with programs and services provided by other state  
11 and local nonprofit agencies, as well as strategies for  
12 maximizing other funding, resources, and expertise.

13           3. Procedures for identifying, recruiting, and  
14 retaining adults who possess literacy skills below the ninth  
15 grade level.

16           4. Sources of relevant demographic information and  
17 methods of projecting the number of adults who possess  
18 literacy skills below the ninth grade level.

19           5. Acceptable methods of demonstrating compliance with  
20 the provisions of this section.

21           6. Guidelines for the development and implementation  
22 of local adult literacy plans. At a minimum, such guidelines  
23 must address:

24           a. The recruitment and preparation of volunteer  
25 tutors.

26           b. Interagency and intraagency cooperation and  
27 coordination, especially with public libraries and other  
28 sponsors of literacy programs.

29           c. Desirable learning environments, including class  
30 size.

31           d. Program evaluation standards.

1           e. Methods for identifying, recruiting, and retaining  
2 adults in literacy programs.

3           f. Adult literacy through family literacy and  
4 workforce literacy programs.

5           (b) Every 3 years, the school board or community  
6 college board of trustees shall develop and maintain a local  
7 adult literacy plan.

8           Section 235. Section 1004.95, Florida Statutes, is  
9 created to read:

10           1004.95 Adult literacy centers.--

11           (1) The Commissioner of Education shall select  
12 community colleges and public school districts to establish  
13 and operate adult literacy centers to complement existing  
14 public and private instructional adult literacy programs. The  
15 centers shall identify, contact, counsel, and refer persons  
16 considered to be lacking basic or functional literacy skills  
17 or competencies related to prose, document, and quantitative  
18 literacy skills to the appropriate private and public  
19 agencies, including human service agencies. The centers may  
20 not duplicate or supplant the existing services provided by  
21 public and private agencies operating within the district.

22           (2) In selecting program participants, the  
23 Commissioner of Education shall, at a minimum, consider the  
24 extent to which:

25           (a) Cooperative arrangements with other state and  
26 local agreements and innovative approaches will be used for  
27 carrying out the role of the center;

28           (b) Similar services are provided within the service  
29 delivery area;

30           (c) The program objectives may be accomplished within  
31 the budget request;

1       (d) Provisions are made for monitoring program  
2 performance; and

3       (e) Fiscal controls and fund accounting procedures  
4 exist to ensure proper use of, and accounting for, the program  
5 funds.

6       (3) The activities and funding of center operations  
7 shall be reported in a separate and distinct manner.

8       (4) The State Board of Education shall develop rules  
9 for implementing this section, including criteria for  
10 evaluating the performance of the centers, and shall submit an  
11 evaluation report of the centers to the Legislature on or  
12 before February 1 of each year.

13       Section 236. Section 1004.96, Florida Statutes, is  
14 created to read:

15       1004.96 Community education.--

16       (1) Pursuant to this section and State Board of  
17 Education rule, each school board and the Board of Trustees  
18 for the Florida School for the Deaf and Blind may apply to the  
19 Department of Education for a community education grant. An  
20 applicant shall include in the grant application a description  
21 of the community education program and process through which  
22 the program is developed.

23       (2) The department shall give priority to applications  
24 that include:

25       (a) Centers that serve the most students within  
26 available resources.

27       (b) Programs for which funds are matched by the  
28 Federal Government or other nonstate sources and which are  
29 appropriate within the context of community education.

30       (c) Programs that provide before-school and  
31 after-school activities for children.

1 Section 237. Section 1004.97, Florida Statutes, is  
2 created to read:

3 1004.97 Florida Literacy Corps.--

4 (1) It is the intent of the Legislature that eligible  
5 postsecondary students be offered an opportunity to perform  
6 public service by serving as volunteer tutors for adults who  
7 do not possess basic or functional literacy skills.

8 (2) There is created a Florida Literacy Corps to be  
9 administered by the Department of Education pursuant to this  
10 section and rules of the State Board of Education.

11 Participating students earn college credit for tutoring adults  
12 who do not possess basic or functional literacy skills  
13 pursuant to an agreement between the institution in which the  
14 student is enrolled and the school board, community college  
15 board of trustees, public library, or nonprofit organization  
16 offering literacy instruction to adults pursuant to s.  
17 1004.94. The school board, community college board of  
18 trustees, public library, or nonprofit organization is solely  
19 responsible for providing literacy programs and instructing  
20 participating postsecondary students.

21 (3) In order to be eligible to participate in the  
22 Florida Literacy Corps, a student must:

23 (a) Be enrolled in an eligible state university or  
24 community college at least half time and be in good standing,  
25 as defined by the institution.

26 (b) Have completed at least 12 semester hours of  
27 college-level coursework that applies toward an associate in  
28 arts or baccalaureate degree.

29 (c) Have attained a passing score on one of the  
30 postsecondary entry-level examinations approved pursuant to  
31 State Board of Education rule, be exempt from the

1 administration of such examination, or have successfully  
2 completed any required college-preparatory instruction.

3 (4) In order to be eligible to participate in the  
4 Florida Literacy Corps, a state university or community  
5 college must:

6 (a) Establish one or more undergraduate or graduate  
7 courses, or both, in which participating students may earn a  
8 maximum of 3 credit hours per semester, and a maximum of 6  
9 credit hours over two or more semesters, by tutoring adults  
10 who do not possess basic or functional literacy skills. The  
11 institution shall establish such courses in the common course  
12 designation and numbering system. The courses must require  
13 students to complete instruction for prospective tutors, tutor  
14 adults for at least 25 hours per semester for each hour of  
15 credit awarded, and satisfy any other requirements imposed by  
16 the institution.

17 (b) Submit a proposal to the Department of Education  
18 for review and approval. The proposal must include, but is not  
19 limited to:

20 1. Identification of the school district, community  
21 college, public library, or nonprofit organization with which  
22 participating students will be working.

23 2. Demonstration of the need for literacy tutors by  
24 the school district, community college, public library, or  
25 nonprofit organization.

26 3. Demonstration of commitment by the public school,  
27 community college, public library, or nonprofit organization  
28 to provide instruction for tutors.

29 4. Description of the literacy program.

30 5. Demonstration of student interest in program  
31 participation.

1           6. Designation of one or more faculty to conduct the  
2 Florida Literacy Corps course and identification of the  
3 qualifications of such faculty.

4           (5) From funds appropriated for the purposes of this  
5 section, the department shall allocate an amount for each  
6 approved proposal based on the number of students approved for  
7 enrollment and subsequently enrolled in Florida Literacy Corps  
8 courses.

9           (6) Each participating state university and community  
10 college shall submit an annual report to the Commissioner of  
11 Education which includes, but is not limited to:

12           (a) The number of hours of tutoring conducted by  
13 participating students.

14           (b) The number of students enrolled in the courses.

15           (c) The number of students who successfully complete  
16 the courses.

17           (d) An evaluation of the tutors' effectiveness as  
18 judged by the participating school district, community  
19 college, public library, or nonprofit organization. The  
20 department shall develop a common evaluation form for this  
21 purpose.

22           (e) The number of full-time equivalent enrollments  
23 generated by the participating students.

24           (7) The department shall compile the annual reports  
25 into a single, annual programmatic report to be submitted to  
26 the State Board of Education by December 1 of each year.

27           Section 238. Section 1004.98, Florida Statutes, is  
28 created to read:

29           1004.98 Workforce literacy programs.--

30           (1) The workforce literacy program is established  
31 within the community college system and local school districts

1 to ensure the existence of sufficient numbers of employees who  
2 possess the skills necessary to perform in entry-level  
3 occupations and to adapt to technological advances in the  
4 workplace. Workforce literacy programs are intended to  
5 support economic development by increasing adult literacy and  
6 producing an educated workforce.

7 (2) Each community college and school district may  
8 conduct courses and programs through which adults gain the  
9 communication and computation skills necessary to complete a  
10 career and technical program, to gain or maintain entry-level  
11 employment, or to upgrade employment. Courses may not be  
12 conducted until the community college or school district  
13 identifies current and prospective employees who do not  
14 possess the skills necessary to enter career and technical  
15 programs or to obtain or maintain employment.

16 (3) A community college or school district may be  
17 eligible to fund a workforce literacy program pursuant to the  
18 provisions of s. 1004.94.

19 Section 239. Chapter 1005 shall be entitled "Nonpublic  
20 Postsecondary Education" and shall consist of ss.  
21 1005.01-1005.39.

22 Section 240. Part I of chapter 1005 shall be entitled  
23 "General Provisions" and shall consist of ss. 1005.01-1005.06.

24 Section 241. Section 1005.01, Florida Statutes, is  
25 created to read:

26 1005.01 Purpose.--

27 (1) The Legislature encourages privately supported  
28 higher education and intends to aid in protecting the health,  
29 education, and welfare of persons who receive educational  
30 services from independent postsecondary educational  
31 institutions in this state; to aid in protecting employers and

1 others who depend upon people whose educational credentials  
2 are from independent postsecondary educational institutions in  
3 this state; and to aid in protecting independent postsecondary  
4 educational institutions that currently operate or intend to  
5 begin operating in this state. The Legislature finds that both  
6 individuals and independent postsecondary educational  
7 institutions benefit from a state system that assures that all  
8 institutions satisfactorily meet minimum educational  
9 standards. The Legislature further recognizes the role of  
10 federally recognized accrediting associations in setting  
11 standards for independent postsecondary educational  
12 institutions and encourages the use of recognized  
13 accreditation standards as general guidelines for the  
14 licensure of independent postsecondary educational  
15 institutions.

16 (2) The Legislature recognizes that a degree, diploma,  
17 or other educational credential serves several purposes.  
18 Employers rely upon a person's educational credentials in  
19 judging that person's qualifications for employment. Educators  
20 rely upon a person's educational credentials to assess the  
21 adequacy of that person's preparation for the pursuit of  
22 further education. Therefore, the Legislature intends that the  
23 provisions of this chapter aid in protecting the integrity of  
24 degrees, diplomas, and other educational credentials offered  
25 by independent postsecondary educational institutions by  
26 providing for the evaluation of minimum educational  
27 requirements.

28 (3) The Legislature intends to prohibit the granting  
29 of false or misleading educational credentials and to prohibit  
30 misleading literature, advertising, solicitation, or  
31



1 representations by independent postsecondary educational  
2 institutions or their agents.

3 Section 242. Section 1005.02, Florida Statutes, is  
4 created to read:

5 1005.02 Definitions.--As used in this chapter, the  
6 term:

7 (1) "Accreditation" means accredited status awarded to  
8 an institution by an accrediting agency or association that is  
9 recognized by the United States Department of Education and  
10 that has standards comparable to the minimum standards  
11 required to operate an educational institution at that level  
12 in this state.

13 (2) "Agent" means a person who is employed by an  
14 independent postsecondary educational institution under the  
15 jurisdiction of the Commission for Independent Education, or  
16 by an out-of-state independent postsecondary educational  
17 institution, and who secures an application or accepts payment  
18 of fees from prospective students for the institution at any  
19 place other than the legal place of business of the  
20 institution.

21 (3) "Avocational" means a course or program the  
22 objective of which is not occupational but is only for  
23 personal enrichment or enjoyment. To be classified as  
24 avocational, a program must:

25 (a) Prior to enrollment, provide to each enrollee, and  
26 maintain a record copy of, a written statement that includes  
27 the following or substantially similar language: "This program  
28 is not designed or intended to qualify its participants and  
29 graduates for employment. It is intended solely for the  
30 avocation, personal enrichment, and enjoyment of its  
31 participants."

1        (b) Not make any other verbal or written statement  
2 that negates the required written statement by stating or  
3 implying that people who enroll in or complete the program  
4 have a more substantial likelihood of obtaining employment in  
5 the field to which the training pertains than people who do  
6 not.

7        (4) "College" or "university" means any incorporated  
8 postsecondary educational entity, and its additional  
9 locations, offering a substantially complete program that  
10 confers or offers to confer at least an associate degree  
11 requiring at least 15 semester hours or the equivalent of  
12 general education, or that furnishes or offers to furnish  
13 instruction leading toward, or prerequisite to, college  
14 credit. The terms include any college-credit-granting  
15 independent educational institution that is chartered in this  
16 state and any center or branch campus within this state of an  
17 out-of-state institution at the college-credit level.

18        (5) "Commission" means the Commission for Independent  
19 Education.

20        (6) "Contract training" means instruction or training  
21 provided through a written contract with an independent  
22 contractor whose fees and any other charges are entirely paid  
23 by a company, trade or professional association, or group of  
24 employers to provide the instruction exclusively to bona fide  
25 employees of the entity that engaged the contractor. The term  
26 applies only when those receiving training are selected by  
27 their employer and are not recruited by the contractor.

28        (7) "Degree" means any educational credential that is  
29 generally taken to signify satisfactory completion of the  
30 requirements of an undergraduate, graduate, academic,  
31 educational, or professional program of study or any honorary

1 credential conferred for meritorious recognition. At the  
2 undergraduate level, an institution may not award a degree for  
3 a program unless it includes a general education component as  
4 established by rule and at least 60 semester hours or 90  
5 quarter hours of study or the equivalent.

6 (8) "Diploma" means a credential that is not a degree  
7 but is any of the following: a certificate, transcript,  
8 report, document, or title; a designation, mark, or  
9 appellation; or a series of letters, numbers, or words that  
10 generally are taken to signify satisfactory completion of the  
11 requirements of an educational, technical, or career program  
12 of study or training or course of study.

13 (9) "Examination preparation course" means a course or  
14 program that does not offer to confer a diploma, that is  
15 offered by a person or entity that discloses in all  
16 advertising that the course or program is for test  
17 preparation, and that does not include any expression or  
18 implication in writing or orally regarding salaries, job  
19 placement, or career advancement.

20 (10) "Governmental" means an institution provided,  
21 operated, and supported by a federal, state, or county  
22 government or any of its political subdivisions.

23 (11) "Independent postsecondary educational  
24 institution" means any postsecondary educational institution  
25 that operates in this state or makes application to operate in  
26 this state, and is not provided, operated, and supported by  
27 the State of Florida, its political subdivisions, or the  
28 Federal Government.

29 (12) "In-service, continuing education, or  
30 professional development" means training provided by:  
31

1       (a) A trade or professional association or a group of  
2 employers in the same or related business who offer training  
3 and provide only professional-development programs to bona  
4 fide employees or contractors of an employer who is a member  
5 of the association or employers who qualify for membership;

6       (b) A labor union or group of labor unions that offer  
7 training to and trains only those persons who are dues-paying  
8 members of the participating labor union;

9       (c) An independent contractor engaged by the labor  
10 union or group of labor unions, by written contract, to  
11 provide the training on its behalf exclusively to those who  
12 are selected by the labor union or group of labor unions that  
13 engaged the contractor and who are dues-paying members of that  
14 union; or

15       (d) A person or entity offering only  
16 continuing-education programs to persons who engage in an  
17 occupation or profession whose practitioners are subject to  
18 licensure, certification, or registration by a state agency  
19 that recognizes the programs for continuing-education purposes  
20 and provides a written statement of the recognition.

21       (13) "License" means a certificate signifying that an  
22 independent postsecondary educational institution meets  
23 standards prescribed in statute or rule and is permitted to  
24 operate in this state.

25       (14) "Operating in this state" means any of the  
26 following:

27       (a) Maintaining for any purpose related to offering a  
28 degree, diploma, or credit a physical location in this state,  
29 a mailing address in this state, a telephone or facsimile  
30 number in this state, or a mail forwarding service or  
31

1 telephone answering or relay service in this state or  
2 advertising any such presence; or

3 (b) By any means or device, facilitating in this state  
4 any part of a scheme to offer a degree, diploma, or credit, or  
5 any activity connected with the administration, promotion,  
6 recruitment, placement, instruction, fee collection or  
7 receipt, or any other function of a purported independent  
8 postsecondary educational institution, other than periodic and  
9 customary contact with the institution's own alumni.

10 (15) "Out-of-state college" or "out-of-state school"  
11 means any independent postsecondary educational institution  
12 where the place of instruction, the legal place of residence,  
13 or the place of evaluation of instruction or work by  
14 correspondence or distance education is not within the legal  
15 boundaries of this state.

16 (16) "School" means any nonpublic postsecondary  
17 noncollegiate educational institution, association,  
18 corporation, person, partnership, or organization of any type  
19 which:

20 (a) Offers to provide or provides any complete, or  
21 substantially complete, postsecondary program of instruction  
22 through the student's personal attendance; in the presence of  
23 an instructor; in a classroom, clinical, or other practicum  
24 setting; or through correspondence or other distance  
25 education;

26 (b) Represents, directly or by implication, that the  
27 instruction will qualify the student for employment in an  
28 occupation for which a degree is not required in order to  
29 practice in this state;

30  
31

1           (c) Receives remuneration from the student or any  
2 other source based on the enrollment of a student or the  
3 number of students enrolled; or

4           (d) Offers to award or awards a diploma, regardless of  
5 whether it conducts instruction or receives remuneration.

6           Section 243. Section 1005.03, Florida Statutes, is  
7 created to read:

8           1005.03 Designation "college" or "university".--

9           (1) The use of the title "college" or "university" in  
10 combination with any series of letters, numbers, or words is  
11 restricted in this state to colleges or universities as  
12 defined in s. 1005.02 which offer degrees as defined in s.  
13 1005.02 and fall into at least one of the following  
14 categories:

15           (a) A Florida public college.

16           (b) A Florida or out-of-state college which has been  
17 in active operation and using the name since April 1, 1970.

18           (c) A college for which the board has issued a license  
19 pursuant to the provisions of this chapter.

20           (d) A college that is under the jurisdiction of the  
21 Division of Colleges and Universities of the Department of  
22 Education, whose students are eligible for the William L.  
23 Boyd, IV, Florida Resident Access Grant, and that is a  
24 nonprofit independent college or university located and  
25 chartered in this state and accredited by the Commission on  
26 Colleges of the Southern Association of Colleges and Schools  
27 to grant baccalaureate degrees.

28           (2) If a college is approved under subsection (1) to  
29 use the designation "college" or "university," a branch or  
30 extension of that college may use the name of the parent  
31

1 college, but shall include an indication of the location of  
2 the branch or extension.

3 (3) Any entity offering postsecondary educational  
4 courses or programs of study in Florida, whether or not  
5 college credit is awarded, shall be subject to the provisions  
6 of this section.

7 (4) An entity shall not use the term "college" or  
8 "university" in its name in Florida without approval by the  
9 board, unless the board determines that its name is clearly  
10 and accurately descriptive of the services provided by the  
11 entity and is not one that may mislead the public.

12 Section 244. Section 1005.04, Florida Statutes, is  
13 created to read:

14 1005.04 Fair consumer practices.--

15 (1) Every institution which is under the jurisdiction  
16 of the commission or is exempt from the jurisdiction or  
17 purview of the commission pursuant to s. 1005.06(1)(c) or  
18 (1)(f) and which either directly or indirectly solicits for  
19 enrollment any student shall:

20 (a) Disclose to each prospective student a statement  
21 of the purpose of such college, its educational programs and  
22 curricula, a description of its physical facilities, its  
23 status regarding licensure, its fee schedule and policies  
24 about retaining student fees if a student withdraws, and a  
25 statement regarding the transferability of credits to and from  
26 other colleges. The college shall make the required  
27 disclosures in writing at least 1 week prior to enrollment or  
28 collection of any tuition from the prospective student. The  
29 required disclosures may be made in the institution's current  
30 catalog.

31

1        (b) Use a reliable method to assess, before accepting  
2 a student into a program, the student's ability to complete  
3 successfully the course of study for which he or she has  
4 applied;

5        (c) Inform each student accurately about financial  
6 assistance and obligations for repayment of loans; describe  
7 any employment placement services provided and the limitations  
8 thereof; and refrain from promising or implying guaranteed  
9 placement, market availability, or salary amounts;

10       (d) Provide to prospective and enrolled students  
11 accurate information regarding the relationship of its  
12 programs to state licensure requirements for practicing  
13 related occupations and professions in Florida;

14       (e) Ensure that all advertisements are accurate and  
15 not misleading;

16       (f) Publish and follow an equitable prorated refund  
17 policy for all students, and follow both the federal refund  
18 guidelines for students receiving federal financial assistance  
19 and the minimum refund guidelines set by commission rule;

20       (g) Follow the requirements of state and federal laws  
21 that require annual reporting with respect to crime statistics  
22 and physical plant safety and make those reports available to  
23 the public; and

24       (h) Publish and follow procedures for handling student  
25 complaints, disciplinary actions, and appeals.

26       (2) In addition, colleges which are required to be  
27 licensed by the commission shall disclose to prospective  
28 students that additional information regarding the college may  
29 be obtained by contacting the Commission for Independent  
30 Education, Department of Education, Tallahassee.

31



1           Section 245. Section 1005.05, Florida Statutes, is  
2 created to read:

3           1005.05 Certificate and diploma programs.--No  
4 nonpublic college shall continue to conduct or begin to  
5 conduct any diploma program as defined in s. 1005.02, unless  
6 the college applies for and obtains approval for such program.  
7 Colleges under the jurisdiction of the Commission for  
8 Independent Education shall apply to the Commission. Colleges  
9 that are not under the jurisdiction of the commission shall  
10 apply to the Department of Education.

11           Section 246. Section 1005.06, Florida Statutes, is  
12 created to read:

13           1005.06 Institutions not under the jurisdiction or  
14 purview of the commission.--

15           (1) Except as otherwise provided in law, the following  
16 institutions are not under the jurisdiction or purview of the  
17 commission and are not required to obtain licensure:

18           (a) Any postsecondary educational institution  
19 provided, operated, or supported by this state, its political  
20 subdivisions, or the Federal Government.

21           (b) Any college, school, or course licensed or  
22 approved for establishment and operation under part I of  
23 chapter 464, chapter 466, or chapter 475, or any other chapter  
24 of the Florida Statutes requiring licensing or approval as  
25 defined in this chapter.

26           (c) Any institution that is under the jurisdiction of  
27 the Division of Colleges and Universities of the Department of  
28 Education, whose students are eligible for the William L.  
29 Boyd, IV, Florida Resident Access Grant, and that is a  
30 nonprofit independent college or university located and  
31 chartered in this state and accredited by the Commission on

1 Colleges of the Southern Association of Colleges and Schools  
2 to grant baccalaureate degrees.

3 (d) Any institution that offers only avocational  
4 programs or courses, examination-preparation programs or  
5 courses, contract training programs or courses, continuing  
6 education, or professional-development programs or courses.

7 (e) Any institution that was exempt from licensure in  
8 2001 under s. 246.085(1)(b), Florida Statutes 2001, as long as  
9 it maintains these qualifying criteria: the institution is  
10 incorporated in this state, the institution's credits or  
11 degrees are accepted for credit by at least three colleges  
12 that are fully accredited by an agency recognized by the  
13 United States Department of Education, the institution was  
14 exempt under that category prior to July 1, 1982, and the  
15 institution does not enroll any students who receive state or  
16 federal financial aid for education. Such an institution shall  
17 notify the commission and apply for licensure if it no longer  
18 meets these criteria.

19 (f) A religious college may operate without  
20 governmental oversight if the college annually verifies by  
21 sworn affidavit to the commission that:

22 1. The name of the institution includes a religious  
23 modifier or the name of a religious patriarch, saint, person,  
24 or symbol of the church.

25 2. The institution offers only educational programs  
26 that prepare students for religious vocations as ministers,  
27 professionals, or laypersons in the categories of ministry,  
28 counseling, theology, education, administration, music, fine  
29 arts, media communications, or social work.

30 3. The titles of degrees issued by the institution  
31 cannot be confused with secular degree titles. For this

1 purpose, each degree title must include a religious modifier  
2 that immediately precedes, or is included within, any of the  
3 following degrees: Associate of Arts, Associate of Science,  
4 Bachelor of Arts, Bachelor of Science, Master of Arts, Master  
5 of Science, Doctor of Philosophy, and Doctor of Education. The  
6 religious modifier must be placed on the title line of the  
7 degree, on the transcript, and whenever the title of the  
8 degree appears in official school documents or publications.

9 4. The duration of all degree programs offered by the  
10 institution is consistent with the standards of the  
11 commission.

12 5. The institution's consumer practices are consistent  
13 with those required by s. 1005.04.

14  
15 The commission may provide such a religious institution a  
16 letter stating that the institution has met the requirements  
17 of state law and is not subject to governmental oversight.

18 (g) Any institution that is regulated by the Federal  
19 Aviation Administration, another agency of the Federal  
20 Government, or an agency of the state whose regulatory laws  
21 are similar in nature and purpose to those of the commission  
22 and require minimum educational standards, for at least  
23 curriculum, instructors, and academic progress and provide  
24 protection against fraudulent, deceptive, and substandard  
25 education practices.

26 (2) The Department of Education may contract with the  
27 Commission on Independent Education to provide services for  
28 independent postsecondary educational institutions not under  
29 the jurisdiction of the commission relating to licensure of  
30 postsecondary vocational certificate and diploma programs that  
31 such institutions may wish to offer and preliminary review of

1 programs such institutions may wish to offer which are beyond  
2 the scope of the institutions's current accreditation status.  
3 Upon completion of its review, the commission shall forward  
4 its recommendation to the department for final action. The  
5 department shall assess the institution seeking such services  
6 the cost to the commission of providing such services.  
7 Revenues collected pursuant to this provision shall be  
8 deposited in the Institutional Assessment Trust Fund.

9           Section 247. Part II of chapter 1005 shall be entitled  
10 "Commission for Independent Education" and shall consist of  
11 ss. 1005.21-1005.22.

12           Section 248. Section 1005.21, Florida Statutes, is  
13 created to read:

14           1005.21 Commission for Independent Education.--

15           (1) There is established in the Department of  
16 Education the Commission for Independent Education. The  
17 department shall serve as the administrative agent of the  
18 commission by providing services, including payroll,  
19 procurement, and legal counsel. The commission shall exercise  
20 independently all powers, duties, and functions prescribed by  
21 law. The commission shall authorize the granting of diplomas  
22 and degrees by any independent postsecondary educational  
23 institution under its jurisdiction.

24           (2) The Commission for Independent Education shall  
25 consist of seven members who are residents of this state. The  
26 commission shall function in matters concerning independent  
27 postsecondary education institutions in consumer protection,  
28 program improvement, and licensure for institutions under its  
29 purview. The Governor shall appoint the members of the  
30 commission who are subject to confirmation by the Senate. The  
31 membership of the commission shall consist of:

1       (a) Two representatives of independent colleges or  
2 universities licensed by the commission.

3       (b) Two representatives of independent,  
4 nondegree-granting schools licensed by the commission.

5       (c) One member from a public school district or  
6 community college who is an administrator of  
7 vocational-technical education.

8       (d) One representative of a college that meets the  
9 criteria of s. 1005.06(1)(f).

10       (e) One lay member who is not affiliated with an  
11 independent postsecondary educational institution.

12       (3) The members of the commission shall be appointed  
13 to 3-year terms and until their successors are appointed and  
14 qualified. If a vacancy on the commission occurs before the  
15 expiration of a term, the Governor shall appoint a successor  
16 to serve the unexpired portion of the term.

17       (4) The commission shall meet at least four times each  
18 fiscal year.

19       (5) Members of the commission are entitled to  
20 reimbursement for travel and per diem expenses, as provided in  
21 s. 112.061, Florida Statutes, while performing their duties.

22       (6) Each member is accountable to the Governor for the  
23 proper performance of the duties of his or her office. The  
24 Governor may remove from office any member for cause.

25       Section 249. Section 1005.22, Florida Statutes, is  
26 created to read:

27       1005.22 Powers and duties of commission.--

28       (1) The commission shall:

29       (a) Hold meetings as necessary to administer its  
30 duties.

31

1           (b) Annually select a chairperson and a vice  
2 chairperson, appoint and review an executive director, and  
3 authorize the executive director to appoint employees of the  
4 commission.

5           (c) Adopt and use an official seal in the  
6 authentication of its acts.

7           (d) Make rules for its own governance.

8           (e) Administer the provisions of this chapter. To this  
9 end, the commission has the following administrative powers  
10 and responsibilities:

11           1. The commission shall adopt rules pursuant to ss.  
12 120.536(1) and 120.54 for the operation and establishment of  
13 independent postsecondary educational institutions. The  
14 commission shall submit the rules to the State Board of  
15 Education for approval or disapproval. If the state board does  
16 not act on a rule within 60 days after receiving it, the rule  
17 shall be filed immediately with the Department of State.

18           2. The commission shall submit an annual budget to the  
19 State Board of Education.

20           3. The commission shall transmit all fees, donations,  
21 and other receipts of money to the Institutional Assessment  
22 Trust Fund.

23           4. The commission shall expend funds as necessary to  
24 assist in the application and enforcement of its powers and  
25 duties. The Chief Financial Officer shall pay out all moneys  
26 and funds as directed under this chapter upon vouchers  
27 approved by the Department of Education for all lawful  
28 purposes necessary to administering this chapter. The  
29 commission shall make annual reports to the State Board of  
30 Education showing in detail amounts received and all  
31 expenditures. The commission shall include in its annual

- 1 report to the State Board of Education a statement of its  
2 major activities during the period covered by the report.  
3 (f) Maintain a record of its proceedings.  
4 (g) Cooperate with other state and federal agencies  
5 and other nongovernmental agencies in administering its  
6 duties.  
7 (h) Cause to be investigated criminal justice  
8 information, as defined in s. 943.045, for each owner,  
9 administrator, and agent employed by an institution applying  
10 for licensure from the commission.  
11 (i) Serve as a central agency for collecting and  
12 distributing current information regarding institutions  
13 licensed by the commission.  
14 (j) Inform independent postsecondary educational  
15 institutions of laws adopted by the Legislature and rules  
16 adopted by the State Board of Education and the commission and  
17 of their responsibility to follow those laws and rules.  
18 (k) Establish and publicize the procedures for  
19 receiving and responding to complaints from students, faculty,  
20 and others concerning institutions or programs under the  
21 purview of the commission, and keep records of such complaints  
22 in order to determine the frequency and nature of complaints  
23 with respect to specific institutions of higher education.  
24 (l) Provide annually to the Office of Student  
25 Financial Assistance of the Department of Education  
26 information and documentation that can be used to determine an  
27 institution's eligibility to participate in state student  
28 financial assistance programs.  
29 (m) Coordinate and convey annual reports to the  
30 Commissioner of Education relating to campus crime statistics,  
31 the assessment of physical plant safety, and the antihazing

1 policies of nonpublic postsecondary educational institutions  
2 eligible to receive state-funded student assistance, as  
3 required by law.

4 (n) Identify and report to the Office of Student  
5 Financial Assistance the accrediting associations recognized  
6 by the United States Department of Education which have  
7 standards that are comparable to the minimum standards  
8 required to operate an institution at that level in this  
9 state.

10 (o) Assure that an institution is not required to  
11 operate without a current license because of the schedule of  
12 commission meetings or application procedures, if the  
13 institution has met the commission's requirements for  
14 licensure or license renewal.

15 (2) The commission may:

16 (a) Sue or be sued.

17 (b) Enter into contracts with the Federal Government,  
18 with other departments of the state, or with individuals.

19 (c) Receive bequests and gifts, subject to any  
20 restrictions upon which the commission and the donor agree.

21 (d) Appoint standing or special committees to assist  
22 it in carrying out its responsibilities. Committees may  
23 include members who are not commission members or  
24 representatives of licensed postsecondary institutions.

25 (e) Advise the Governor, the Legislature, the State  
26 Board of Education, the Council for Education Policy Research  
27 and Improvement, and the Commissioner of Education on issues  
28 relating to private postsecondary education.

29 (f) Delegate to the chairperson of the commission the  
30 responsibility for signing final orders.

31



1       (g) Assist independent postsecondary educational  
2 institutions in formulating articulation agreements with  
3 public and other independent institutions.

4       (h) Establish and operate additional offices in the  
5 central and southern part of the state if the concentration of  
6 licensed institutions renders such an office economically  
7 feasible.

8       (i) Establish and administer the Student Protection  
9 Fund pursuant to s. 1005.37.

10       Section 250. Part III of chapter 1005 shall be  
11 entitled "Licensure of Nonpublic Postsecondary Educational  
12 Institutions" and shall consist of ss. 1005.31-1005.39.

13       Section 251. Section 1005.31, Florida Statutes, is  
14 created to read:

15       1005.31 Licensure of institutions.--

16       (1) Each college or school operating within this state  
17 must obtain licensure from the commission unless the  
18 institution is not under the commission's purview or  
19 jurisdiction as provided in s. 1005.06.

20       (2) The commission shall develop minimum standards by  
21 which to evaluate institutions for licensure. These standards  
22 must include at least the institution's name, financial  
23 stability, purpose, administrative organization, admissions  
24 and recruitment, educational programs and curricula,  
25 retention, completion, career placement, faculty, learning  
26 resources, student personnel services, physical plant and  
27 facilities, publications, and disclosure statements about the  
28 status of the institution with respect to professional  
29 certification and licensure. The commission may adopt rules to  
30 ensure that institutions licensed under this section meet  
31 these standards in ways that are appropriate to achieve the

1 stated intent of this chapter, including provisions for  
2 nontraditional or distance education programs and delivery.

3 (3) The commission shall recognize an institution  
4 based on the institution's highest educational offering and  
5 shall adopt rules for licensure that include reporting  
6 requirements for each level of licensure.

7 (4) Approved-applicant status shall be extended to all  
8 institutions that have submitted a complete application, as  
9 defined in rule, for provisional licensure and paid all  
10 attendant fees. In granting approved-applicant status, the  
11 commission shall provide to commission staff and the  
12 institution a list of specific omissions or deficiencies.

13 Institutions granted approved-applicant status may not  
14 advertise, offer programs of study, collect tuition or fees,  
15 or engage in any other activities not specifically approved by  
16 the commission. If the commission, or the commission staff if  
17 specifically directed by the commission, determines that the  
18 omissions or deficiencies have been provided for or corrected,  
19 the institution may be awarded a provisional license.

20 (5) Provisional licensure shall be granted to an  
21 applicant for initial licensure for a period not to exceed 1  
22 year when the commission determines that the applicant is in  
23 substantial compliance with the standards for licensure. A  
24 provisional license granted for initial licensure may be  
25 extended for up to 1 additional year. A licensed institution  
26 that has undergone a substantive change, as defined by rule,  
27 must be granted a provisional license for a period of time  
28 determined by the commission, after which period the  
29 institution may apply for a different status. A provisional  
30 license may include conditions required by the commission, and  
31

1 all conditions must be met before the institution may receive  
2 a different licensure status.

3 (6) An annual license shall be granted to an  
4 institution holding a provisional license, or seeking a  
5 renewal of an annual license, upon demonstrating full  
6 compliance with licensure standards. An annual license may be  
7 extended for up to 1 year if the institution meets the  
8 requirements set by rule for such an extension.

9 (7) An institution may not conduct a program unless  
10 specific authority is granted in its license.

11 (8) A license granted by the commission is not  
12 transferable to another institution or to another agent, and  
13 an institution's license does not transfer when the  
14 institution's ownership changes.

15 (a) A licensed institution must notify the commission  
16 prior to a change of ownership or control. The commission  
17 shall adopt procedures for interim executive approval of a  
18 change of ownership or control if the next scheduled meeting  
19 of the commission occurs after the scheduled date of the  
20 change of ownership or control.

21 (b) The commission may adopt rules governing changes  
22 of ownership or control.

23 (9) An independent postsecondary educational  
24 institution or any person acting on behalf of such an  
25 institution may not publish any advertisement soliciting  
26 students or offering a credential before the institution is  
27 duly licensed by the commission or while the institution is  
28 under an injunction against operating, soliciting students, or  
29 offering an educational credential.

30 (10) The commission shall establish minimum standards  
31 for the approval of agents. The commission may adopt rules to

1 ensure that licensed agents meet these standards and uphold  
2 the intent of this chapter. An agent may not solicit  
3 prospective students in this state for enrollment in any  
4 independent postsecondary educational institution under the  
5 commission's purview or in any out-of-state independent  
6 postsecondary educational institution unless the agent has  
7 received a license as prescribed by the commission.

8 (11) A student of a foreign medical school may not  
9 engage in a clinical clerkship in this state unless the  
10 foreign medical school has received a license, in the case of  
11 a core clerkship or an ongoing regular program of clerkships,  
12 or has received individual approval, in the case of an  
13 occasional elective clerkship. The commission may adopt rules  
14 to administer this subsection.

15 (12) The granting of a license is not an  
16 accreditation.

17 (13) As a condition of licensure, an independent  
18 college or university must provide the commission with a copy  
19 of its antihazing policy.

20 Section 252. Section 1005.32, Florida Statutes, is  
21 created to read:

22 1005.32 Licensure by means of accreditation.--

23 (1) An independent postsecondary educational  
24 institution that meets the following criteria may apply for a  
25 license by means of accreditation from the commission:

26 (a) The institution has operated legally in this state  
27 for at least 5 consecutive years.

28 (b) The institution holds institutional accreditation  
29 by an accrediting agency evaluated and approved by the  
30 commission as having standards substantially equivalent to the  
31 commission's licensure standards.

1       (c) The institution has no unresolved complaints or  
2 actions in the past 12 months.

3       (d) The institution meets minimum requirements for  
4 financial responsibility as determined by the commission.

5       (e) The institution is a Florida corporation.

6       (2) An institution that was exempt from licensure in  
7 2001 under s. 246.085(1)(a), Florida Statutes 2001, may retain  
8 an exemption until the commission issues it a license by means  
9 of accreditation as provided in this section.

10       (3) The commission may not require an institution  
11 granted a license by means of accreditation to submit reports  
12 that differ from the reports required by its accrediting  
13 association, except that each institution must file with the  
14 commission an annual audit and follow the commission's  
15 requirements for orderly closing, including provisions for  
16 trainout or refunds and arranging for the proper disposition  
17 of student and institutional records.

18       (4) An institution granted a license by means of  
19 accreditation must apply for and receive another level of  
20 licensure before the institution may offer courses or programs  
21 that exceed the scope or level of its accreditation.

22       (5) Institutions granted a license by means of  
23 accreditation must comply with the standards of fair consumer  
24 practices as established in rule by the commission.

25       (6) A license by means of accreditation is valid for  
26 the same period as the qualifying grant of accreditation.

27       (7) A license by means of accreditation may be denied,  
28 placed on probation, or revoked for repeated failure to comply  
29 with the requirements of this section. The commission shall  
30 adopt rules for these actions. Revocation or denial of a  
31

1 license by means of accreditation requires that the  
2 institution immediately obtain an annual license.

3 Section 253. Section 1005.33, Florida Statutes, is  
4 created to read:

5 1005.33 License period and renewal.--

6 (1) As required by rule, the commission shall  
7 periodically review each license to determine if the  
8 institution is in compliance with this chapter and should have  
9 its license renewed. The commission may extend an annual or  
10 provisional license if a good-faith effort has been made by  
11 the institution and agent. The commission shall determine what  
12 constitutes compliance or a good-faith effort and may adopt  
13 rules to administer this section.

14 (2) A licensed independent postsecondary educational  
15 institution that seeks to expand or modify its programs or  
16 degrees to be conferred or to add new locations must seek  
17 prior approval from the commission. The commission shall adopt  
18 rules for the approval of modified or additional programs,  
19 degrees, and locations.

20 (3) On the effective date of this act, an institution  
21 that, in 2002, held the status of "Permission to Operate"  
22 under s. 246.093, Florida Statutes 2001, has 90 days to seek  
23 and obtain licensure from the commission. Ninety days after  
24 this act takes effect, that status no longer authorizes an  
25 institution to operate in Florida.

26 Section 254. Section 1005.34, Florida Statutes, is  
27 created to read:

28 1005.34 Fair consumer practices; condition of  
29 operation.--The commission shall adopt rules to ensure the  
30 protection of students, including rules establishing fair  
31 consumer practices pursuant to s. 1005.04.

1       (1) The commission may not grant or renew a license  
2 unless the institution seeking the action provides the  
3 commission with a sworn statement of compliance with rules  
4 regarding fair consumer practices.

5       (2) The commission may examine any complaint against  
6 an institution under its jurisdiction and, if the institution  
7 is found to be routinely handling these matters correctly, the  
8 complaint shall be considered closed. Complaints under this  
9 subsection against accredited institutions, if not resolved,  
10 shall be forwarded to the accrediting agency for any  
11 appropriate action. The institution shall notify the  
12 commission of any and all actions taken by the accrediting  
13 agency in response to the complaint.

14       (3) Failure to comply with this section is cause for  
15 denial or revocation of a license.

16       Section 255. Section 1005.35, Florida Statutes, is  
17 created to read:

18       1005.35 Fees.--

19       (1) The Commission for Independent Education shall  
20 annually establish a fee schedule to generate, from fees, the  
21 amount of revenue appropriated for its operation.

22       (2) The commission shall include, as a part of its  
23 legislative budget request, a proposed fee schedule to  
24 generate the appropriated fee revenue required in the  
25 appropriations act. The commission may adjust the fee amounts  
26 to generate the fee revenue required in the appropriations act  
27 but may not add fee categories without the Legislature's  
28 approval. The fee schedule proposed in the legislative budget  
29 request takes effect unless the Legislature requires changes.

30       (3) The commission shall charge each licensed  
31 institution a base fee to cover the cost of routine services,

1 such as data collection and dissemination. The base fee may be  
2 higher for institutions with a large enrollment but may not  
3 exceed one-half of 1 percent of the amount appropriated for  
4 the commission.

5 (4) The commission shall assess workload fees to  
6 institutions for specific services that relate to:

7 (a) Licensure.

8 (b) Annual reviews.

9 (c) Special reviews.

10 (d) Site visits.

11 (e) Resolution of complaints.

12 (f) Approval to use the term "college" or  
13 "university."

14 (g) Participation in the Student Protection Fund  
15 established pursuant to s. 1005.37.

16 (h) Other workload activities as allowed by law.

17 (5) The commission may assess late fees for an  
18 institution's failure to timely submit required materials.

19 (6) All fees shall be submitted through the Department  
20 of Education to the Chief Financial Officer, to be deposited  
21 in the Institutional Assessment Trust Fund.

22 (7) All fees authorized in this section are  
23 administrative fees and are not refundable unless paid in  
24 error. The commission may deduct from an institution's future  
25 fee collection any unintentional overpayment.

26 Section 256. Section 1005.36, Florida Statutes, is  
27 created to read:

28 1005.36 Institutional closings.--

29 (1) The Legislature intends to protect students and  
30 the independent sector of postsecondary education from the  
31 detriment caused by licensed institutions that cease operation



1 without providing for the proper completion of student  
2 training or for the appropriate refund of student fees. To  
3 serve this intention, the Commission for Independent Education  
4 may prevent the operation in this state of a licensed  
5 independent postsecondary educational institution by an owner  
6 who has unlawfully closed another institution and the  
7 commission may exercise control over student records upon  
8 closure of a licensed institution if the institution does not  
9 provide an orderly closure.

10 (2) At least 30 days prior to closing an institution,  
11 its owners, directors, or administrators shall notify the  
12 commission in writing of the closure of the institution. The  
13 owners, directors, and administrators must organize an orderly  
14 closure of the institution, which means at least providing for  
15 the completion of training of its students. The commission  
16 must approve any such plan. An owner, director, or  
17 administrator who fails to notify the commission at least 30  
18 days prior to the institution's closure, or who fails to  
19 organize the orderly closure of the institution and the  
20 trainout of the students, commits a misdemeanor of the second  
21 degree, punishable as provided in s. 775.082 or s. 775.083.

22 (3) If the commission finds that an institution has  
23 ceased operating without providing for the proper access to  
24 student records, the commission may require the institution to  
25 convey all student records to the commission office or to  
26 another location designated by the commission or its staff.  
27 The commission shall make copies of records available to  
28 bankruptcy trustees upon request and to the student or those  
29 designated by the student. Confidentiality of the records  
30 shall be maintained to the extent required by law. The  
31 commission may seek civil penalties not to exceed \$10,000 from

1 any owner, director, or administrator of an institution who  
2 knowingly destroys, abandons, or fails to convey or provide  
3 for the safekeeping of institutional and student records. The  
4 commission may use moneys in the Student Protection Fund to  
5 facilitate the retrieval or safekeeping of records from an  
6 institution that has closed.

7 (4) The commission may refer matters it deems  
8 appropriate to the Department of Legal Affairs or the state  
9 attorney for investigation and prosecution.

10 Section 257. Section 1005.37, Florida Statutes, is  
11 created to read:

12 1005.37 Student Protection Fund.--

13 (1) The commission shall establish and administer a  
14 statewide, fee-supported financial program through which funds  
15 will be available to complete the training of a student who  
16 enrolls in a nonpublic school that terminates a program or  
17 ceases operation before the student has completed his or her  
18 program of study or for repayment of a loan made under the  
19 federal Family Educational Loan Program. The financial program  
20 is named the Student Protection Fund.

21 (2) The commission is authorized to assess a fee from  
22 the schools within its jurisdiction for such purpose. The  
23 commission shall assess a licensed school an additional fee  
24 for its eligibility for the Student Protection Fund. Any  
25 school that participates in the federal Family Educational  
26 Loan Program is eligible and must pay the additional fee.

27 (3) If a licensed school terminates a program before  
28 all students complete it, the commission shall also assess  
29 that school a fee adequate to pay the full cost to the Student  
30 Protection Fund of repaying the federal loans of its students.

31

1       (4) The fund shall consist entirely of fees assessed  
2 to licensed schools and shall not be funded under any  
3 circumstances by public funds, nor shall the commission make  
4 payments or be obligated to make payments in excess of the  
5 assessments actually received from licensed schools and  
6 deposited in the Institutional Assessment Trust Fund to the  
7 credit of the Student Protection Fund.

8       (5) The commission shall identify students who may be  
9 eligible for repayment of their loans and notify them in  
10 writing of the availability of the Student Protection Fund.

11       (6) At each commission meeting, the commission shall  
12 consider the need for and shall make required assessments,  
13 shall review the collection status of unpaid assessments and  
14 take all necessary steps to collect them, and shall review all  
15 moneys in the fund and expenses incurred since the last  
16 reporting period. This review must include administrative  
17 expenses, moneys received, and payments made to students or to  
18 lending institutions.

19       (7) Staff of the commission must immediately inform  
20 the commission upon learning of the closing of a licensed  
21 school or the termination of a program which could expose the  
22 fund to liability.

23       (8) The Student Protection Fund must be actuarially  
24 sound, periodically audited, and reviewed to determine if  
25 additional fees must be charged to schools eligible to  
26 participate in the fund.

27       (9) The commission may authorize pro rata payments  
28 from the fund directly to the lender. The pro rata refund  
29 shall be computed as outlined in the Higher Education Act of  
30 1965.

31

1           Section 258. Section 1005.38, Florida Statutes, is  
2 created to read:

3           1005.38 Actions against a licensee and other  
4 penalties.--

5           (1) The commission may deny, place on probation, or  
6 revoke any provisional license, annual license, licence by  
7 means of accreditation, agent's license, or other  
8 authorization required by this chapter. The commission shall  
9 adopt rules for taking these actions. The commission may  
10 impose an administrative fine of not more than \$5,000 if an  
11 institution is on probation for a period under conditions that  
12 require oversight by the commission or its staff. The fine  
13 shall be deposited into the Institutional Assessment Trust  
14 Fund.

15           (2) The commission may conduct an investigation to  
16 determine if an applicant for a new institutional license, or  
17 the owners, directors, or administrators of the institution,  
18 previously closed an institution, failed to arrange for  
19 completion of student training or issue appropriate refunds,  
20 or had its license to operate an institution revoked or denied  
21 in this state or in another state or jurisdiction.

22           (3) Any person who has been convicted of, or entered a  
23 plea of guilty or nolo contendere to, a crime that relates to  
24 the unlawful operation or management of an institution is  
25 ineligible to own, operate, manage, or be a registered agent  
26 for a licensed institution in this state, and may not be a  
27 director or an officer in a corporation that owns or operates  
28 a licensed institution. Such a person may not operate or serve  
29 in a management or supervisory position in a licensed  
30 institution.

31

1       (4) The commission may deny an application for any  
2 operating status if the commission determines that the  
3 applicant or its owners, officers, directors, or  
4 administrators were previously operating an institution in  
5 this state or in another state or jurisdiction in a manner  
6 contrary to the health, education, or welfare of the public.  
7 The commission may consider factors such as the previous  
8 denial or revocation of an institutional license; prior  
9 criminal or civil administrative proceedings regarding the  
10 operation and management of an institution; other types of  
11 criminal proceedings involving fraud, deceit, dishonesty, or  
12 moral turpitude; failure of the institution to be properly  
13 closed, including completing the training or providing for the  
14 trainout of its students; and failure to issue appropriate  
15 refunds. The commission may require an applicant or its  
16 owners, officers, directors, or administrators to provide the  
17 commission with information under oath regarding the prior  
18 operation of an institution and to provide criminal justice  
19 information, the cost of which must be borne by the applicant  
20 in addition to license fees.

21       (5) The commission may obtain an injunction or take  
22 any action it deems necessary against any institution or agent  
23 in violation of this chapter, but such proceedings and orders  
24 do not bar the imposition of any other penalties that may be  
25 imposed for the violation.

26       (6) The commission may conduct disciplinary  
27 proceedings through an investigation of any suspected  
28 violation of this chapter, including a finding of probable  
29 cause and making reports to any law enforcement agency or  
30 regulatory agency.

31

1           (a) The commission shall notify an institution or  
2 individual of the substance of any complaint that is under  
3 investigation unless the executive director and chairperson of  
4 the board concur that notification would impede the  
5 investigation. The commission may also withhold notification  
6 to a person under investigation for an act that constitutes a  
7 criminal offense.

8           (b) The determination of probable cause shall be made  
9 by a majority vote of the probable-cause panel, the membership  
10 of which shall be provided by rule. After the panel declares a  
11 finding of probable cause, the commission may issue an  
12 administrative complaint and prosecute such complaint under  
13 chapter 120.

14           (c) A privilege against civil liability is granted to  
15 any informant or any witness who provides information in good  
16 faith for an investigation or proceeding conducted under this  
17 section.

18           (7) The commission may issue a cease and desist order  
19 in conjunction with an administrative complaint or notice of  
20 denial of licensure, if necessary to protect the health,  
21 safety, or welfare of students, prospective students, or the  
22 public. An unlicensed institution that advertises or causes  
23 advertisements to be made public through which students are  
24 solicited for enrollment or are offered diplomas or degrees is  
25 in violation of this chapter. The commission shall adopt rules  
26 that direct the issuance of an injunction against operating,  
27 advertising, or offering diplomas or degrees without a  
28 license. Each day of operation after a cease and desist letter  
29 is delivered constitutes a separate violation for purposes of  
30 assessing fines or seeking civil penalties.

31

1           (a) A cease and desist order may be mandatory or  
2 prohibitory in form and may order a postsecondary institution  
3 to cease and desist from specified conduct or from failing to  
4 engage in specified conduct necessary to achieve the  
5 regulatory purposes of this chapter.

6           (b) A cease and desist order may include an order to  
7 cease enrollment of students whom the institution cannot  
8 adequately serve, to modify curricula or methods of  
9 instruction to ensure the education or training of the type  
10 and quality represented in the institutional catalog, or to  
11 cease from advertising or to publish or broadcast corrective  
12 or clarifying advertising to overcome the effects of previous  
13 allegedly deceptive or misleading advertising.

14           (c) A cease and desist order takes effect immediately  
15 upon issuance and remains in effect until the commission takes  
16 final agency action.

17           (d) The commission shall adopt rules to direct  
18 procedures by which an affected party is entitled to a formal  
19 or informal review of a cease and desist order and may request  
20 the commission or the Division of Administrative Hearings to  
21 modify or abate a cease and desist order. If a party is  
22 aggrieved by a cease and desist order after seeking to have  
23 the order abated or modified, the party may seek interlocutory  
24 judicial review by the appropriate district court of appeal  
25 pursuant to the applicable rules of appellate procedure.

26           (e) In addition to or in lieu of any remedy provided  
27 in this section, the commission may seek the imposition of a  
28 civil penalty through the circuit court for any violation for  
29 which the commission may issue a notice to cease and desist  
30 under this section.

31

1           (8) The commission shall adopt rules to identify  
2 grounds for imposing disciplinary actions, which must include  
3 at least the following grounds:

4           (a) Attempting to obtain action from the commission by  
5 fraudulent misrepresentation, bribery, or through an error of  
6 the commission.

7           (b) Action against a license or operation imposed  
8 under the authority of another state, territory, or country.

9           (c) Delegating professional responsibilities to a  
10 person who is not qualified by training, experience, or  
11 licensure to perform the responsibilities.

12           (d) False, deceptive, or misleading advertising.

13           (e) Conspiring to coerce, intimidate, or preclude  
14 another licensee from lawfully advertising his or her  
15 services.

16           Section 259. Section 1005.39, Florida Statutes, is  
17 created to read:

18           1005.39 Continuing education and training for  
19 administrators.--

20           (1) The commission is authorized to ensure that the  
21 administrators of licensed institutions are qualified to  
22 conduct the operations of their respective positions and to  
23 require such administrators to receive continuing education  
24 and training as adopted by rule of the commission. The  
25 positions for which the commission may review qualifications  
26 and require continuing education and training may include the  
27 positions of chief administrator or officer, director of  
28 education or training, placement director, admissions  
29 director, and financial aid director.

30           (2) The training of each administrator shall be the  
31 type of training necessary to assure compliance with statutes



1 and rules of the commission and the State Board of Education  
2 and with those of other state or federal agencies in relation  
3 to the responsibilities of the respective positions.

4 (3) The commission shall adopt general qualifications  
5 for each of the respective positions and establish guidelines  
6 for the minimum amount and type of continuing education and  
7 training to be required. The continuing education and training  
8 may be provided by the commission, appropriate state or  
9 federal agencies, or professional organizations familiar with  
10 the requirements of the particular administrative positions.  
11 The actual curricula should be left to the discretion of those  
12 agencies and organizations.

13 (4) Evidence of the administrator's compliance with  
14 the continuing education and training requirements established  
15 by the commission may be included in the initial and renewal  
16 application forms provided by the commission. Actual records  
17 of the continuing education and training received by  
18 administrators shall be maintained at the institution and  
19 available for inspection at all times.

20 (5) Qualifications of administrators in their  
21 respective fields, as well as continuing education and  
22 training, may be established by the commission as a condition  
23 of an application for licensure by a new institution or for  
24 renewal of a license.

25 Section 260. Chapter 1006 shall be entitled "Support  
26 for Learning" and shall consist of ss. 1006.02-1006.71.

27 Section 261. Part I of chapter 1006 shall be entitled  
28 "Public K-12 Education Support for Learning and Student  
29 Services" and shall consist of ss. 1006.02-1006.27.  
30  
31

1 Section 262. Part I.a. of chapter 1006 shall be  
2 entitled "Learning Services Generally" and shall consist of  
3 ss. 1006.02-1006.04.

4 Section 263. Section 1006.02, Florida Statutes, is  
5 created to read:

6 1006.02 Provision of information to students and  
7 parents regarding school-to-work transition.--

8 (1) All public K-12 schools shall document the manner  
9 in which they have prepared students to enter the workforce,  
10 including information regarding the provision of accurate,  
11 timely career and curricular counseling to students. This  
12 information shall include a delineation of available career  
13 opportunities, educational requirements associated with each  
14 career, educational institutions that prepare students to  
15 enter each career, and student financial aid available to  
16 enable students to pursue any postsecondary instruction  
17 required to enter that career. This information shall also  
18 delineate school procedures for identifying individual student  
19 interests and aptitudes which enable students to make informed  
20 decisions about the curriculum that best addresses their  
21 individual interests and aptitudes while preparing them to  
22 enroll in postsecondary education and enter the workforce.  
23 This information shall include recommended high school  
24 coursework that prepares students for success in college-level  
25 work. The information shall be made known to parents and  
26 students annually through inclusion in the school's handbook,  
27 manual, or similar documents or other communications regularly  
28 provided to parents and students.

29 (2) The information required by this section shall  
30 delineate the availability of applied instruction that uses  
31 concrete, real-world examples to elicit demonstrated student

1 competence comparable to the student performance standards  
2 delineated for corresponding traditional college-preparatory  
3 courses, and shall also delineate the support services  
4 available for students who need assistance to successfully  
5 complete instruction necessary to enroll in postsecondary  
6 education or enter the workforce.

7 (3) The information required by this section shall  
8 delineate the availability of instruction that enables  
9 students to acquire the technical skills associated with  
10 specific clusters of occupations as well as employability  
11 skills that apply to most occupations, and shall describe and  
12 identify the availability of workplace-based learning  
13 experiences. Any school that conducts secondary career  
14 education programs shall identify any agreements through which  
15 each program articulates into corresponding postsecondary  
16 programs.

17 (4) Prior to each student's graduation from high  
18 school, the school shall assess the student's preparation to  
19 enter the workforce, in accordance with the commissioner's  
20 identification of the employability skills associated with  
21 successful entry into the workforce, and shall provide the  
22 student and the student's parent or guardian with the results  
23 of this assessment.

24 Section 264. Section 1006.03, Florida Statutes, is  
25 created to read:

26 1006.03 Diagnostic and learning resource centers.--

27 (1) The department shall maintain regional diagnostic  
28 and learning resource centers for exceptional students, to  
29 assist in the provision of medical, physiological,  
30 psychological, and educational testing and other services  
31 designed to evaluate and diagnose exceptionalities, to make

1 referrals for necessary instruction and service, and to  
2 facilitate the provision of instruction and services to  
3 exceptional students. The department shall cooperate with the  
4 Department of Children and Family Services in identifying  
5 service needs and areas.

6 (2) Within its identified service area, each regional  
7 center shall:

8 (a) Provide assistance to parents, teachers, and other  
9 school personnel and community organizations in locating and  
10 identifying exceptional children and planning educational  
11 programs for them.

12 (b) Assist in the provision of services for  
13 exceptional children, using to the maximum, but not  
14 supplanting, the existing facilities and services of each  
15 district.

16 (c) Provide orientation meetings at least annually for  
17 teachers, principals, supervisors, and community agencies to  
18 familiarize them with center facilities and services for  
19 exceptional children.

20 (d) Plan, coordinate, and assist in the implementation  
21 of inservice training programs, consistent with each  
22 district's program of staff development, for the development  
23 and updating of attitudes, skills, and instructional practices  
24 and procedures necessary to the education of exceptional  
25 children.

26 (e) Assist districts in the identification, selection,  
27 acquisition, use, and evaluation of media and materials  
28 appropriate to the implementation of instructional programs  
29 based on individual educational plans for exceptional  
30 children.

31

1           (f) Provide for the dissemination and diffusion of  
2 significant information and promising practices derived from  
3 educational research, demonstration, and other projects.

4           (g) Assist in the delivery, modification, and  
5 integration of instructional technology, including  
6 microcomputer applications and adaptive and assistive devices,  
7 appropriate to the unique needs of exceptional students.

8           (3) Diagnostic and resource centers may provide  
9 testing and evaluation services to private school students and  
10 other children who are not enrolled in public schools.

11           (4) Diagnostic and learning resource centers may  
12 assist districts in providing testing and evaluation services  
13 for infants and preschool children with or at risk of  
14 developing disabilities, and may assist districts in providing  
15 interdisciplinary training and resources to parents of infants  
16 and preschool children with or at risk of developing  
17 disabilities and to school readiness programs.

18           Section 265. Section 1006.035, Florida Statutes, is  
19 created to read:

20           1006.035 Dropout reentry and mentor project.--

21           (1) There is created a dropout reentry and mentor  
22 project to be coordinated on a pilot basis by the Florida  
23 Agricultural and Mechanical University National Alumni  
24 Association and implemented in Tallahassee, Jacksonville,  
25 Daytona Beach, and Miami.

26           (2) The project shall identify 15 black students in  
27 each location who have dropped out of high school but were not  
28 encountering academic difficulty when they left school.

29 Students chosen to participate may not have a high school  
30 diploma, be enrolled in an adult general education program  
31 which includes a GED program, an adult high school, or be

1 enrolled in a vocational-technical school. Students may be  
2 employed but must be able to adjust their work schedules to  
3 accommodate classes and project sessions. Priority must be  
4 given to students who have dropped out of school within the  
5 last 3 years.

6 (3) In identifying participants, the following factors  
7 must be considered:

8 (a) The student's performance in school before  
9 dropping out;

10 (b) The student's performance on aptitude and  
11 achievement tests;

12 (c) The student's desire to reenter school.

13 (4) In each of the four locations, the project shall  
14 identify 15 high-achieving minority students to serve as  
15 one-on-one mentors to the students who are being reentered in  
16 school. An alumnus of Bethune-Cookman College, Florida  
17 Memorial College, Edward Waters College, or Florida  
18 Agricultural and Mechanical University shall be assigned to  
19 each pair of students. Student mentors and alumni must serve  
20 as role models and resource people for the students who are  
21 being reentered in school.

22 (5) Selected project participants shall be evaluated  
23 and enrolled in a GED program, regular high school, vocational  
24 school, or alternative school. In conjunction with school  
25 guidance personnel, project staff shall design a supplemental  
26 program to reinforce basic skills, provide additional  
27 counseling, and offer tutorial assistance. Weekly, project  
28 staff shall monitor students' attendance, performance,  
29 homework, and attitude toward school.

30 (6) The project shall use tests to identify students'  
31 interests and academic weaknesses. Based on the test results,

1 an individualized study program shall be developed for each  
2 reentry student.

3 (7) The 15 alumni at each location must meet with  
4 their assigned reentry students and high achievers, together,  
5 at least once per week. All reentry students must meet as a  
6 group at least once per week for structured, organized  
7 activities which include instruction in test-taking skills,  
8 positive attitude, coping, study habits, budgeting time,  
9 setting goals, career choices, homework assistance, and  
10 conflict resolution.

11 (8) Followup interviews with both the reentry students  
12 and high achievers must be conducted after 1 year to determine  
13 the project's impact.

14 Section 266. Section 1006.04, Florida Statutes, is  
15 created to read:

16 1006.04 Educational multiagency services for students  
17 with severe emotional disturbance.--

18 (1)(a) An intensive, integrated educational program; a  
19 continuum of mental health treatment services; and, when  
20 needed, residential services are necessary to enable students  
21 with severe emotional disturbance to develop appropriate  
22 behaviors and demonstrate academic and career education  
23 skills. The small incidence of severe emotional disturbance in  
24 the total school population requires multiagency programs to  
25 provide access to appropriate services for all students with  
26 severe emotional disturbance. District school boards should  
27 provide educational programs, and state departments and  
28 agencies administering children's mental health funds should  
29 provide mental health treatment and residential services when  
30 needed, forming a multiagency network to provide support for  
31 students with severe emotional disturbance.

1           (b) The program goals for each component of the  
2 multiagency network are to enable students with severe  
3 emotional disturbance to learn appropriate behaviors, reduce  
4 dependency, and fully participate in all aspects of school and  
5 community living; to develop individual programs for students  
6 with severe emotional disturbance, including necessary  
7 educational, residential, and mental health treatment  
8 services; to provide programs and services as close as  
9 possible to the student's home in the least restrictive manner  
10 consistent with the student's needs; and to integrate a wide  
11 range of services necessary to support students with severe  
12 emotional disturbance and their families.

13           (2) The department may award grants to district school  
14 boards for statewide planning and development of the  
15 multiagency network for students with severe emotional  
16 disturbance. The educational services shall be provided in a  
17 manner consistent with the requirements of ss. 1003.57 and  
18 402.22.

19           (3) State departments and agencies may use appropriate  
20 funds for the multiagency network for students with severe  
21 emotional disturbance.

22           Section 267. Part I.b. of chapter 1006 shall be  
23 entitled "Student Food and Health Services" and shall consist  
24 of ss. 1006.06-1006.063.

25           Section 268. Section 1006.06, Florida Statutes, is  
26 created to read:

27           1006.06 School food service programs.--

28           (1) In recognition of the demonstrated relationship  
29 between good nutrition and the capacity of students to develop  
30 and learn, it is the policy of the state to provide standards  
31 for school food service and to require district school boards



1 to establish and maintain an appropriate private school food  
2 service program consistent with the nutritional needs of  
3 students.

4 (2) The State Board of Education shall adopt rules  
5 covering the administration and operation of the school food  
6 service programs.

7 (3) Each district school board shall consider the  
8 recommendations of the district school superintendent and  
9 adopt policies to provide for an appropriate food and  
10 nutrition program for students consistent with federal law and  
11 State Board of Education rule.

12 (4) The state shall provide the state National School  
13 Lunch Act matching requirements. The funds provided shall be  
14 distributed in such a manner as to comply with the  
15 requirements of the National School Lunch Act.

16 (5)(a) Each district school board shall implement  
17 school breakfast programs in all elementary schools that make  
18 breakfast available to all students in kindergarten through  
19 grade 6 in each district school, unless the elementary school  
20 goes only through grade 5, in which case the requirement shall  
21 apply only through grade 5. Each district school board shall  
22 implement breakfast programs in all elementary schools in  
23 which students are eligible for free and reduced price lunch  
24 meals, to the extent specifically funded in the General  
25 Appropriations Act. A district school board may operate a  
26 breakfast program providing for food preparation at the school  
27 site or in central locations with distribution to designated  
28 satellite schools or any combination thereof.

29 (b) The commissioner shall make every reasonable  
30 effort to ensure that any school designated a "severe need  
31 school" receives the highest rate of reimbursement to which it

1 is entitled pursuant to 42 U.S.C. s. 1773 for each free and  
2 reduced price breakfast served.

3 (c) The department shall calculate and distribute a  
4 school district breakfast supplement for each school year by  
5 multiplying the state breakfast rate as specified in the  
6 General Appropriations Act by the number of free and reduced  
7 price breakfast meals served.

8 (d) The Legislature shall provide sufficient funds in  
9 the General Appropriations Act to reimburse participating  
10 school districts for the difference between the average  
11 federal reimbursement for free and reduced price breakfasts  
12 and the average statewide cost for breakfasts.

13 Section 269. Section 1006.061, Florida Statutes, is  
14 created to read:

15 1006.061 Child abuse, abandonment, and neglect  
16 policy.--Each district school board shall:

17 (1) Post in a prominent place in each school a notice  
18 that, pursuant to chapter 39, all employees and agents of the  
19 district school board have an affirmative duty to report all  
20 actual or suspected cases of child abuse, abandonment, or  
21 neglect; have immunity from liability if they report such  
22 cases in good faith; and have a duty to comply with child  
23 protective investigations and all other provisions of law  
24 relating to child abuse, abandonment, and neglect. The notice  
25 shall also include the statewide toll-free telephone number of  
26 the central abuse hotline.

27 (2) Require the district school superintendent, or the  
28 superintendent's designee, at the request of the Department of  
29 Children and Family Services, to act as a liaison to the  
30 Department of Children and Family Services and the child  
31 protection team, as defined in s. 39.01, when in a case of

1 suspected child abuse, abandonment, or neglect or an unlawful  
2 sexual offense involving a child the case is referred to such  
3 a team; except that this does not relieve or restrict the  
4 Department of Children and Family Services from discharging  
5 its duty and responsibility under the law to investigate and  
6 report every suspected or actual case of child abuse,  
7 abandonment, or neglect or unlawful sexual offense involving a  
8 child.

9 Section 270. Section 1006.062, Florida Statutes, is  
10 created to read:

11 1006.062 Administration of medication and provision of  
12 medical services by district school board personnel.--

13 (1) Notwithstanding the provisions of the Nurse  
14 Practice Act, part I of chapter 464, district school board  
15 personnel may assist students in the administration of  
16 prescription medication when the following conditions have  
17 been met:

18 (a) Each district school board shall include in its  
19 approved school health services plan a procedure to provide  
20 training, by a registered nurse, a licensed practical nurse, a  
21 physician licensed pursuant to chapter 458 or chapter 459, or  
22 a physician assistant licensed pursuant to chapter 458 or  
23 chapter 459, to the school personnel designated by the school  
24 principal to assist students in the administration of  
25 prescribed medication. Such training may be provided in  
26 collaboration with other school districts, through contract  
27 with an education consortium, or by any other arrangement  
28 consistent with the intent of this subsection.

29 (b) Each district school board shall adopt policies  
30 and procedures governing the administration of prescription  
31 medication by district school board personnel. The policies

1 and procedures shall include, but not be limited to, the  
2 following provisions:

3 1. For each prescribed medication, the student's  
4 parent shall provide to the school principal a written  
5 statement which grants to the school principal or the  
6 principal's designee permission to assist in the  
7 administration of such medication and which explains the  
8 necessity for the medication to be provided during the school  
9 day, including any occasion when the student is away from  
10 school property on official school business. The school  
11 principal or the principal's trained designee shall assist the  
12 student in the administration of the medication.

13 2. Each prescribed medication to be administered by  
14 district school board personnel shall be received, counted,  
15 and stored in its original container. When the medication is  
16 not in use, it shall be stored in its original container in a  
17 secure fashion under lock and key in a location designated by  
18 the school principal.

19 (2) There shall be no liability for civil damages as a  
20 result of the administration of the medication when the person  
21 administering the medication acts as an ordinarily reasonably  
22 prudent person would have acted under the same or similar  
23 circumstances.

24 (3) Nonmedical district school board personnel shall  
25 not be allowed to perform invasive medical services that  
26 require special medical knowledge, nursing judgment, and  
27 nursing assessment, including, but not limited to:

28 (a) Sterile catheterization.

29 (b) Nasogastric tube feeding.

30 (c) Cleaning and maintaining a tracheostomy and deep  
31 suctioning of a tracheostomy.

1       (4) Nonmedical assistive personnel shall be allowed to  
2 perform health-related services upon successful completion of  
3 child-specific training by a registered nurse or advanced  
4 registered nurse practitioner licensed under chapter 464, a  
5 physician licensed pursuant to chapter 458 or chapter 459, or  
6 a physician assistant licensed pursuant to chapter 458 or  
7 chapter 459. All procedures shall be monitored periodically  
8 by a nurse, advanced registered nurse practitioner, physician  
9 assistant, or physician, including, but not limited to:

10       (a) Intermittent clean catheterization.

11       (b) Gastrostomy tube feeding.

12       (c) Monitoring blood glucose.

13       (d) Administering emergency injectable medication.

14       (5) For all other invasive medical services not listed  
15 in this subsection, a registered nurse or advanced registered  
16 nurse practitioner licensed under chapter 464, a physician  
17 licensed pursuant to chapter 458 or chapter 459, or a  
18 physician assistant licensed pursuant to chapter 458 or  
19 chapter 459 shall determine if nonmedical district school  
20 board personnel shall be allowed to perform such service.

21       (6) Each district school board shall establish  
22 emergency procedures in accordance with s. 381.0056(5) for  
23 life-threatening emergencies.

24       (7) District school board personnel shall not refer  
25 students to or offer students at school facilities  
26 contraceptive services without the consent of a parent or  
27 legal guardian. To the extent that this paragraph conflicts  
28 with any provision of chapter 381, the provisions of chapter  
29 381 control.

30       Section 271. Section 1006.063, Florida Statutes, is  
31 created to read:

1           1006.063 Eye-protective devices required in certain  
2 laboratory courses.--

3           (1) Eye-protective devices shall be worn by students,  
4 teachers, and visitors in courses including, but not limited  
5 to, chemistry, physics, or chemical-physical laboratories, at  
6 any time at which the individual is engaged in or observing an  
7 activity or the use of hazardous substances likely to cause  
8 injury to the eyes. Activity or the use of hazardous  
9 substances likely to cause injury to the eye includes:

10           (a) Heat treatment; tempering or kiln firing of any  
11 metal or other materials;

12           (b) Working with caustic or explosive materials;

13           (c) Working with hot liquids or solids, including  
14 chemicals which are flammable, caustic, toxic, or irritating.

15           (2) District school boards shall furnish plano safety  
16 glasses or devices for students, may provide such glasses to  
17 teachers, and shall furnish such equipment for all visitors to  
18 such classrooms or laboratories, or may purchase such plano  
19 safety glasses or devices in large quantities and sell them at  
20 cost to students and teachers, but shall not purchase,  
21 furnish, or dispense prescription glasses or lenses.

22           Section 272. Part I.c. of chapter 1006 shall be  
23 entitled "Student Discipline and School Safety" and shall  
24 consist of ss. 1006.07-1006.145.

25           Section 273. Section 1006.07, Florida Statutes, is  
26 created to read:

27           1006.07 District school board duties relating to  
28 student discipline and school safety.--The district school  
29 board shall provide for the proper accounting for all  
30 students, for the attendance and control of students at  
31

1 school, and for proper attention to health, safety, and other  
2 matters relating to the welfare of students, including:

3 (1) CONTROL OF STUDENTS.--

4 (a) Adopt rules for the control, discipline, in-school  
5 suspension, suspension, and expulsion of students and decide  
6 all cases recommended for expulsion. Suspension hearings are  
7 exempted from the provisions of chapter 120. Expulsion  
8 hearings shall be governed by ss. 120.569 and 120.57(2) and  
9 are exempt from s. 286.011. However, the student's parent must  
10 be given notice of the provisions of s. 286.011 and may elect  
11 to have the hearing held in compliance with that section. The  
12 district school board may prohibit the use of corporal  
13 punishment, if the district school board adopts or has adopted  
14 a written program of alternative control or discipline.

15 (b) Require each student at the time of initial  
16 registration for school in the school district to note  
17 previous school expulsions, arrests resulting in a charge, and  
18 juvenile justice actions the student has had, and have the  
19 authority as the district school board of a receiving school  
20 district to honor the final order of expulsion or dismissal of  
21 a student by any in-state or out-of-state public district  
22 school board or private school, or lab school, for an act  
23 which would have been grounds for expulsion according to the  
24 receiving district school board's code of student conduct, in  
25 accordance with the following procedures:

26 1. A final order of expulsion shall be recorded in the  
27 records of the receiving school district.

28 2. The expelled student applying for admission to the  
29 receiving school district shall be advised of the final order  
30 of expulsion.

31

1           3. The district school superintendent of the receiving  
2 school district may recommend to the district school board  
3 that the final order of expulsion be waived and the student be  
4 admitted to the school district, or that the final order of  
5 expulsion be honored and the student not be admitted to the  
6 school district. If the student is admitted by the district  
7 school board, with or without the recommendation of the  
8 district school superintendent, the student may be placed in  
9 an appropriate educational program at the direction of the  
10 district school board.

11           (2) CODE OF STUDENT CONDUCT.--Adopt a code of student  
12 conduct for elementary schools and a code of student conduct  
13 for middle and high schools and distribute the appropriate  
14 code to all teachers, school personnel, students, and parents,  
15 at the beginning of every school year. Each code shall be  
16 organized and written in language that is understandable to  
17 students and parents and shall be discussed at the beginning  
18 of every school year in student classes, school advisory  
19 council meetings, and parent and teacher association or  
20 organization meetings. Each code shall be based on the rules  
21 governing student conduct and discipline adopted by the  
22 district school board and shall be made available in the  
23 student handbook or similar publication. Each code shall  
24 include, but is not limited to:

25           (a) Consistent policies and specific grounds for  
26 disciplinary action, including in-school suspension,  
27 out-of-school suspension, expulsion, and any disciplinary  
28 action that may be imposed for the possession or use of  
29 alcohol on school property or while attending a school  
30 function or for the illegal use, sale, or possession of  
31 controlled substances as defined in chapter 893.



1           (b) Procedures to be followed for acts requiring  
2 discipline, including corporal punishment.

3           (c) An explanation of the responsibilities and rights  
4 of students with regard to attendance, respect for persons and  
5 property, knowledge and observation of rules of conduct, the  
6 right to learn, free speech and student publications,  
7 assembly, privacy, and participation in school programs and  
8 activities.

9           (d) Notice that illegal use, possession, or sale of  
10 controlled substances, as defined in chapter 893, or  
11 possession of electronic telephone pagers, by any student  
12 while the student is upon school property or in attendance at  
13 a school function is grounds for disciplinary action by the  
14 school and may also result in criminal penalties being  
15 imposed.

16           (e) Notice that the possession of a firearm or weapon  
17 ad defined in chapter 790 by any student while the student is  
18 on school property or in attendance at a school function is  
19 grounds for disciplinary action and may also result in  
20 criminal prosecution.

21           (f) Notice that violence against any district school  
22 board personnel by a student is grounds for in-school  
23 suspension, out-of-school suspension, expulsion, or imposition  
24 of other disciplinary action by the school and may also result  
25 in criminal penalties being imposed.

26           (g) Notice that violation of district school board  
27 transportation policies, including disruptive behavior on a  
28 school bus or at a school bus stop, by a student is grounds  
29 for suspension of the student's privilege of riding on a  
30 school bus and may be grounds for disciplinary action by the  
31

1 school and may also result in criminal penalties being  
2 imposed.

3 (h) Notice that violation of the district school  
4 board's sexual harassment policy by a student is grounds for  
5 in-school suspension, out-of-school suspension, expulsion, or  
6 imposition of other disciplinary action by the school and may  
7 also result in criminal penalties being imposed.

8 (i) Policies to be followed for the assignment of  
9 violent or disruptive students to an alternative educational  
10 program.

11 (j) Notice that any student who is determined to have  
12 brought a firearm or weapon, as defined in chapter 790, to  
13 school, to any school function, or onto any school-sponsored  
14 transportation will be expelled, with or without continuing  
15 educational services, from the student's regular school for a  
16 period of not less than 1 full year and referred to the  
17 criminal justice or juvenile justice system; provided,  
18 however, that nothing herein shall require the district school  
19 board to apply such requirements to a firearm or weapon that  
20 is lawfully stored in a locked vehicle on school property, or  
21 for activities approved and authorized by the district school  
22 board when the board has adopted appropriate safeguards to  
23 ensure student safety. District school boards may assign the  
24 student to a disciplinary program or second chance school for  
25 the purpose of continuing educational services during the  
26 period of expulsion. District school superintendents may  
27 consider the 1-year expulsion requirement on a case-by-case  
28 basis and request the district school board to modify the  
29 requirement by assigning the student to a disciplinary program  
30 or second chance school if it is determined to be in the best  
31 interest of the student and the school system.

1       (k) Notice that any student who is determined to have  
2 made a threat or false report, as defined by ss. 790.162 and  
3 790.163, respectively, involving school or school personnel's  
4 property, school transportation, or a school-sponsored  
5 activity will be expelled, with or without continuing  
6 educational services, from the student's regular school for a  
7 period of not less than 1 full year and referred for criminal  
8 prosecution. District school boards may assign the student to  
9 a disciplinary program or second chance school for the purpose  
10 of continuing educational services during the period of  
11 expulsion. District school superintendents may consider the  
12 1-year expulsion requirement on a case-by-case basis and  
13 request the district school board to modify the requirement by  
14 assigning the student to a disciplinary program or second  
15 chance school if it is determined to be in the best interest  
16 of the student and the school system.

17       (3) STUDENT CRIME WATCH PROGRAM.--By resolution of the  
18 district school board, implement a student crime watch program  
19 to promote responsibility among students and to assist in the  
20 control of criminal behavior within the schools.

21       (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.--

22       (a) The district school board shall formulate and  
23 prescribe policies and procedures for emergency drills and for  
24 actual emergencies, including, but not limited to, fires,  
25 natural disasters, and bomb threats, for all the public  
26 schools of the district which comprise grades K-12. District  
27 school board policies shall include commonly used alarm system  
28 responses for specific types of emergencies and verification  
29 by each school that drills have been provided as required by  
30 law and fire protection codes.

31

1           (b) The district school board shall establish model  
2 emergency management and emergency preparedness procedures for  
3 the following life-threatening emergencies:

4           1. Weapon-use and hostage situations.

5           2. Hazardous materials or toxic chemical spills.

6           3. Weather emergencies, including hurricanes,  
7 tornadoes, and severe storms.

8           4. Exposure as a result of a manmade emergency.

9           (5) EDUCATIONAL SERVICES IN DETENTION

10 FACILITIES.--Minors who have not graduated from high school  
11 and eligible students with disabilities under the age of 22  
12 who have not graduated with a standard diploma or its  
13 equivalent who are detained in a county or municipal detention  
14 facility as defined in s. 951.23 shall be offered educational  
15 services by the district school board in whose district the  
16 facility is located. These educational services shall be based  
17 upon the estimated length of time the student will be in the  
18 facility and the student's current level of functioning.  
19 District school superintendents or their designees shall be  
20 notified by the county sheriff or chief correctional officer,  
21 or his or her designee, upon the assignment of a student under  
22 the age of 21 to the facility. A cooperative agreement with  
23 the local school district and applicable law enforcement units  
24 shall be developed to address the notification requirement and  
25 the provision of educational services to these students.

26           (6) SAFETY AND SECURITY BEST PRACTICES.--Use the  
27 Safety and Security Best Practices developed by the Office of  
28 Program Policy Analysis and Government Accountability to  
29 conduct a self-assessment of the school districts' current  
30 safety and security practices. Based on these self-assessment  
31 findings, the district school superintendent shall provide

1 recommendations to the district school board which identify  
2 strategies and activities that the district school board  
3 should implement in order to improve school safety and  
4 security. Annually each district school board must receive the  
5 self-assessment results at a publicly noticed district school  
6 board meeting to provide the public an opportunity to hear the  
7 district school board members discuss and take action on the  
8 report findings. Each district school superintendent shall  
9 report the self-assessment results and school board action to  
10 the commissioner within 30 days after the district school  
11 board meeting.

12 Section 274. Section 1006.08, Florida Statutes, is  
13 created to read:

14 1006.08 District school superintendent duties relating  
15 to student discipline and school safety.--

16 (1) The district school superintendent shall recommend  
17 plans to the district school board for the proper accounting  
18 for all students of school age, for the attendance and control  
19 of students at school, for the proper attention to health,  
20 safety, and other matters which will best promote the welfare  
21 of students. When the district school superintendent makes a  
22 recommendation for expulsion to the district school board, he  
23 or she shall give written notice to the student and the  
24 student's parent of the recommendation, setting forth the  
25 charges against the student and advising the student and his  
26 or her parent of the student's right to due process as  
27 prescribed by ss. 120.569 and 120.57(2). When district school  
28 board action on a recommendation for the expulsion of a  
29 student is pending, the district school superintendent may  
30 extend the suspension assigned by the principal beyond 10  
31

1 school days if such suspension period expires before the next  
2 regular or special meeting of the district school board.

3 (2) Notwithstanding the provisions of s. 985.04(4) or  
4 any other provision of law to the contrary, the court shall,  
5 within 48 hours of the finding, notify the appropriate  
6 district school superintendent of the name and address of any  
7 student found to have committed a delinquent act, or who has  
8 had adjudication of a delinquent act withheld which, if  
9 committed by an adult, would be a felony, or the name and  
10 address of any student found guilty of a felony. Notification  
11 shall include the specific delinquent act found to have been  
12 committed or for which adjudication was withheld, or the  
13 specific felony for which the student was found guilty.

14 (3) Except to the extent necessary to protect the  
15 health, safety, and welfare of other students, the information  
16 obtained by the district school superintendent pursuant to  
17 this section may be released only to appropriate school  
18 personnel or as otherwise provided by law.

19 Section 275. Section 1006.09, Florida Statutes, is  
20 created to read:

21 1006.09 Duties of school principal relating to student  
22 discipline and school safety.--

23 (1)(a) Subject to law and to the rules of the State  
24 Board of Education and the district school board, the  
25 principal in charge of the school or the principal's designee  
26 shall develop policies for delegating to any teacher or other  
27 member of the instructional staff or to any bus driver  
28 transporting students of the school responsibility for the  
29 control and direction of students. The principal or the  
30 principal's designee shall consider the recommendation for  
31 discipline made by a teacher, other member of the

1 instructional staff, or a bus driver when making a decision  
2 regarding student referral for discipline.

3 (b) The principal or the principal's designee may  
4 suspend a student only in accordance with the rules of the  
5 district school board. The principal or the principal's  
6 designee shall make a good faith effort to immediately inform  
7 a student's parent by telephone of a student's suspension and  
8 the reasons for the suspension. Each suspension and the  
9 reasons for the suspension shall be reported in writing within  
10 24 hours to the student's parent by United States mail. Each  
11 suspension and the reasons for the suspension shall also be  
12 reported in writing within 24 hours to the district school  
13 superintendent. A good faith effort shall be made by the  
14 principal or the principal's designee to employ parental  
15 assistance or other alternative measures prior to suspension,  
16 except in the case of emergency or disruptive conditions which  
17 require immediate suspension or in the case of a serious  
18 breach of conduct as defined by rules of the district school  
19 board. Such rules shall require oral and written notice to the  
20 student of the charges and an explanation of the evidence  
21 against him or her prior to the suspension. Each student shall  
22 be given an opportunity to present his or her side of the  
23 story. No student shall be suspended for unexcused tardiness,  
24 lateness, absence, or truancy. The principal or the  
25 principal's designee may suspend any student transported to or  
26 from school at public expense from the privilege of riding on  
27 a school bus for violation of district school board  
28 transportation policies, which shall include a policy  
29 regarding behavior at school bus stops, and the principal or  
30 the principal's designee shall give notice in writing to the  
31 student's parent and to the district school superintendent

1 within 24 hours. School personnel shall not be held legally  
2 responsible for suspensions of students made in good faith.

3 (c) The principal or the principal's designee may  
4 recommend to the district school superintendent the expulsion  
5 of any student who has committed a serious breach of conduct,  
6 including, but not limited to, willful disobedience, open  
7 defiance of authority of a member of his or her staff,  
8 violence against persons or property, or any other act which  
9 substantially disrupts the orderly conduct of the school. A  
10 recommendation of expulsion or assignment to a second chance  
11 school may also be made for any student found to have  
12 intentionally made false accusations that jeopardize the  
13 professional reputation, employment, or professional  
14 certification of a teacher or other member of the school  
15 staff, according to the district school board code of student  
16 conduct. Any recommendation of expulsion shall include a  
17 detailed report by the principal or the principal's designated  
18 representative on the alternative measures taken prior to the  
19 recommendation of expulsion.

20 (d) The principal or the principal's designee shall  
21 include an analysis of suspensions and expulsions in the  
22 annual report of school progress.

23 (2) Suspension proceedings, pursuant to rules of the  
24 State Board of Education, may be initiated against any  
25 enrolled student who is formally charged with a felony, or  
26 with a delinquent act which would be a felony if committed by  
27 an adult, by a proper prosecuting attorney for an incident  
28 which allegedly occurred on property other than public school  
29 property, if that incident is shown, in an administrative  
30 hearing with notice provided to the parents of the student by  
31 the principal of the school pursuant to rules adopted by the



1 State Board of Education and to rules developed pursuant to s.  
2 1001.54, to have an adverse impact on the educational program,  
3 discipline, or welfare in the school in which the student is  
4 enrolled. Any student who is suspended as the result of such  
5 proceedings may be suspended from all classes of instruction  
6 on public school grounds during regular classroom hours for a  
7 period of time, which may exceed 10 days, as determined by the  
8 district school superintendent. The suspension shall not  
9 affect the delivery of educational services to the student,  
10 and the student shall be immediately enrolled in a daytime  
11 alternative education program, or an evening alternative  
12 education program, where appropriate. If the court determines  
13 that the student did commit the felony or delinquent act which  
14 would have been a felony if committed by an adult, the  
15 district school board may expel the student, provided that  
16 expulsion under this subsection shall not affect the delivery  
17 of educational services to the student in any residential,  
18 nonresidential, alternative, daytime, or evening program  
19 outside of the regular school setting. Any student who is  
20 subject to discipline or expulsion for unlawful possession or  
21 use of any substance controlled under chapter 893 may be  
22 entitled to a waiver of the discipline or expulsion:

23       (a) If the student divulges information leading to the  
24 arrest and conviction of the person who supplied the  
25 controlled substance to him or her, or if the student  
26 voluntarily discloses his or her unlawful possession of the  
27 controlled substance prior to his or her arrest. Any  
28 information divulged which leads to arrest and conviction is  
29 not admissible in evidence in a subsequent criminal trial  
30 against the student divulging the information.  
31

1       (b) If the student commits himself or herself, or is  
2 referred by the court in lieu of sentence, to a state-licensed  
3 drug abuse program and successfully completes the program.

4       (3) A student may be disciplined or expelled for  
5 unlawful possession or use of any substance controlled under  
6 chapter 893 upon the third violation of this provision.

7       (4) When a student has been the victim of a violent  
8 crime perpetrated by another student who attends the same  
9 school, the school principal shall make full and effective use  
10 of the provisions of ss. 1006.09(2) and 1006.13(5). A school  
11 principal who fails to comply with this subsection shall be  
12 ineligible for any portion of the performance pay policy  
13 incentive under s. 1012.22(1)(c). However, if any party  
14 responsible for notification fails to properly notify the  
15 school, the school principal shall be eligible for the  
16 incentive.

17       (5) Any recommendation for the suspension or expulsion  
18 of a student with a disability must be made in accordance with  
19 rules adopted by the State Board of Education.

20       (6) Each school principal must ensure that  
21 standardized forms prescribed by rule of the State Board of  
22 Education are used to report data concerning school safety and  
23 discipline to the department. The school principal must  
24 develop a plan to verify the accuracy of reported incidents.

25       (7) The State Board of Education shall adopt by rule a  
26 standardized form to be used by each school principal to  
27 report data concerning school safety and discipline.

28       (8) The school principal shall require all school  
29 personnel to report to the principal or principal's designee  
30 any suspected unlawful use, possession, or sale by a student  
31 of any controlled substance, as defined in s. 893.02; any

1 counterfeit controlled substance, as defined in s. 831.31; any  
2 alcoholic beverage, as defined in s. 561.01(4); or model glue.  
3 School personnel are exempt from civil liability when  
4 reporting in good faith to the proper school authority such  
5 suspected unlawful use, possession, or sale by a student.  
6 Only a principal or principal's designee is authorized to  
7 contact a parent or legal guardian of a student regarding this  
8 situation. Reports made and verified under this subsection  
9 shall be forwarded to an appropriate agency. The principal or  
10 principal's designee shall timely notify the student's parent  
11 that a verified report made under this subsection with respect  
12 to the student has been made and forwarded.

13 (9) A school principal or a school employee designated  
14 by the principal, if she or he has reasonable suspicion that a  
15 prohibited or illegally possessed substance or object is  
16 contained within a student's locker or other storage area, may  
17 search the locker or storage area. The district school board  
18 shall require and each school principal shall cause to be  
19 posted in each public K-12 school, in a place readily seen by  
20 students, a notice stating that a student's locker or other  
21 storage area is subject to search, upon reasonable suspicion,  
22 for prohibited or illegally possessed substances or objects.  
23 This subsection does not prohibit the use of metal detectors  
24 or specially trained animals in the course of a search for  
25 illegally possessed substances or objects.

26 Section 276. Section 1006.10, Florida Statutes, is  
27 created to read:

28 1006.10 Authority of school bus drivers and district  
29 school boards relating to student discipline and student  
30 safety on school buses.--

31

1       (1) The school bus driver shall require order and good  
2 behavior by all students being transported on school buses.

3       (2) The district school board shall require a system  
4 of progressive discipline of transported students for actions  
5 which are prohibited by the code of student conduct.

6 Disciplinary actions, including suspension of students from  
7 riding on district school board owned or contracted school  
8 buses, shall be subject to district school board policies and  
9 procedures and may be imposed by the principal or the  
10 principal's designee. The principal or the principal's  
11 designee may delegate any disciplinary authority to school bus  
12 drivers except for suspension of students from riding the bus.

13       (3) The school bus driver shall control students  
14 during the time students are on the school bus, but shall not  
15 have such authority when students are waiting at the school  
16 bus stop or when students are en route to or from the school  
17 bus stop except when the bus is present at the bus stop.

18       (4) If an emergency should develop due to the conduct  
19 of students on the bus, the school bus driver may take such  
20 steps as are immediately necessary to protect the students on  
21 the bus.

22       (5) School bus drivers shall not be required to  
23 operate a bus under conditions in which one or more students  
24 pose a clear and present danger to the safety of the driver or  
25 other students, or the safety of the bus while in operation.  
26 The district school board shall have measures in place  
27 designed to protect the school bus driver from threats or  
28 physical injury from students.

29       (6) District school boards may use transportation,  
30 school safety, or FEFP funds to provide added security for  
31

1 buses transporting disruptive or delinquent students to and  
2 from school or other educational activities.

3 (7) In the case of a student having engaged in violent  
4 or blatantly unsafe actions while riding the school bus, the  
5 district school board shall take corrective measures to  
6 ensure, to the extent feasible, that such actions are not  
7 repeated prior to reassigning the student to the bus.

8 Section 277. Section 1006.11, Florida Statutes, is  
9 created to read:

10 1006.11 Standards for use of reasonable force.--

11 (1) The State Board of Education shall adopt standards  
12 for the use of reasonable force by district school board  
13 personnel to maintain a safe and orderly learning environment.  
14 Such standards shall be distributed to each school in the  
15 state and shall provide guidance to district school board  
16 personnel in receiving the limitations on liability specified  
17 in subsection (2).

18 (2) Except in the case of excessive force or cruel and  
19 unusual punishment, a teacher or other member of the  
20 instructional staff, a principal or the principal's designated  
21 representative, or a school bus driver shall not be civilly or  
22 criminally liable for any action carried out in conformity  
23 with the State Board of Education and district school board  
24 rules regarding the control, discipline, suspension, and  
25 expulsion of students, including, but not limited to, any  
26 exercise of authority under s. 1006.09 or s. 1003.32.

27 Section 278. Section 1006.12, Florida Statutes, is  
28 created to read:

29 1006.12 School resource officers and school safety  
30 officers.--

31

1           (1) District school boards may establish school  
2 resource officer programs, through a cooperative agreement  
3 with law enforcement agencies or in accordance with subsection  
4 (2).

5           (a) School resource officers shall be certified law  
6 enforcement officers, as defined in s. 943.10(1), who are  
7 employed by a law enforcement agency as defined in s.  
8 943.10(4). The powers and duties of a law enforcement officer  
9 shall continue throughout the employee's tenure as a school  
10 resource officer.

11           (b) School resource officers shall abide by district  
12 school board policies and shall consult with and coordinate  
13 activities through the school principal, but shall be  
14 responsible to the law enforcement agency in all matters  
15 relating to employment, subject to agreements between a  
16 district school board and a law enforcement agency. Activities  
17 conducted by the school resource officer which are part of the  
18 regular instructional program of the school shall be under the  
19 direction of the school principal.

20           (2)(a) School safety officers shall be law enforcement  
21 officers, as defined in s. 943.10(1), certified under the  
22 provisions of chapter 943 and employed by either a law  
23 enforcement agency or by the district school board. If the  
24 officer is employed by the district school board, the district  
25 school board is the employing agency for purposes of chapter  
26 943, and must comply with the provisions of that chapter.

27           (b) A district school board may commission one or more  
28 school safety officers for the protection and safety of school  
29 personnel, property, and students within the school district.  
30 The district school superintendent may recommend and the  
31

1 district school board may appoint one or more school safety  
2 officers.

3 (c) A school safety officer has and shall exercise the  
4 power to make arrests for violations of law on district school  
5 board property and to arrest persons, whether on or off such  
6 property, who violate any law on such property under the same  
7 conditions that deputy sheriffs are authorized to make  
8 arrests. A school safety officer has the authority to carry  
9 weapons when performing his or her official duties.

10 (d) A district school board may enter into mutual aid  
11 agreements with one or more law enforcement agencies as  
12 provided in chapter 23. A school safety officer's salary may  
13 be paid jointly by the district school board and the law  
14 enforcement agency, as mutually agreed to.

15 Section 279. Section 1006.13, Florida Statutes, is  
16 created to read:

17 1006.13 Policy of zero tolerance for crime and  
18 victimization.--

19 (1) Each district school board shall adopt a policy of  
20 zero tolerance for:

21 (a) Crime and substance abuse, including the reporting  
22 of delinquent acts and crimes occurring whenever and wherever  
23 students are under the jurisdiction of the district school  
24 board.

25 (b) Victimization of students, including taking all  
26 steps necessary to protect the victim of any violent crime  
27 from any further victimization.

28 (2) The zero tolerance policy shall require students  
29 found to have committed one of the following offenses to be  
30 expelled, with or without continuing educational services,  
31 from the student's regular school for a period of not less

1 than 1 full year, and to be referred to the criminal justice  
2 or juvenile justice system.

3 (a) Bringing a firearm or weapon, as defined in  
4 chapter 790, to school, to any school function, or onto any  
5 school-sponsored transportation; provided, however, that  
6 nothing herein shall require the district school board to  
7 apply such requirements to a firearm or weapon that is  
8 lawfully stored in a locked vehicle on school property, or for  
9 activities approved and authorized by the district school  
10 board when the board has adopted appropriate safeguards to  
11 ensure student safety.

12 (b) Making a threat or false report, as defined by ss.  
13 790.162 and 790.163, respectively, involving school or school  
14 personnel's property, school transportation, or a  
15 school-sponsored activity.

16  
17 District school boards may assign the student to a  
18 disciplinary program for the purpose of continuing educational  
19 services during the period of expulsion. District school  
20 superintendents may consider the 1-year expulsion requirement  
21 on a case-by-case basis and request the district school board  
22 to modify the requirement by assigning the student to a  
23 disciplinary program or second chance school if it is  
24 determined to be in the best interest of the student and the  
25 school system. If a student committing any of the offenses in  
26 this subsection is a student with a disability, the district  
27 school board shall comply with applicable State Board of  
28 Education rules.

29 (3) Each district school board shall enter into  
30 agreements with the county sheriff's office and local police  
31 department specifying guidelines for ensuring that felonies



1 and violent misdemeanors, whether committed by a student or  
2 adult, and delinquent acts that would be felonies or violent  
3 misdemeanors if committed by an adult, are reported to law  
4 enforcement. Each district school board shall adopt a  
5 cooperative agreement, pursuant to s. 1003.52(13) with the  
6 Department of Juvenile Justice, that specifies guidelines for  
7 ensuring that all no contact orders entered by the court are  
8 reported and enforced and that all steps necessary are taken  
9 to protect the victim of any such crime. Such agreements shall  
10 include the role of school resource officers, if applicable,  
11 in handling reported incidents, special circumstances in which  
12 school officials may handle incidents without filing a report  
13 to law enforcement, and a procedure for ensuring that school  
14 personnel properly report appropriate delinquent acts and  
15 crimes. The school principal shall be responsible for ensuring  
16 that all school personnel are properly informed as to their  
17 responsibilities regarding crime reporting, that appropriate  
18 delinquent acts and crimes are properly reported, and that  
19 actions taken in cases with special circumstances are properly  
20 taken and documented.

21 (4) Notwithstanding any other provision of law, each  
22 district school board shall adopt rules providing that any  
23 student found to have committed a violation of s. 784.081(1),  
24 (2), or (3) shall be expelled or placed in an alternative  
25 school setting or other program, as appropriate. Upon being  
26 charged with the offense, the student shall be removed from  
27 the classroom immediately and placed in an alternative school  
28 setting pending disposition.

29 (5)(a) Notwithstanding any provision of law  
30 prohibiting the disclosure of the identity of a minor,  
31 whenever any student who is attending public school is

1 adjudicated guilty of or delinquent for, or is found to have  
2 committed, regardless of whether adjudication is withheld, or  
3 pleads guilty or nolo contendere to, a felony violation of:  
4       1. Chapter 782, relating to homicide;  
5       2. Chapter 784, relating to assault, battery, and  
6 culpable negligence;  
7       3. Chapter 787, relating to kidnapping, false  
8 imprisonment, luring or enticing a child, and custody  
9 offenses;  
10       4. Chapter 794, relating to sexual battery;  
11       5. Chapter 800, relating to lewdness and indecent  
12 exposure;  
13       6. Chapter 827, relating to abuse of children;  
14       7. Section 812.13, relating to robbery;  
15       8. Section 812.131, relating to robbery by sudden  
16 snatching;  
17       9. Section 812.133, relating to carjacking; or  
18       10. Section 812.135, relating to home-invasion  
19 robbery,  
20  
21 and, before or at the time of such adjudication, withholding  
22 of adjudication, or plea, the offender was attending a school  
23 attended by the victim or a sibling of the victim of the  
24 offense, the Department of Juvenile Justice shall notify the  
25 appropriate district school board of the adjudication or plea,  
26 the requirements of this paragraph, and whether the offender  
27 is prohibited from attending that school or riding on a school  
28 bus whenever the victim or a sibling of the victim is  
29 attending the same school or riding on the same school bus,  
30 except as provided pursuant to a written disposition order  
31 under s. 985.23(1)(d). Upon receipt of such notice, the

1 district school board shall take appropriate action to  
2 effectuate the provisions of paragraph (b).

3 (b) Any offender described in paragraph (a), who is  
4 not exempted as provided in paragraph (a), shall not attend  
5 any school attended by the victim or a sibling of the victim  
6 of the offense or ride on a school bus on which the victim or  
7 a sibling of the victim is riding. The offender shall be  
8 permitted by the district school board to attend another  
9 school within the district in which the offender resides,  
10 provided the other school is not attended by the victim or  
11 sibling of the victim of the offense; or the offender may be  
12 permitted by another district school board to attend a school  
13 in that district if the offender is unable to attend any  
14 school in the district in which the offender resides.

15 (c) If the offender is unable to attend any other  
16 school in the district in which the offender resides and is  
17 prohibited from attending school in another school district,  
18 the district school board in the school district in which the  
19 offender resides shall take every reasonable precaution to  
20 keep the offender separated from the victim while on school  
21 grounds or on school transportation. The steps to be taken by  
22 a district school board to keep the offender separated from  
23 the victim shall include, but are not limited to, in-school  
24 suspension of the offender and the scheduling of classes,  
25 lunch, or other school activities of the victim and the  
26 offender so as not to coincide.

27 (d) The offender, or the parents of the offender if  
28 the offender is a juvenile, shall be responsible for arranging  
29 and paying for transportation associated with or required by  
30 the offender's attending another school or that would be  
31 required as a consequence of the prohibition against riding on

1 a school bus on which the victim or a sibling of the victim is  
2 riding. However, the offender or the parents of the offender  
3 shall not be charged for existing modes of transportation that  
4 can be used by the offender at no additional cost to the  
5 district school board.

6 Section 280. Section 1006.14, Florida Statutes, is  
7 created to read:

8 1006.14 Secret societies prohibited in public K-12  
9 schools.--

10 (1) It is unlawful for any person, group, or  
11 organization to organize or establish a fraternity, sorority,  
12 or other secret society whose membership is comprised in whole  
13 or in part of students enrolled in any public K-12 school or  
14 to go upon any public K-12 school premises for the purpose of  
15 soliciting any students to join such an organization.

16 (2) A secret society shall be interpreted to be a  
17 fraternity, sorority, or other organization whose active  
18 membership is comprised wholly or partly of students enrolled  
19 in public K-12 schools and which perpetuates itself wholly or  
20 partly by taking in additional members from the students  
21 enrolled in public K-12 schools on the basis of the decision  
22 of its membership rather than on the right of any student who  
23 is qualified by the rules of the school to be a member of and  
24 take part in any class or group exercise designated and  
25 classified according to gender, subjects included in the  
26 course of study, or program of school activities fostered and  
27 promoted by the district school board and district school  
28 superintendent or by school principals.

29 (3) This section shall not be construed to prevent the  
30 establishment of an organization fostered and promoted by  
31 school authorities, or approved and accepted by school

1 authorities, and whose membership is selected on the basis of  
2 good character, good scholarship, leadership ability, and  
3 achievement. Full information regarding the charter,  
4 principles, purposes, and conduct of any such accepted  
5 organization shall be made available to all students and  
6 instructional personnel of the school.

7 (4) This section shall not be construed to relate to  
8 any junior organization or society sponsored by the Police  
9 Athletic League, Knights of Pythias, Oddfellows, Moose,  
10 Woodmen of the World, Knights of Columbus, Elks, Masons, B'nai  
11 B'rith, Young Men's and Young Women's Hebrew Associations,  
12 Young Men's and Young Women's Christian Associations, Kiwanis,  
13 Rotary, Optimist, Civitan, Exchange Clubs, Florida Federation  
14 of Garden Clubs, and Florida Federation of Women's Clubs.

15 (5) It is unlawful for any student enrolled in any  
16 public K-12 school to be a member of, to join or to become a  
17 member of or to pledge himself or herself to become a member  
18 of any secret fraternity, sorority, or group wholly or partly  
19 formed from the membership of students attending public K-12  
20 schools or to take part in the organization or formation of  
21 any such fraternity, sorority, or secret society; provided  
22 that this does not prevent any student from belonging to any  
23 organization fostered and promoted by the school authorities;  
24 or approved and accepted by the school authorities and whose  
25 membership is selected on the basis of good character, good  
26 scholarship, leadership ability, and achievement.

27 (6) The district school board may enforce the  
28 provisions of this section and prescribe and enforce such  
29 rules as are necessary. District school boards shall enforce  
30 the provisions of this section by suspending or, if necessary,  
31

1 expelling any student in any public K-12 school who violates  
2 this section.

3 Section 281. Section 1006.141, Florida Statutes, is  
4 created to read:

5 1006.141 Statewide school safety hotline.--

6 (1) The department may contract with the Florida  
7 Sheriffs Association to establish and operate a statewide  
8 toll-free school safety hotline for the purpose of reporting  
9 incidents that affect the safety and well-being of the  
10 school's population.

11 (2) The toll-free school safety hotline is to be a  
12 conduit for any person to anonymously report activity that  
13 affects the safety and well-being of the school's population.

14 (3) There may not be an award or monetary benefit for  
15 reporting an incident through the toll-free school safety  
16 hotline.

17 (4) The toll-free school safety hotline shall be  
18 operated in a manner that ensures that a designated school  
19 official is notified of a complaint received through the  
20 hotline if the complaint concerns that school. A complaint  
21 that concerns an actionable offense must be reported to the  
22 designated official within a reasonable time after the  
23 complaint is made. An actionable offense is an incident that  
24 could directly affect the safety or well-being of a person or  
25 property within a school.

26 (5) If a toll-free school safety hotline is  
27 established by contract with the Florida Sheriffs Association,  
28 the Florida Sheriffs Association shall produce a quarterly  
29 report that evaluates the incidents that have been reported to  
30 the hotline. This information may be used to evaluate future  
31

1 school safety educational needs and the need for prevention  
2 programs as the district school board considers necessary.

3 Section 282. 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 283. Part I.d. of chapter 1006 shall be  
13 entitled "Student Extracurricular Activities and Athletics"  
14 and shall consist of ss. 1006.15-1006.20.

15 Section 284. Section 1006.15, Florida Statutes, is  
16 created to read:

17 1006.15 Student standards for participation in  
18 interscholastic extracurricular student activities;  
19 regulation.--

20 (1) This section may be cited as the "Craig Dickinson  
21 Act."

22 (2) Interscholastic extracurricular student activities  
23 are an important complement to the academic curriculum.  
24 Participation in a comprehensive extracurricular and academic  
25 program contributes to student development of the social and  
26 intellectual skills necessary to become a well-rounded adult.  
27 As used in this section, the term "extracurricular" means any  
28 school-authorized or education-related activity occurring  
29 during or outside the regular instructional school day.

30  
31

1           (3)(a) To be eligible to participate in  
2 interscholastic extracurricular student activities, a student  
3 must:

4           1. Maintain a grade point average of 2.0 or above on a  
5 4.0 scale, or its equivalent, in the previous semester or a  
6 cumulative grade point average of 2.0 or above on a 4.0 scale,  
7 or its equivalent, in the courses required by s. 1003.43(1).

8           2. Execute and fulfill the requirements of an academic  
9 performance contract between the student, the district school  
10 board, the appropriate governing association, and the  
11 student's parents, if the student's cumulative grade point  
12 average falls below 2.0, or its equivalent, on a 4.0 scale in  
13 the courses required by s. 1003.43(1) or, for students who  
14 entered the 9th grade prior to the 1997-1998 school year, if  
15 the student's cumulative grade point average falls below 2.0  
16 on a 4.0 scale, or its equivalent, in the courses required by  
17 s. 1003.43(1) that are taken after July 1, 1997. At a minimum,  
18 the contract must require that the student attend summer  
19 school, or its graded equivalent, between grades 9 and 10 or  
20 grades 10 and 11, as necessary.

21           3. Have a cumulative grade point average of 2.0 or  
22 above on a 4.0 scale, or its equivalent, in the courses  
23 required by s. 1003.43(1) during his or her junior or senior  
24 year.

25           4. Maintain satisfactory conduct and, if a student is  
26 convicted of, or is found to have committed, a felony or a  
27 delinquent act which would have been a felony if committed by  
28 an adult, regardless of whether adjudication is withheld, the  
29 student's participation in interscholastic extracurricular  
30 activities is contingent upon established and published  
31 district school board policy.



1        (b) Any student who is exempt from attending a full  
2 school day based on rules adopted by the district school board  
3 for double session schools or programs, experimental schools,  
4 or schools operating under emergency conditions must maintain  
5 the grade point average required by this section and pass each  
6 class for which he or she is enrolled.

7        (c) An individual home education student is eligible  
8 to participate at the public school to which the student would  
9 be assigned according to district school board attendance area  
10 policies or which the student could choose to attend pursuant  
11 to district or interdistrict controlled open enrollment  
12 provisions, or may develop an agreement to participate at a  
13 private school, in the interscholastic extracurricular  
14 activities of that school, provided the following conditions  
15 are met:

16            1. The home education student must meet the  
17 requirements of the home education program pursuant to s.  
18 1002.41.

19            2. During the period of participation at a school, the  
20 home education student must demonstrate educational progress  
21 as required in paragraph (3)(b) in all subjects taken in the  
22 home education program by a method of evaluation agreed upon  
23 by the parent and the school principal which may include:  
24 review of the student's work by a certified teacher chosen by  
25 the parent; grades earned through correspondence; grades  
26 earned in courses taken at a community college, university, or  
27 trade school; standardized test scores above the 35th  
28 percentile; or any other method designated in s. 1002.41.

29            3. The home education student must meet the same  
30 residency requirements as other students in the school at  
31 which he or she participates.

1           4. The home education student must meet the same  
2 standards of acceptance, behavior, and performance as required  
3 of other students in extracurricular activities.

4           5. The student must register with the school his or  
5 her intent to participate in interscholastic extracurricular  
6 activities as a representative of the school before the  
7 beginning date of the season for the activity in which he or  
8 she wishes to participate. A home education student must be  
9 able to participate in curricular activities if that is a  
10 requirement for an extracurricular activity.

11           6. A student who transfers from a home education  
12 program to a public school before or during the first grading  
13 period of the school year is academically eligible to  
14 participate in interscholastic extracurricular activities  
15 during the first grading period provided the student has a  
16 successful evaluation from the previous school year, pursuant  
17 to subparagraph (3)(c)2.

18           7. Any public school or private school student who has  
19 been unable to maintain academic eligibility for participation  
20 in interscholastic extracurricular activities is ineligible to  
21 participate in such activities as a home education student  
22 until the student has successfully completed one grading  
23 period in home education pursuant to subparagraph (3)(c)2. to  
24 become eligible to participate as a home education student.

25           (d) An individual charter school student pursuant to  
26 s. 1002.33 is eligible to participate at the public school to  
27 which the student would be assigned according to district  
28 school board attendance area policies or which the student  
29 could choose to attend, pursuant to district or interdistrict  
30 controlled open-enrollment provisions, in any interscholastic  
31 extracurricular activity of that school, unless such activity

1 is provided by the student's charter school, if the following  
2 conditions are met:

3 1. The charter school student must meet the  
4 requirements of the charter school education program as  
5 determined by the charter school governing board.

6 2. During the period of participation at a school, the  
7 charter school student must demonstrate educational progress  
8 as required in paragraph (b).

9 3. The charter school student must meet the same  
10 residency requirements as other students in the school at  
11 which he or she participates.

12 4. The charter school student must meet the same  
13 standards of acceptance, behavior, and performance that are  
14 required of other students in extracurricular activities.

15 5. The charter school student must register with the  
16 school his or her intent to participate in interscholastic  
17 extracurricular activities as a representative of the school  
18 before the beginning date of the season for the activity in  
19 which he or she wishes to participate. A charter school  
20 student must be able to participate in curricular activities  
21 if that is a requirement for an extracurricular activity.

22 6. A student who transfers from a charter school  
23 program to a traditional public school before or during the  
24 first grading period of the school year is academically  
25 eligible to participate in interscholastic extracurricular  
26 activities during the first grading period if the student has  
27 a successful evaluation from the previous school year,  
28 pursuant to subparagraph 2.

29 7. Any public school or private school student who has  
30 been unable to maintain academic eligibility for participation  
31 in interscholastic extracurricular activities is ineligible to

1 participate in such activities as a charter school student  
2 until the student has successfully completed one grading  
3 period in a charter school pursuant to subparagraph 2. to  
4 become eligible to participate as a charter school student.

5 (4) The student standards for participation in  
6 interscholastic extracurricular activities must be applied  
7 beginning with the student's first semester of the 9th grade.  
8 Each student must meet such other requirements for  
9 participation as may be established by the district school  
10 board; however, a district school board may not establish  
11 requirements for participation in interscholastic  
12 extracurricular activities which make participation in such  
13 activities less accessible to home education students than to  
14 other students. Except as set forth in paragraph (3)(c),  
15 evaluation processes or requirements that are placed on home  
16 education student participants may not go beyond those that  
17 apply under s. 1002.41 to home education students generally.

18 (5) Any organization or entity that regulates or  
19 governs interscholastic extracurricular activities of public  
20 schools:

21 (a) Shall permit home education associations to join  
22 as member schools.

23 (b) Shall not discriminate against any eligible  
24 student based on an educational choice of public, private, or  
25 home education.

26 (6) Public schools are prohibited from membership in  
27 any organization or entity which regulates or governs  
28 interscholastic extracurricular activities and discriminates  
29 against eligible students in public, private, or home  
30 education.

31

1           (7) Any insurance provided by district school boards  
2 for participants in extracurricular activities shall cover the  
3 participating home education student. If there is an  
4 additional premium for such coverage, the participating home  
5 education student shall pay the premium.

6           Section 285. Section 1006.16, Florida Statutes, is  
7 created to read:

8           1006.16 Insuring school students engaged in athletic  
9 activities against injury.--Any district school board, school  
10 athletic association, or school may formulate, conduct, and  
11 purchase a plan or method of insuring, or may self-insure,  
12 school students against injury sustained by reason of such  
13 students engaging and participating in the athletic activities  
14 conducted or sponsored by the district school board,  
15 association, or school in which such students are enrolled. A  
16 district school board, school athletic association, or school  
17 may add a surcharge to the fee charged for admission to  
18 athletic events as a means of producing revenue to purchase  
19 such insurance or to provide self-insurance. Any district  
20 school board may pay for all or part of such plan or method of  
21 insurance or self-insurance from available district school  
22 board funds.

23           Section 286. Section 1006.17, Florida Statutes, is  
24 created to read:

25           1006.17 Sponsorship of athletic activities similar to  
26 those for which scholarships offered; rulemaking.--

27           (1) If a district school board sponsors an athletic  
28 activity or sport that is similar to a sport for which a state  
29 university or public community college offers an athletic  
30 scholarship, it must sponsor the athletic activity or sport  
31 for which a scholarship is offered. This section does not

1 affect academic requirements for participation or prevent the  
2 school districts or community colleges from sponsoring  
3 activities in addition to those for which scholarships are  
4 provided.

5 (2) If a Florida public community college sponsors an  
6 athletic activity or sport that is similar to a sport for  
7 which a state university offers an athletic scholarship, it  
8 must sponsor the athletic activity or sport for which a  
9 scholarship is offered.

10 (3) Two athletic activities or sports that are similar  
11 may be offered simultaneously.

12 (4) If the level of participation is insufficient to  
13 warrant continuation of an athletic activity or sport, the  
14 school may offer an alternative athletic activity or sport.

15 (5) The State Board of Education shall adopt rules to  
16 administer this section, including rules that determine which  
17 athletic activities are similar to sports for which state  
18 universities and community colleges offer scholarships.

19 Section 287. Section 1006.18, Florida Statutes, is  
20 created to read:

21 1006.18 Cheerleader safety standards.--The Florida  
22 High School Activities Association or successor organization  
23 shall adopt statewide uniform safety standards for student  
24 cheerleaders and spirit groups that participate in any school  
25 activity or extracurricular student activity. The Florida High  
26 School Activities Association or successor organization shall  
27 adopt the "Official High School Spirit Rules," published by  
28 the National Federation of State High School Associations, as  
29 the statewide uniform safety standards.

30 Section 288. Section 1006.19, Florida Statutes, is  
31 created to read:

1           1006.19 Audit of records of nonprofit corporations and  
2 associations handling interscholastic activities.--

3           (1) Each nonprofit association or corporation that  
4 operates for the purpose of supervising and controlling  
5 interscholastic activities of public high schools and whose  
6 membership is composed of duly certified representatives of  
7 public high schools, and whose rules and regulations are  
8 established by members thereof, shall have an annual financial  
9 audit of its accounts and records by an independent certified  
10 public accountant retained by it and paid from its funds. The  
11 accountant shall furnish a copy of the audit report to the  
12 Auditor General for review.

13           (2) Any such nonprofit association or corporation  
14 shall keep adequate and complete records of all moneys  
15 received by it, including the source and amount, and all  
16 moneys spent by it, including salaries, fees, expenses, travel  
17 allowances, and all other items of expense. All records of  
18 any such organization shall be open for inspection by the  
19 Auditor General or the Auditor General's employees.

20           Section 289. Section 1006.20, Florida Statutes, is  
21 created to read:

22           1006.20 Athletics in public K-12 schools.--

23           (1) GOVERNING NONPROFIT ORGANIZATION.--The Florida  
24 High School Activities Association is designated as the  
25 governing nonprofit organization of athletics in Florida  
26 public schools. If the Florida High School Activities  
27 Association fails to meet the provisions of this section, the  
28 commissioner shall designate a nonprofit organization to  
29 govern athletics with the approval of the State Board of  
30 Education. The organization is not to be a state agency as  
31 defined in s. 120.52. The organization shall be subject to the

1 provisions of s. 1006.19. A private school that wishes to  
2 engage in high school athletic competition with a public high  
3 school may become a member of the organization. The bylaws of  
4 the organization are to be the rules by which high school  
5 athletic programs in its member schools, and the students who  
6 participate in them, are governed, unless otherwise  
7 specifically provided by statute. For the purposes of this  
8 section, "high school" includes grades 6 through 12.

9 (2) ADOPTION OF BYLAWS.--

10 (a) The organization shall adopt bylaws that, unless  
11 specifically provided by statute, establish eligibility  
12 requirements for all students who participate in high school  
13 athletic competition in its member schools. The bylaws  
14 governing residence and transfer shall allow the student to be  
15 eligible in the school in which he or she first enrolls each  
16 school year, or makes himself or herself a candidate for an  
17 athletic team by engaging in a practice prior to enrolling in  
18 any member school. The student shall be eligible in that  
19 school so long as he or she remains enrolled in that school.  
20 Subsequent eligibility shall be determined and enforced  
21 through the organization's bylaws.

22 (b) The organization shall adopt bylaws that  
23 specifically prohibit the recruiting of students for athletic  
24 purposes. The bylaws shall prescribe penalties and an appeals  
25 process for athletic recruiting violations.

26 (c) The organization shall adopt bylaws that require  
27 all students participating in interscholastic athletic  
28 competition or who are candidates for an interscholastic  
29 athletic team to satisfactorily pass a medical evaluation each  
30 year prior to participating in interscholastic athletic  
31 competition or engaging in any practice, tryout, workout, or



1 other physical activity associated with the student's  
2 candidacy for an interscholastic athletic team. Such medical  
3 evaluation can only be administered by a practitioner licensed  
4 under the provisions of chapter 458, chapter 459, chapter 460,  
5 or s. 464.012, and in good standing with the practitioner's  
6 regulatory board. The bylaws shall establish requirements for  
7 eliciting a student's medical history and performing the  
8 medical evaluation required under this paragraph, which shall  
9 include minimum standards for the physical capabilities  
10 necessary for participation in interscholastic athletic  
11 competition as contained in a uniform preparticipation  
12 physical evaluation form. The evaluation form shall provide a  
13 place for the signature of the practitioner performing the  
14 evaluation with an attestation that each examination procedure  
15 listed on the form was performed by the practitioner or by  
16 someone under the direct supervision of the practitioner. The  
17 form shall also contain a place for the practitioner to  
18 indicate if a referral to another practitioner was made in  
19 lieu of completion of a certain examination procedure. The  
20 form shall provide a place for the practitioner to whom the  
21 student was referred to complete the remaining sections and  
22 attest to that portion of the examination. Practitioners  
23 administering medical evaluations pursuant to this subsection  
24 must know the minimum standards established by the  
25 organization and certify that the student meets the standards.  
26 If the practitioner determines that there are any abnormal  
27 findings in the cardiovascular system, the student may not  
28 participate unless a subsequent EKG or other cardiovascular  
29 assessment indicates that the abnormality will not place the  
30 student at risk during such participation. Results of such  
31 medical evaluation must be provided to the school. No student

1 shall be eligible to participate in any interscholastic  
2 athletic competition or engage in any practice, tryout,  
3 workout, or other physical activity associated with the  
4 student's candidacy for an interscholastic athletic team until  
5 the results of the medical evaluation verifying that the  
6 student has satisfactorily passed the evaluation have been  
7 received and approved by the school.

8 (d) Notwithstanding the provisions of paragraph (c), a  
9 student may participate in interscholastic athletic  
10 competition or be a candidate for an interscholastic athletic  
11 team if the parent of the student objects in writing to the  
12 student undergoing a medical evaluation because such  
13 evaluation is contrary to his or her religious tenets or  
14 practices. However, no person or entity shall be held liable  
15 for any injury or other damages suffered by such student as a  
16 result of his or her participation in athletics unless the  
17 injury or damages are caused by unlawful activity, gross  
18 negligence, or willful and wanton misconduct.

19 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.--

20 (a) The organization shall operate as a representative  
21 democracy in which the sovereign authority is within its  
22 member schools. Except as provided in this section, the  
23 organization shall govern its affairs through its bylaws.

24 (b) Each member school, on its annual application for  
25 membership, shall name its official representative to the  
26 organization. This representative must be either the school  
27 principal or his or her designee. That designee must either be  
28 an assistant principal or athletic director housed within that  
29 same school.

30 (c) The organization's membership shall be divided  
31 along existing county lines into four contiguous and compact

1 administrative regions, each containing an equal or nearly  
2 equal number of member schools to ensure equitable  
3 representation on the organization's board of directors,  
4 representative assembly, and committee on appeals.

5 (4) BOARD OF DIRECTORS.--

6 (a) The executive authority of the organization shall  
7 be vested in its board of directors. The board of directors  
8 shall be composed of 15 persons, as follows:

9 1. Four public member school representatives, one  
10 elected from among its public school representative members  
11 within each of the four administrative regions.

12 2. Four nonpublic member school representatives, one  
13 elected from among its nonpublic school representative members  
14 within each of the four administrative regions.

15 3. Two representatives appointed by the commissioner,  
16 one appointed from the two northernmost administrative regions  
17 and one appointed from the two southernmost administrative  
18 regions.

19 4. Two district school superintendents, one elected  
20 from the two northernmost administrative regions by the  
21 members in those regions and one elected from the two  
22 southernmost administrative regions by the members in those  
23 regions.

24 5. Two district school board members, one elected from  
25 the two northernmost administrative regions by the members in  
26 those regions and one elected from the two southernmost  
27 administrative regions by the members in those regions.

28 6. The commissioner or his or her designee from the  
29 department executive staff.

30 (b) A quorum of the board of directors shall consist  
31 of nine members.

1       (c) The board of directors shall elect a president and  
2 a vice president from among its members. These officers shall  
3 also serve as officers of the organization.

4       (d) Members of the board of directors shall serve  
5 terms of 3 years and are eligible to succeed themselves only  
6 once. A member of the board of directors, other than the  
7 commissioner or his or her designee, may serve a maximum of 6  
8 consecutive years. The organization's bylaws shall establish a  
9 rotation of terms to ensure that a majority of the members'  
10 terms do not expire concurrently.

11       (e) The authority and duties of the board of  
12 directors, acting as a body and in accordance with the  
13 organization's bylaws, are as follows:

14           1. To act as the incorporated organization's board of  
15 directors and to fulfill its obligations as required by the  
16 organization's charter and articles of incorporation.

17           2. To establish such guidelines, regulations,  
18 policies, and procedures as are authorized by the bylaws.

19           3. To provide an organization commissioner, who shall  
20 have the authority to waive the bylaws of the organization in  
21 order to comply with statutory changes.

22           4. To levy annual dues and other fees and to set the  
23 percentage of contest receipts to be collected by the  
24 organization.

25           5. To approve the budget of the organization.

26           6. To organize and conduct statewide interscholastic  
27 competitions, which may or may not lead to state  
28 championships, and to establish the terms and conditions for  
29 these competitions.

30           7. To act as an administrative board in the  
31 interpretation of, and final decision on, all questions and

1 appeals arising from the directing of interscholastic  
2 athletics of member schools.

3 (5) REPRESENTATIVE ASSEMBLY.--

4 (a) The legislative authority of the organization is  
5 vested in its representative assembly.

6 (b) The representative assembly shall be composed of  
7 the following:

8 1. An equal number of member school representatives  
9 from each of the four administrative regions.

10 2. Four district school superintendents, one elected  
11 from each of the four administrative regions by the district  
12 school superintendents in their respective administrative  
13 regions.

14 3. Four district school board members, one elected  
15 from each of the four administrative regions by the district  
16 school board members in their respective administrative  
17 regions.

18 4. The commissioner or his or her designee from the  
19 department executive staff.

20 (c) The organization's bylaws shall establish the  
21 number of member school representatives to serve in the  
22 representative assembly from each of the four administrative  
23 regions and shall establish the method for their selection.

24 (d) No member of the board of directors other than the  
25 commissioner or his or her designee can serve in the  
26 representative assembly.

27 (e) The representative assembly shall elect a  
28 chairperson and a vice chairperson from among its members.

29 (f) Elected members of the representative assembly  
30 shall serve terms of 2 years and are eligible to succeed  
31 themselves for two additional terms. An elected member, other

1 than the commissioner or his or her designee, may serve a  
2 maximum of 6 consecutive years in the representative assembly.

3 (g) A quorum of the representative assembly consists  
4 of one more than half of its members.

5 (h) The authority of the representative assembly is  
6 limited to its sole duty, which is to consider, adopt, or  
7 reject any proposed amendments to the organization's bylaws.

8 (i) The representative assembly shall meet as a body  
9 annually. A two-thirds majority of the votes cast by members  
10 present is required for passage of any proposal.

11 (6) PUBLIC LIAISON ADVISORY COMMITTEE.--

12 (a) The organization shall establish, sustain, fund,  
13 and provide staff support to a public liaison advisory  
14 committee composed of the following:

15 1. The commissioner or his or her designee.

16 2. A member public school principal.

17 3. A member private school principal.

18 4. A member school principal who is a member of a  
19 racial minority.

20 5. An active athletic director.

21 6. An active coach, who is employed full time by a  
22 member school.

23 7. A student athlete.

24 8. A district school superintendent.

25 9. A district school board member.

26 10. A member of the Florida House of Representatives.

27 11. A member of the Florida Senate.

28 12. A parent of a high school student.

29 13. A member of a home education association.

30 14. A representative of the business community.

31 15. A representative of the news media.

1        (b) No member of the board of directors, committee on  
2 appeals, or representative assembly is eligible to serve on  
3 the public liaison advisory committee.

4        (c) The public liaison advisory committee shall elect  
5 a chairperson and vice chairperson from among its members.

6        (d) The authority and duties of the public liaison  
7 advisory committee are as follows:

8            1. To act as a conduit through which the general  
9 public may have input into the decisionmaking process of the  
10 organization and to assist the organization in the development  
11 of procedures regarding the receipt of public input and  
12 disposition of complaints related to high school athletic and  
13 competition programs.

14           2. To conduct public hearings annually in each of the  
15 four administrative regions during which interested parties  
16 may address issues regarding the effectiveness of the rules,  
17 operation, and management of the organization.

18           3. To conduct an annual evaluation of the organization  
19 as a whole and present a report of its findings, conclusion,  
20 and recommendations to the board of directors, to the  
21 commissioner, and to the respective education committees of  
22 the Florida Senate and the Florida House of Representatives.  
23 The recommendations must delineate policies and procedures  
24 that will improve the implementation and oversight of high  
25 school athletic programs by the organization.

26        (e) The public liaison advisory committee shall meet  
27 four times annually. Additional meetings may be called by the  
28 committee chairperson, the organization president, or the  
29 organization commissioner.

30        (7) APPEALS.--  
31

1       (a) The organization shall establish a procedure of  
2 due process which ensures each student the opportunity to  
3 appeal an unfavorable ruling with regard to his or her  
4 eligibility to compete. The initial appeal shall be made to a  
5 committee on appeals within the administrative region in which  
6 the student lives. The organization's bylaws shall establish  
7 the number, size, and composition of the committee on appeals.

8       (b) No member of the board of directors is eligible to  
9 serve on the committee on appeals.

10       (c) Members of the committee on appeals shall serve  
11 terms of 3 years and are eligible to succeed themselves only  
12 once. A member of the committee on appeals may serve a maximum  
13 of 6 consecutive years. The organization's bylaws shall  
14 establish a rotation of terms to ensure that a majority of the  
15 members' terms do not expire concurrently.

16       (d) The authority and duties of the committee on  
17 appeals shall be to consider requests by member schools  
18 seeking exceptions to bylaws and regulations, to hear undue  
19 hardship eligibility cases filed by member schools on behalf  
20 of student athletes, and to hear appeals filed by member  
21 schools.

22       (e) A student athlete or member school that receives  
23 an unfavorable ruling from a committee on appeals shall be  
24 entitled to appeal that decision to the board of directors at  
25 its next regularly scheduled meeting or called meeting. The  
26 board of directors shall have the authority to uphold,  
27 reverse, or amend the decision of the committee on appeals. In  
28 all such cases, the decision of the board of directors shall  
29 be final.

30       (8) AMENDMENT OF BYLAWS.--Each member school  
31 representative, the board of directors acting as a whole or as



1 members acting individually, any advisory committee acting as  
2 a whole to be established by the organization, and the  
3 organization's commissioner are empowered to propose  
4 amendments to the bylaws. Any other individual may propose an  
5 amendment by securing the sponsorship of any of the  
6 aforementioned individuals or bodies. All proposed amendments  
7 must be submitted directly to the representative assembly for  
8 its consideration. The representative assembly, while  
9 empowered to adopt, reject, or revise proposed amendments, may  
10 not, in and of itself, as a body be allowed to propose any  
11 amendment for its own consideration.

12 (9) RULES ADOPTION.--The bylaws of the organization  
13 shall require member schools to adopt rules for sports, which  
14 have been established by a nationally recognized sanctioning  
15 body, unless waived by at least a two-thirds vote of the board  
16 of directors.

17 Section 290. Part I.e. of chapter 1006 shall be  
18 entitled "Transportation of Public K-12 Students" and shall  
19 consist of ss. 1006.21-1006.27.

20 Section 291. Section 1006.21, Florida Statutes, is  
21 created to read:

22 1006.21 Duties of district school superintendent and  
23 district school board regarding transportation.--

24 (1) The district school superintendent shall ascertain  
25 which students should be transported to school or to school  
26 activities, determine the most effective arrangement of  
27 transportation routes to accommodate these students; recommend  
28 such routing to the district school board; recommend plans and  
29 procedures for providing facilities for the economical and  
30 safe transportation of students; recommend such rules and  
31 regulations as may be necessary and see that all rules and

1 regulations relating to the transportation of students  
2 approved by the district school board, as well as regulations  
3 of the state board, are properly carried into effect, as  
4 prescribed in this chapter.

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

17 (3) District school boards, after considering  
18 recommendations of the district school superintendent:

19 (a) Shall provide transportation for each student in  
20 prekindergarten disability programs and in kindergarten  
21 through grade 12 membership in a public school when, and only  
22 when, transportation is necessary to provide adequate  
23 educational facilities and opportunities which otherwise would  
24 not be available and to transport students whose homes are  
25 more than a reasonable walking distance, as defined by rules  
26 of the State Board of Education, from the nearest appropriate  
27 school.

28 (b) Shall provide transportation for public elementary  
29 school students in membership whose grade level does not  
30 exceed grade 6, and may provide transportation for public  
31 school students in membership in grades 7 through 12, if such

1 students are subjected to hazardous walking conditions as  
2 provided in s. 1006.23 while en route to or from school.  
3 (c) May provide transportation for public school  
4 migrant, exceptional, nursery, and other public school  
5 students in membership below kindergarten; kindergarten  
6 through grade 12 students in membership in a public school;  
7 and adult students in membership in adult vocational, basic,  
8 and high school graduation programs in a public school when,  
9 and only when, transportation is necessary to provide adequate  
10 educational facilities and opportunities which otherwise would  
11 not be available.  
12 (d) May provide transportation for the transportation  
13 disadvantaged as defined in s. 427.011 and for other  
14 school-age children as provided for in s. 1006.261.  
15 (e) Shall provide necessary transportation to pregnant  
16 students or student parents, and the children of those  
17 students, when the district school board operates a teenage  
18 parent program pursuant to s. 1003.54.  
19 (f) May provide transportation for other persons to  
20 events or activities in which the district school board or  
21 school has agreed to participate or cosponsor. The district  
22 school board shall adopt a policy to address liability for  
23 trips pursuant to this paragraph.  
24 (g) May provide transportation for welfare transition  
25 program participants as defined in s. 414.0252.  
26 (4) In each case in which transportation of students  
27 is impracticable in the opinion of the district school board,  
28 the district school board may take steps for making available  
29 educational facilities as are authorized by law or rule of the  
30 State Board of Education and as, in the opinion of the  
31 district school board, are practical.

1           Section 292. Section 1006.22, Florida Statutes, is  
2 created to read:

3           1006.22 Safety and health of students being  
4 transported.--Maximum regard for safety and adequate  
5 protection of health are primary requirements that must be  
6 observed by district school boards in routing buses,  
7 appointing drivers, and providing and operating equipment, in  
8 accordance with all requirements of law and rules of the State  
9 Board of Education in providing transportation pursuant to s.  
10 1006.21:

11           (1) District school boards shall use school buses, as  
12 defined in s. 1006.25, for all regular transportation. Regular  
13 transportation or regular use means transportation of students  
14 to and from school or school-related activities that are part  
15 of a scheduled series or sequence of events to the same  
16 location. "Students" means, for the purposes of this section,  
17 students enrolled in the public schools in prekindergarten  
18 disability programs and in kindergarten through grade 12.  
19 District school boards may regularly use motor vehicles other  
20 than school buses only under the following conditions:

21           (a) When the transportation is for physically  
22 handicapped or isolated students and the district school board  
23 has elected to provide for the transportation of the student  
24 through written or oral contracts or agreements.

25           (b) When the transportation is a part of a  
26 comprehensive contract for a specialized educational program  
27 between a district school board and a service provider who  
28 provides instruction, transportation, and other services.

29           (c) When the transportation is provided through a  
30 public transit system.

31

1           (d) When the transportation of students is necessary  
2 or practical in a motor vehicle owned or operated by a  
3 district school board other than a school bus, such  
4 transportation must be provided in designated seating  
5 positions in a passenger car not to exceed 8 students or in a  
6 multipurpose passenger vehicle designed to transport 10 or  
7 fewer persons which meets all applicable federal motor vehicle  
8 safety standards. Multipurpose passenger vehicles classified  
9 as utility vehicles with a wheelbase of 110 inches or less  
10 which are required by federal motor vehicle standards to  
11 display a rollover warning label may not be used.

12  
13 When students are transported in motor vehicles, the occupant  
14 crash protection system provided by the vehicle manufacturer  
15 must be used unless the student's physical condition prohibits  
16 such use.

17           (2) Except as provided in subsection (1), district  
18 school boards may authorize the transportation of students in  
19 privately owned motor vehicles on a case-by-case basis only in  
20 the following circumstances:

21           (a) When a student is ill or injured and must be taken  
22 home or to a medical treatment facility under nonemergency  
23 circumstances; and

24           1. The school has been unable to contact the student's  
25 parent or the parent or responsible adult designated by the  
26 parent is not available to provide the transportation;

27           2. Proper adult supervision of the student is  
28 available at the location to which the student is being  
29 transported;

30           3. The transportation is approved by the school  
31 principal, or a school administrator designated by the

1 principal to grant or deny such approval, or in the absence of  
2 the principal and designee, by the highest ranking school  
3 administrator or teacher available under the circumstances;  
4 and

5 4. If the school has been unable to contact the parent  
6 prior to the transportation, the school shall continue to seek  
7 to contact the parent until the school is able to notify the  
8 parent of the transportation and the pertinent circumstances.

9 (b) When the transportation is in connection with a  
10 school function or event regarding which the district school  
11 board or school has undertaken to participate or to sponsor or  
12 provide the participation of students; and

13 1. The function or event is a single event that is not  
14 part of a scheduled series or sequence of events to the same  
15 location, such as, but not limited to, a field trip, a  
16 recreational outing, an interscholastic competition or  
17 cooperative event, an event connected with an extracurricular  
18 activity offered by the school, or an event connected to an  
19 educational program, such as, but not limited to, a job  
20 interview as part of a cooperative education program;

21 2. Transportation is not available, as a practical  
22 matter, using a school bus or school district passenger car;  
23 and

24 3. Each student's parent is notified, in writing,  
25 regarding the transportation arrangement and gives written  
26 consent before a student is transported in a privately owned  
27 motor vehicle.

28 (c) When a district school board requires employees  
29 such as school social workers and attendance officers to use  
30 their own motor vehicles to perform duties of employment, and  
31 such duties include the occasional transportation of students.

1       (3) When approval is granted for the transportation of  
2 students in a privately owned vehicle, the provisions of s.  
3 1006.24 regarding liability for tort claims are applicable.  
4 District school board employees who provide approved  
5 transportation in privately owned vehicles are acting within  
6 the scope of their employment. Parents or other responsible  
7 adults who provide approved transportation in privately owned  
8 vehicles have the same exposure to, and protections from,  
9 risks of personal liability as do district school board  
10 employees acting within the scope of their employment.

11       (4) Each district school board may establish policies  
12 that restrict the use of privately owned motor vehicles to  
13 circumstances that are more limited than are described in this  
14 section or that prohibit such use. Each district school board  
15 may establish written policies that provide for more extensive  
16 requirements for approval, parental notification and consent  
17 procedures, insurance coverage, driver qualifications, or a  
18 combination of these.

19       (5) When transportation is authorized in privately  
20 owned vehicles, students may be transported only in designated  
21 seating positions and must use the occupant crash protection  
22 system provided by the vehicle manufacturer.

23       (6) District school boards may contract with a common  
24 carrier to transport students to and from in-season and  
25 postseason athletic contests and to and from a school function  
26 or event in which the district school board or a school has  
27 undertaken to participate or to provide or sponsor the  
28 participation of students.

29       (7) Transportation for adult students may be provided  
30 by any appropriate means as authorized by the district school  
31

1 board when the transportation is accepted as a responsibility  
2 by the district school board as provided in s. 1006.21.

3 (8) Notwithstanding any other provision of this  
4 section, in an emergency situation that constitutes an  
5 imminent threat to student health or safety, school personnel  
6 may take whatever action is necessary under the circumstances  
7 to protect student health and safety.

8 (9) Except as provided in s. 1006.261, transportation  
9 is not the responsibility of the district school board in  
10 connection with any event or activity that is not an event or  
11 activity offered by the district school board or an event or  
12 an activity in which the district school board or school has  
13 agreed to participate, cosponsor, or require the participation  
14 of students, and the district school board has no liability  
15 for transportation arranged and provided by parents or other  
16 parties to such events or activities.

17 (10) Each district school board shall designate and  
18 adopt a specific plan for adequate examination, maintenance,  
19 and repair of transportation equipment. Examination of the  
20 mechanical and safety condition of each school bus must be  
21 made as required pursuant to rule of the State Board of  
22 Education. The State Board of Education shall base the rule on  
23 student safety considerations.

24 (11) The district school superintendent shall notify  
25 the district school board of any school bus that does not meet  
26 all requirements of law and rules of the State Board of  
27 Education, and the district school board shall, if the school  
28 bus is in an unsafe condition, withdraw it from use as a  
29 school bus until the bus meets the requirements. The  
30 department may inspect or have inspected any school bus to  
31 determine whether the bus meets requirements of law and rules



1 of the State Board of Education. The department may, after due  
2 notice to a district school board that any school bus does not  
3 meet certain requirements of law and rules of the State Board  
4 of Education, rule that the bus must be withdrawn from use as  
5 a school bus, this ruling to be effective immediately or upon  
6 a date specified in the ruling, whereupon the district school  
7 board shall withdraw the school bus from use as a school bus  
8 until it meets requirements of law and rules of the State  
9 Board of Education and until the department has officially  
10 revoked the pertinent ruling. Notwithstanding any other  
11 provisions of this chapter, general purpose urban transit  
12 systems are declared qualified to transport students to and  
13 from school.

14 (12)(a) The routing and scheduling of school buses  
15 must be planned to eliminate the necessity for students to  
16 stand while a school bus is in motion. When circumstances of  
17 an emergency nature, as defined by written district school  
18 board policy, temporarily require transporting students on  
19 school buses in excess of the rated seating capacity, the  
20 buses must proceed at a reduced rate of speed to maximize  
21 safety of the students, taking into account existing traffic  
22 conditions. Each district school board is responsible for  
23 prompt relief of the emergency condition by providing  
24 additional equipment, bus rerouting, bus rescheduling, or  
25 other appropriate remedial action, and must maintain written  
26 district school board policies to address such situations.

27 (b) Each district school board, after considering  
28 recommendations from the district school superintendent, shall  
29 designate, by map or otherwise, or shall provide by district  
30 school board rule for the designation of, nontransportation  
31 zones that are composed of all areas in the school district

1 from which it is unnecessary or impracticable to furnish  
2 transportation. Nontransportation zones must be designated  
3 annually before the opening of school and the designation of  
4 bus routes for the succeeding school year. Each district  
5 school board, after considering recommendations from the  
6 district school superintendent, shall specifically designate,  
7 or shall provide by district school board rule for the  
8 designation of, specific routes to be traveled regularly by  
9 school buses, and each route must meet the requirements  
10 prescribed by rules of the State Board of Education.

11 (c) Each district school board shall establish school  
12 bus stops, or provide by district school board rule for the  
13 establishment of school bus stops, as necessary at the most  
14 reasonably safe locations available. Where unusual traffic  
15 hazards exist at school bus stops on roads maintained by the  
16 state outside of municipalities, the Department of  
17 Transportation, in concurrence and cooperation with and upon  
18 request of the district school board, shall place signs at  
19 such bus stops warning motorists of the location of the stops.

20 (13) The State Board of Education may adopt rules to  
21 implement this section as are necessary or desirable in the  
22 interest of student health and safety.

23 Section 293. Section 1006.23, Florida Statutes, is  
24 created to read:

25 1006.23 Hazardous walking conditions.--

26 (1) DEFINITION.--As used in this section, "student"  
27 means any public elementary school student whose grade level  
28 does not exceed grade 6.

29 (2) TRANSPORTATION; CORRECTION OF HAZARDS.--

30 (a) It is intended that district school boards and  
31 other governmental entities work cooperatively to identify

1 conditions that are hazardous along student walking routes to  
2 school and that district school boards provide transportation  
3 to students who would be subjected to such conditions. It is  
4 further intended that state or local governmental entities  
5 having jurisdiction correct such hazardous conditions within a  
6 reasonable period of time.

7 (b) Upon a determination pursuant to this section that  
8 a condition is hazardous to students, the district school  
9 board shall request a determination from the state or local  
10 governmental entity having jurisdiction regarding whether the  
11 hazard will be corrected and, if so, regarding a projected  
12 completion date. State funds shall be allocated for the  
13 transportation of students subjected to such hazards, provided  
14 that such funding shall cease upon correction of the hazard or  
15 upon the projected completion date, whichever occurs first.

16 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.--When a  
17 request for review is made to the district school  
18 superintendent or the district school superintendent's  
19 designee concerning a condition perceived to be hazardous to  
20 students in that district who live within the 2-mile limit and  
21 who walk to school, such condition shall be inspected by a  
22 representative of the school district and a representative of  
23 the state or local governmental entity that has jurisdiction  
24 over the perceived hazardous location. The district school  
25 superintendent or his or her designee and the state or local  
26 governmental entity or its representative shall then make a  
27 final determination that is mutually agreed upon regarding  
28 whether the hazardous condition meets the state criteria  
29 pursuant to this section. The district school superintendent  
30 or his or her designee shall report this final determination  
31 to the department.

1           (4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING  
2 CONDITIONS.--

3           (a) Walkways parallel to the road.--

4           1. It shall be considered a hazardous walking  
5 condition with respect to any road along which students must  
6 walk in order to walk to and from school if there is not an  
7 area at least 4 feet wide adjacent to the road, having a  
8 surface upon which students may walk without being required to  
9 walk on the road surface. In addition, whenever the road along  
10 which students must walk is uncurbed and has a posted speed  
11 limit of 55 miles per hour, the area as described above for  
12 students to walk upon shall be set off the road by no less  
13 than 3 feet from the edge of the road.

14           2. The provisions of subparagraph 1. do not apply when  
15 the road along which students must walk:

16           a. Is in a residential area which has little or no  
17 transient traffic;

18           b. Is a road on which the volume of traffic is less  
19 than 180 vehicles per hour, per direction, during the time  
20 students walk to and from school; or

21           c. Is located in a residential area and has a posted  
22 speed limit of 30 miles per hour or less.

23           (b) Walkways perpendicular to the road.--It shall be  
24 considered a hazardous walking condition with respect to any  
25 road across which students must walk in order to walk to and  
26 from school:

27           1. If the traffic volume on the road exceeds the rate  
28 of 360 vehicles per hour, per direction (including all lanes),  
29 during the time students walk to and from school and if the  
30 crossing site is uncontrolled. For purposes of this  
31 subsection, an "uncontrolled crossing site" is an intersection

1 or other designated crossing site where no crossing guard,  
2 traffic enforcement officer, or stop sign or other traffic  
3 control signal is present during the times students walk to  
4 and from school.

5 2. If the total traffic volume on the road exceeds  
6 4,000 vehicles per hour through an intersection or other  
7 crossing site controlled by a stop sign or other traffic  
8 control signal, unless crossing guards or other traffic  
9 enforcement officers are also present during the times  
10 students walk to and from school.

11  
12 Traffic volume shall be determined by the most current traffic  
13 engineering study conducted by a state or local governmental  
14 agency.

15 Section 294. Section 1006.24, Florida Statutes, is  
16 created to read:

17 1006.24 Tort liability; liability insurance.--

18 (1) Each district school board shall be liable for  
19 tort claims arising out of any incident or occurrence  
20 involving a school bus or other motor vehicle owned,  
21 maintained, operated, or used by the district school board to  
22 transport persons, to the same extent and in the same manner  
23 as the state or any of its agencies or subdivisions is liable  
24 for tort claims under s. 768.28, except that the total  
25 liability to persons being transported for all claims or  
26 judgments of such persons arising out of the same incident or  
27 occurrence shall not exceed an amount equal to \$5,000  
28 multiplied by the rated seating capacity of the school bus or  
29 other vehicle, as determined by rules of the State Board of  
30 Education, or \$100,000, whichever is greater. The provisions  
31

1 of s. 768.28 apply to all claims or actions brought against  
2 district school boards, as authorized in this subsection.

3 (2) Each district school board may secure and keep in  
4 force a medical payments plan or medical payments insurance on  
5 school buses and other vehicles. If a medical payments plan or  
6 insurance is provided, it shall be carried in a sum of no less  
7 than \$500 per person.

8 (3) Expenses, costs, or premiums to protect against  
9 liability for torts as provided in this section may be paid  
10 from any available funds of the district school board.

11 (4) If vehicles used in transportation are not owned  
12 by the district school board, the district school board may  
13 require owners of such vehicles to show evidence of adequate  
14 insurance during the time that such vehicles are in the  
15 services of the district school board.

16 Section 295. Section 1006.25, Florida Statutes, is  
17 created to read:

18 1006.25 School buses.--School buses shall be defined  
19 and meet specifications as follows:

20 (1) DEFINITION.--For the purpose of this part, a  
21 "school bus" is a motor vehicle regularly used for the  
22 transportation of prekindergarten disability program and  
23 kindergarten through grade 12 students of the public schools  
24 to and from school or to and from school activities, and  
25 owned, operated, rented, contracted, or leased by any district  
26 school board, except:

27 (a) Passenger cars, multipurpose passenger vehicles,  
28 and trucks as defined in 49 C.F.R. part 571.

29 (b) Motor vehicles subject to, and meeting all  
30 requirements of, the United States Department of  
31 Transportation, Federal Motor Carrier Safety Regulations under

1 Title 49, Code of Federal Regulations and operated by carriers  
2 operating under the jurisdiction of these regulations but not  
3 used exclusively for the transportation of public school  
4 students.

5 (2) SPECIFICATIONS.--Each school bus as defined in 49  
6 C.F.R. part 571, and subsection (1), which is rented, leased,  
7 purchased, or contracted for, must meet the applicable federal  
8 motor vehicle safety standards and other specifications as  
9 prescribed by rules of the State Board of Education.

10 (3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle  
11 owned and operated by a county or municipal transit authority  
12 which is leased by the district school board for  
13 transportation of public school students must meet such  
14 standards as the State Board of Education establishes by rule.  
15 A school bus authorized by a district school board to carry  
16 passengers other than school students must have the words  
17 "School Bus" and any other signs and insignia that mark or  
18 designate it as a school bus covered, removed, or otherwise  
19 concealed while such passengers are being transported.

20 (4) OCCUPANT PROTECTION SYSTEMS.--Students may be  
21 transported only in designated seating positions, except as  
22 provided in s. 1006.22(12), and must use the occupant crash  
23 protection system provided by the manufacturer, which system  
24 must comply with the requirements of 49 C.F.R. part 571 or  
25 with specifications of the State Board of Education.

26 Section 296. Section 1006.261, Florida Statutes, is  
27 created to read:

28 1006.261 Use of school buses for public purposes.--

29 (1)(a) Each district school board may enter into  
30 agreements with the governing body of a county or municipality  
31 in the school district or any state agency or agencies

1 established or identified to assist the transportation  
2 disadvantaged, as defined in s. 427.011, including the  
3 elderly, pursuant to Pub. L. No. 89-73, as amended, for the  
4 use of the school buses of the school district by departments,  
5 boards, commissions, or officers of such county or  
6 municipality or of the state for county, municipal, or state  
7 purposes, including transportation of the transportation  
8 disadvantaged. Each such agreement shall provide for  
9 reimbursement of the district school board, in full or in  
10 part, for the proportionate share of fixed and operating costs  
11 incurred by the district school board attributable to the use  
12 of the buses pursuant to the agreement.

13 (b) Each district school board may enter into  
14 agreements with regional workforce boards for the provision of  
15 transportation services to participants in the welfare  
16 transition program. Agreements must provide for reimbursement  
17 in full or in part for the proportionate share of fixed and  
18 operating costs incurred by the district school board  
19 attributable to the use of buses in accordance with the  
20 agreement.

21 (c) Each district school board may enter into  
22 agreements with nonprofit corporations and nonprofit civic  
23 associations and groups to allow the use of school buses to  
24 transport school-age children for activities sponsored by such  
25 associations and groups, including, but not limited to, the  
26 Girl Scouts, the Boy Scouts, 4-H Clubs, the Y.M.C.A., and  
27 similar groups. The use of school buses for these activities  
28 shall be pursuant to rules adopted by the district school  
29 board and with compensation to the district school board at  
30 least equal to the costs incurred by the board for such use.  
31



1       (2)(a) The governing body or state agency or agencies  
2 established or identified pursuant to Pub. L. No. 89-73, or  
3 the nonprofit corporation or nonprofit civic organization or  
4 group, or an agency established or identified to assist the  
5 transportation disadvantaged as defined in s. 427.011, shall  
6 indemnify and hold harmless the district school board from any  
7 and all liability by virtue of the use of the buses pursuant  
8 to an agreement authorized by this section.

9       (b) For purposes of liability for negligence, state  
10 agencies or subdivisions as defined in s. 768.28(2) shall be  
11 covered by s. 768.28. Every other corporation or organization  
12 shall provide liability insurance coverage in the minimum  
13 amounts of \$100,000 on any claim or judgment and \$200,000 on  
14 all claims and judgments arising from the same incident or  
15 occurrence.

16       (3) When the buses are used for nonschool purposes  
17 other than the transportation of the transportation  
18 disadvantaged, the flashing red lights and white strobe lights  
19 shall not be used, and the "School Bus" inscriptions on the  
20 front and rear of the buses shall be covered or concealed.

21       Section 297. Section 1006.27, Florida Statutes, is  
22 created to read:

23       1006.27 Pooling of school buses and related purchases  
24 by district school boards; transportation services  
25 contracts.--

26       (1) The department shall assist district school boards  
27 in securing school buses, contractual needs, equipment, and  
28 supplies at as reasonable prices as possible by providing a  
29 plan under which district school boards may voluntarily pool  
30 their bids for such purchases. The department shall prepare  
31 bid forms and specifications, obtain quotations of prices and

1 make such information available to district school boards in  
2 order to facilitate this service. District school boards from  
3 time to time, as prescribed by State Board of Education rule,  
4 shall furnish the department with information concerning the  
5 prices paid for such items and the department shall furnish to  
6 district school boards periodic information concerning the  
7 lowest prices at which school buses, equipment, and related  
8 supplies are available based upon comparable specifications.

9 (2) If a contract between any district school board  
10 and any person, business, or entity to provide the district  
11 school board with school bus service for the transportation of  
12 students in the district provides that the person, business,  
13 or entity shall own, operate, and maintain school buses for  
14 such service, the district school board may purchase the  
15 number of buses needed for the district through the department  
16 and sell them to the person, business, or entity as a part of  
17 the contract for such service.

18 Section 298. Part I.f. of chapter 1006 shall be  
19 entitled "Instructional Materials for K-12 Public Education"  
20 and shall consist of ss. 1006.28-1006.43.

21 Section 299. Section 1006.28, Florida Statutes, is  
22 created to read:

23 1006.28 Duties of district school board, district  
24 school superintendent; and school principal regarding K-12  
25 instructional materials.--

26 (1) DISTRICT SCHOOL BOARD.--The district school board  
27 has the duty to provide adequate instructional materials for  
28 all students in accordance with the requirements of this part.  
29 The term "adequate instructional materials" means a sufficient  
30 number of textbooks or sets of materials serving as the basis  
31 for instruction for each student in the core courses of

1 mathematics, language arts, social studies, science, reading,  
2 and literature, except for instruction for which the school  
3 advisory council approves the use of a program that does not  
4 include a textbook as a major tool of instruction. The  
5 district school board has the following specific duties:  
6       (a) Courses of study; adoption.--Adopt courses of  
7 study for use in the schools of the district.  
8       (b) Textbooks.--Provide for proper requisitioning,  
9 distribution, accounting, storage, care, and use of all  
10 instructional materials furnished by the state and furnish  
11 such other instructional materials as may be needed. The  
12 district school board shall assure that instructional  
13 materials used in the district are consistent with the  
14 district goals and objectives and the curriculum frameworks  
15 adopted by rule of the State Board of Education, as well as  
16 with the state and district performance standards provided for  
17 in s. 1001.03(1).  
18       (c) Other instructional materials.--Provide such other  
19 teaching accessories and aids as are needed for the school  
20 district's educational program.  
21       (d) School library media services; establishment and  
22 maintenance.--Establish and maintain a program of school  
23 library media services for all public schools in the district,  
24 including school library media centers, or school library  
25 media centers open to the public, and, in addition such  
26 traveling or circulating libraries as may be needed for the  
27 proper operation of the district school system.  
28       (2) DISTRICT SCHOOL SUPERINTENDENT.--  
29       (a) The district school superintendent has the duty to  
30 recommend such plans for improving, providing, distributing,  
31 accounting for, and caring for textbooks and other

1 instructional aids as will result in general improvement of  
2 the district school system, as prescribed in this part, in  
3 accordance with adopted district school board rules  
4 prescribing the duties and responsibilities of the district  
5 school superintendent regarding the requisition, purchase,  
6 receipt, storage, distribution, use, conservation, records,  
7 and reports of, and management practices and property  
8 accountability concerning, instructional materials, and  
9 providing for an evaluation of any instructional materials to  
10 be requisitioned that have not been used previously in the  
11 district's schools. The district school superintendent must  
12 keep adequate records and accounts for all financial  
13 transactions for funds collected pursuant to subsection (3),  
14 as a component of the educational service delivery scope in a  
15 school district best financial management practices review  
16 under s. 1008.35.

17 (b) Each district school superintendent shall notify  
18 the department by April 1 of each year the state-adopted  
19 instructional materials that will be requisitioned for use in  
20 his or her school district. The notification shall include a  
21 district school board plan for instructional materials use to  
22 assist in determining if adequate instructional materials have  
23 been requisitioned.

24 (3) SCHOOL PRINCIPAL.--The school principal has the  
25 following duties for the management and care of instructional  
26 materials at the school:

27 (a) Proper use of instructional materials.--The  
28 principal shall assure that instructional materials are used  
29 to provide instruction to students enrolled at the grade level  
30 or levels for which the materials are designed, pursuant to  
31 adopted district school board rule. The school principal shall

1 communicate to parents the manner in which instructional  
2 materials are used to implement the curricular objectives of  
3 the school.

4 (b) Money collected for lost or damaged books;  
5 enforcement.--The school principal shall collect from each  
6 student or the student's parent the purchase price of any  
7 instructional material the student has lost, destroyed, or  
8 unnecessarily damaged and to report and transmit the money  
9 collected to the district school superintendent. If  
10 instructional materials lost, destroyed, or damaged have been  
11 in school use for more than 1 year, a sum ranging between 50  
12 and 75 percent of the purchase price of the book shall be  
13 collected, determined by the physical condition of the book.  
14 The failure to collect such sum upon reasonable effort by the  
15 school principal may result in the suspension of the student  
16 from participation in extracurricular activities or  
17 satisfaction of the debt by the student through community  
18 service activities at the school site as determined by the  
19 school principal, pursuant to policies adopted by district  
20 school board rule.

21 (c) Sale of instructional materials.--The school  
22 principal, upon request of the parent of a student in the  
23 school, shall sell to the parent any instructional materials  
24 used in the school. All such sales shall be made pursuant to  
25 rule adopted by the district school board, and the principal  
26 shall annually provide information to parents that they may  
27 purchase instructional materials and how to purchase the  
28 materials.

29 (d) Disposition of funds.--All money collected from  
30 the sale, exchange, loss, or damage of instructional materials  
31 shall be transmitted to the district school superintendent to

1 be deposited in the district school board fund and added to  
2 the district appropriation for instructional materials.

3 (e) Accounting for textbooks.--Principals shall see  
4 that all books are fully and properly accounted for as  
5 prescribed by adopted rules of the district school board.

6 Section 300. Section 1006.29, Florida Statutes, is  
7 created to read:

8 1006.29 State instructional materials committees.--

9 (1) Each school year, not later than April 15, the  
10 commissioner shall appoint state instructional materials  
11 committees composed of persons actively engaged in teaching or  
12 in the supervision of teaching in the public elementary,  
13 middle, or high schools and representing the major fields and  
14 levels in which instructional materials are used in the public  
15 schools and, in addition, lay citizens not professionally  
16 connected with education. Committee members shall receive  
17 training pursuant to subsection (5) in competencies related to  
18 the evaluation and selection of instructional materials.

19 (a) There shall be ten or more members on each  
20 committee: At least 50 percent of the members shall be  
21 classroom teachers who are certified in an area directly  
22 related to the academic area or level being considered for  
23 adoption, two shall be laypersons, one shall be a district  
24 school board member, and two shall be supervisors of teachers.  
25 The committee must have the capacity or expertise to address  
26 the broad racial, ethnic, socioeconomic, and cultural  
27 diversity of the state's student population. Personnel  
28 selected as teachers of the year at the school, district,  
29 regional, or state level are encouraged to serve on  
30 instructional materials committees.

31

1        (b) The membership of each committee must reflect the  
2 broad racial, ethnic, socioeconomic, and cultural diversity of  
3 the state, including a balanced representation from the  
4 state's geographic regions.

5        (c) The commissioner shall determine annually the  
6 areas in which instructional materials shall be submitted for  
7 adoption, taking into consideration the desires of the  
8 district school boards. The commissioner shall also determine  
9 the number of titles to be adopted in each area.

10       (2)(a) All appointments shall be as prescribed in this  
11 section. No member shall serve more than two consecutive  
12 terms on any committee. All appointments shall be for  
13 18-month terms. All vacancies shall be filled in the manner  
14 of the original appointment for only the time remaining in the  
15 unexpired term. At no time may a district school board have  
16 more than one representative on a committee. The commissioner  
17 and a member of the department whom he or she shall designate  
18 shall be additional and ex officio members of each committee.

19       (b) The names and mailing addresses of the members of  
20 the state instructional materials committees shall be made  
21 public when appointments are made.

22       (c) The district school board shall be reimbursed for  
23 the actual cost of substitute teachers for each workday that a  
24 member of its instructional staff is absent from his or her  
25 assigned duties for the purpose of rendering service to the  
26 state instructional materials committee. In addition,  
27 committee members shall be reimbursed for travel expenses and  
28 per diem in accordance with s. 112.061 for actual service in  
29 meetings of committees called by the commissioner. Payment of  
30 such travel expenses shall be made by the Treasurer from the  
31 appropriation for the administration of the instructional

1 materials program, on warrants to be drawn by the Comptroller  
2 upon requisition approved by the commissioner.

3 (d) Any member of a committee may be removed by the  
4 commissioner for cause.

5 (3) All references in the law to the state  
6 instructional materials committee shall apply to each  
7 committee created by this section.

8 (4) For purposes of state adoption, "instructional  
9 materials" means items having intellectual content that by  
10 design serve as a major tool for assisting in the instruction  
11 of a subject or course. These items may be available in bound,  
12 unbound, kit, or package form and may consist of hardbacked or  
13 softbacked textbooks, consumables, learning laboratories,  
14 manipulatives, electronic media, and computer courseware or  
15 software. The term does not include electronic or computer  
16 hardware even if such hardware is bundled with software or  
17 other electronic media, nor does it include equipment or  
18 supplies.

19 (5) The department shall develop a training program  
20 for persons selected to serve on state instructional materials  
21 committees. The program shall be structured to assist  
22 committee members in developing the skills necessary to make  
23 valid, culturally sensitive, and objective decisions regarding  
24 the content and rigor of instructional materials. All persons  
25 serving on instructional materials committees must complete  
26 the training program prior to beginning the review and  
27 selection process.

28 Section 301. Section 1006.30, Florida Statutes, is  
29 created to read:

30 1006.30 Affidavit of state instructional materials  
31 committee members.--Before transacting any business, each



1 member of a state committee shall make an affidavit, to be  
2 filed with the commissioner, that:

3 (1) The member will faithfully discharge the duties  
4 imposed upon him or her as a member of the committee.

5 (2) The member has no interest, and while a member of  
6 the committee he or she will assume no interest, in any  
7 publishing or manufacturing organization which produces or  
8 sells instructional materials.

9 (3) The member is in no way connected, and while a  
10 member of the committee he or she will assume no connection,  
11 with the distribution of the instructional materials.

12 (4) The member is not pecuniarily interested, and  
13 while a member of the committee he or she will assume no  
14 pecuniary interest, directly or indirectly, in the business or  
15 profits of any person engaged in manufacturing, publishing, or  
16 selling instructional materials designed for use in the public  
17 schools.

18 (5) The member will not accept any emolument or  
19 promise of future reward of any kind from any publisher or  
20 manufacturer of instructional materials or his or her agent or  
21 anyone interested in, or intending to bias his or her judgment  
22 in any way in, the selection of any materials to be adopted.

23 (6) It is unlawful for any member of a state  
24 instructional materials committee to discuss matters relating  
25 to instructional materials submitted for adoption with any  
26 agent of a publisher or manufacturer of instructional  
27 materials, either directly or indirectly, except during the  
28 period when the committee has been called into session for the  
29 purpose of evaluating instructional materials submitted for  
30 adoption. Such discussions shall be limited to official  
31

1 meetings of the committee and in accordance with procedures  
2 prescribed by the commissioner for that purpose.

3 Section 302. Section 1006.31, Florida Statutes, is  
4 created to read:

5 1006.31 Duties of each state instructional materials  
6 committee.--The duties of each state instructional materials  
7 committee are:

8 (1) PLACE AND TIME OF MEETING.--To meet at the call of  
9 the commissioner, at a place in the state designated by him or  
10 her, for the purpose of evaluating and recommending  
11 instructional materials for adoption by the state. All  
12 meetings of state instructional materials committees shall be  
13 announced publicly in the Florida Administrative Weekly at  
14 least 2 weeks prior to the date of convening. All meetings of  
15 the committees shall be open to the public.

16 (2) ORGANIZATION.--To elect a chair and vice chair for  
17 each adoption. An employee of the department shall serve as  
18 secretary to the committee and keep an accurate record of its  
19 proceedings. All records of committee motions and votes, and  
20 summaries of committee debate shall be incorporated into a  
21 publishable document and shall be available for public  
22 inspection and duplication.

23 (3) PROCEDURES.--To adhere to procedures prescribed by  
24 the commissioner for evaluating instructional materials  
25 submitted by publishers and manufacturers in each adoption.

26 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To  
27 evaluate carefully all instructional materials submitted, to  
28 ascertain which instructional materials, if any, submitted for  
29 consideration best implement the selection criteria developed  
30 by the commissioner and those curricular objectives included  
31

1 within applicable performance standards provided for in s.  
2 1001.03(1).

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

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

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

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

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

9       (5) REPORT OF COMMITTEE.--Each committee, after a  
10 thorough study of all data submitted on each instructional  
11 material, and after each member has carefully evaluated each  
12 instructional material, shall present a written report to the  
13 commissioner. Such report shall be made public, and shall  
14 include:

15       (a) A description of the procedures used in  
16 determining the instructional materials to be recommended to  
17 the commissioner.

18       (b) Recommendations of instructional materials for  
19 each grade and subject field in the curriculum of public  
20 elementary, middle, and high schools in which adoptions are to  
21 be made. If deemed advisable, the committee may include such  
22 other information, expression of opinion, or recommendation as  
23 would be helpful to the commissioner. If there is a  
24 difference of opinion among the members of the committee as to  
25 the merits of any instructional materials, any member may file  
26 an expression of his or her individual opinion.

27  
28 The findings of the committees, including the evaluation of  
29 instructional materials, shall be in sessions open to the  
30 public. All decisions leading to determinations of the  
31

1 committees shall be by roll call vote, and at no time will a  
2 secret ballot be permitted.

3 Section 303. Section 1006.32, Florida Statutes, is  
4 created to read:

5 1006.32 Prohibited acts.--

6 (1) No publisher or manufacturer of instructional  
7 material, or any representative thereof, shall offer to give  
8 any emolument, money, or other valuable thing, or any  
9 inducement, to any district school board official or member of  
10 a state-level instructional materials committee to directly or  
11 indirectly introduce, recommend, vote for, or otherwise  
12 influence the adoption or purchase of any instructional  
13 materials.

14 (2) No district school board official or member of a  
15 state instructional materials committee shall solicit or  
16 accept any emolument, money, or other valuable thing, or any  
17 inducement, to directly or indirectly introduce, recommend,  
18 vote for, or otherwise influence the adoption or purchase of  
19 any instructional material.

20 (3) No district school board or publisher may  
21 participate in a pilot program of materials being considered  
22 for adoption during the 18-month period before the official  
23 adoption of the materials by the commissioner. Any pilot  
24 program during the first 2 years of the adoption period must  
25 have the prior approval of the commissioner.

26 (4) Any publisher or manufacturer of instructional  
27 materials or representative thereof or any district school  
28 board official or state instructional materials committee  
29 member, who violates any provision of this section commits a  
30 misdemeanor of the second degree, punishable as provided in s.  
31 775.082 or s. 775.083. Any representative of a publisher or

1 manufacturer who violates any provision of this section, in  
2 addition to any other penalty, shall be banned from practicing  
3 business in the state for a period of 1 calendar year. Any  
4 district school board official or state instructional  
5 materials committee member who violates any provision of this  
6 section, in addition to any other penalty, shall be removed  
7 from his or her official position.

8 (5) Nothing in this section shall be construed to  
9 prevent any publisher, manufacturer, or agent from supplying,  
10 for purposes of examination, necessary sample copies of  
11 instructional materials to any district school board official  
12 or instructional materials committee member.

13 (6) Nothing in this section shall be construed to  
14 prevent a district school board official or instructional  
15 materials committee member from receiving sample copies of  
16 instructional materials.

17 (7) Nothing contained in this section shall be  
18 construed to prohibit or restrict a district school board  
19 official from receiving royalties or other compensation, other  
20 than compensation paid to him or her as commission for  
21 negotiating sales to district school boards, from the  
22 publisher or manufacturer of instructional materials written,  
23 designed, or prepared by such district school board official,  
24 and adopted by the commissioner or purchased by any district  
25 school board. No district school board official shall be  
26 allowed to receive royalties on any materials not on the  
27 state-adopted list purchased for use by his or her district  
28 school board.

29 (8) No district school superintendent, district school  
30 board member, teacher, or other person officially connected  
31 with the government or direction of public schools shall

1 receive during the months actually engaged in performing  
2 duties under his or her contract any private fee, gratuity,  
3 donation, or compensation, in any manner whatsoever, for  
4 promoting the sale or exchange of any school book, map, or  
5 chart in any public school, or be an agent for the sale, or  
6 the publisher of any school textbook or reference work, or be  
7 directly or indirectly pecuniarily interested in the  
8 introduction of any such textbook, and any such agency or  
9 interest shall disqualify any person so acting or interested  
10 from holding any district school board employment whatsoever,  
11 and the person commits a misdemeanor of the second degree,  
12 punishable as provided in s. 775.082 or s. 775.083; provided,  
13 that this subsection not be construed as preventing the  
14 adoption of any book written in whole or in part by a Florida  
15 author.

16 Section 304. Section 1006.33, Florida Statutes, is  
17 created to read:

18 1006.33 Bids or proposals; advertisement and its  
19 contents.--

20 (1)(a) Beginning on or before May 15 of any year in  
21 which an instructional materials adoption is to be initiated,  
22 the department shall advertise in the Florida Administrative  
23 Weekly 4 weeks preceding the date on which the bids shall be  
24 received, that at a certain designated time, not later than  
25 June 15, sealed bids or proposals to be deposited with the  
26 department will be received from publishers or manufacturers  
27 for the furnishing of instructional materials proposed to be  
28 adopted as listed in the advertisement beginning April 1  
29 following the adoption.

30 (b) The advertisement shall state that each bidder  
31 shall furnish specimen copies of all instructional materials

1 submitted, at a time designated by the department, which  
2 specimen copies shall be identical with the copies approved  
3 and accepted by the members of the state instructional  
4 materials committee, as prescribed in this section, and with  
5 the copies furnished to the department and district school  
6 superintendents, as provided in this part.

7 (c) The advertisement shall state that a contract  
8 covering the adoption of the instructional materials shall be  
9 for a definite term.

10 (d) The advertisement shall fix the time within which  
11 the required contract must be executed and shall state that  
12 the department reserves the right to reject any or all bids.

13 (e) The advertisement shall give information as to how  
14 specifications which have been adopted by the department in  
15 regard to paper, binding, cover boards, and mechanical makeup  
16 can be secured. In adopting specifications, the department  
17 shall make an exception for instructional materials that are  
18 college-level texts and that do not meet department physical  
19 specifications for secondary materials, if the publisher  
20 guarantees replacement during the term of the contract.

21 (2) The bids submitted shall be for furnishing the  
22 designated materials in accordance with specifications of the  
23 department. The bid shall state the lowest wholesale price at  
24 which the materials will be furnished, at the time the  
25 adoption period provided in the contract begins, delivered  
26 f.o.b. to the Florida depository of the publisher,  
27 manufacturer, or bidder.

28 (3) The department shall require each publisher or  
29 manufacturer of instructional materials who submits a bid  
30 under this part to deposit with the department such sum of  
31 money or certified check as may be determined by the



1 department, the amount to be not less than \$500 and not more  
2 than \$2,500, according to the number of instructional  
3 materials covered by the bid; which deposit shall be forfeited  
4 to the state and placed in the General Revenue Fund if the  
5 bidder making the deposit fails or refuses to execute the  
6 contract and bond within 30 days after receipt of the contract  
7 in case his or her bid or proposal is accepted. The  
8 commissioner shall, upon determining that the deposit is  
9 correct and proper, transmit the deposit to the Treasurer, who  
10 shall deposit the funds for credit to the Textbook Bid Trust  
11 Fund and issue his or her official receipt.

12 (4) Specimen copies of all instructional materials,  
13 which have been made the bases of contracts under this part,  
14 shall, upon request for the purpose of public inspection, be  
15 made available by the publisher to the department and the  
16 district school superintendent of each district school board  
17 that adopts the instructional materials from the state list  
18 upon request for the purpose of public inspection. All  
19 contracts and bonds executed under this part shall be signed  
20 in triplicate. One copy of each contract and an original of  
21 each bid, whether accepted or rejected, shall be preserved  
22 with the department for at least 3 years after termination of  
23 the contract.

24 Section 305. Section 1006.34, Florida Statutes, is  
25 created to read:

26 1006.34 Powers and duties of the commissioner and the  
27 department in selecting and adopting instructional  
28 materials.--

29 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL  
30 MATERIALS.--The commissioner shall prescribe the procedures by  
31 which the department shall evaluate instructional materials

1 submitted by publishers and manufacturers in each adoption.  
2 Included in these procedures shall be provisions which afford  
3 each publisher or manufacturer or his or her representative an  
4 opportunity to present to members of the state instructional  
5 materials committees the merits of each instructional material  
6 submitted in each adoption.

7 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL  
8 MATERIALS.--

9 (a) The department shall notify all publishers and  
10 manufacturers of instructional materials who have submitted  
11 bids that within 3 weeks after the deadline for receiving  
12 bids, at a designated time and place, it will open the bids  
13 submitted and deposited with it. At the time and place  
14 designated, the bids shall be opened, read, and tabulated in  
15 the presence of the bidders or their representatives. No one  
16 may revise his or her bid after the bids have been filed.  
17 When all bids have been carefully considered, the commissioner  
18 shall, from the list of suitable, usable, and desirable  
19 instructional materials reported by the state instructional  
20 materials committee, select and adopt instructional materials  
21 for each grade and subject field in the curriculum of public  
22 elementary, middle, and high schools in which adoptions are  
23 made and in the subject areas designated in the advertisement.  
24 The adoption shall continue for the period specified in the  
25 advertisement, beginning on the ensuing April 1. The adoption  
26 shall not prevent the extension of a contract as provided in  
27 subsection (3). The commissioner shall always reserve the  
28 right to reject any and all bids. The commissioner may ask for  
29 new sealed bids from publishers or manufacturers whose  
30 instructional materials were recommended by the state  
31 instructional materials committee as suitable, usable, and

1 desirable; specify the dates for filing such bids and the date  
2 on which they shall be opened; and proceed in all matters  
3 regarding the opening of bids and the awarding of contracts as  
4 required by this part. In all cases, bids shall be accompanied  
5 by a cash deposit or certified check of from \$500 to \$2,500,  
6 as the commissioner may direct. The department, in adopting  
7 instructional materials, shall give due consideration both to  
8 the prices bid for furnishing instructional materials and to  
9 the report and recommendations of the state instructional  
10 materials committee. When the commissioner has finished with  
11 the report of the state instructional materials committee, the  
12 report shall be filed and preserved with the department and  
13 shall be available at all times for public inspection.

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

18 1. The age of the students who normally could be  
19 expected to have access to the material.

20 2. The educational purpose to be served by the  
21 material. In considering instructional materials for classroom  
22 use, priority shall be given to the selection of materials  
23 which encompass the state and district school board  
24 performance standards provided for in s. 1001.03(1) and which  
25 include the instructional objectives contained within the  
26 curriculum frameworks approved by rule of the State Board of  
27 Education.

28 3. The degree to which the material would be  
29 supplemented and explained by mature classroom instruction as  
30 part of a normal classroom instructional program.

31

1           4. The consideration of the broad racial, ethnic,  
2 socioeconomic, and cultural diversity of the students of this  
3 state.

4  
5 No book or other material containing hard-core pornography or  
6 otherwise prohibited by s. 847.012 shall be used or available  
7 within any public school district.

8           (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS;  
9 BOND.--As soon as practicable after the commissioner has  
10 adopted any instructional materials and all bidders that have  
11 secured the adoption of any instructional materials have been  
12 notified thereof by registered letter, the Department of Legal  
13 Affairs shall prepare a contract in proper form with every  
14 bidder awarded the adoption of any instructional materials.  
15 Each contract shall be executed by the Governor and Secretary  
16 of State under the seal of the state, one copy to be kept by  
17 the contractor, one copy to be filed with the Department of  
18 State, and one copy to be filed with the department. After  
19 giving due consideration to comments by the district school  
20 boards, the commissioner, with the agreement of the publisher,  
21 may extend or shorten a contract period for a period not to  
22 exceed 2 years; and the terms of any such contract shall  
23 remain the same as in the original contract. Any publisher or  
24 manufacturer to whom any contract is let under this part must  
25 give bond in such amount as the commissioner requires, payable  
26 to the state, conditioned for the faithful, honest, and exact  
27 performance of the contract. The bond must provide for the  
28 payment of reasonable attorney's fees in case of recovery in  
29 any suit thereon. The surety on the bond must be a guaranty or  
30 surety company lawfully authorized to do business in the  
31 state; however, the bond shall not be exhausted by a single

1 recovery but may be sued upon from time to time until the full  
2 amount thereof is recovered, and the department may at any  
3 time, after giving 30 days' notice, require additional  
4 security or additional bond. The form of any bond or bonds or  
5 contract or contracts under this part shall be prepared and  
6 approved by the Department of Legal Affairs. At the discretion  
7 of the commissioner, a publisher or manufacturer to whom any  
8 contract is let under this part may be allowed a cash deposit  
9 in lieu of a bond, conditioned for the faithful, honest, and  
10 exact performance of the contract. The cash deposit, payable  
11 to the department, shall be placed in the Textbook Bid Trust  
12 Fund. The department may recover damages on the cash deposit  
13 given by the contractor for failure to furnish instructional  
14 materials, the sum recovered to inure to the General Revenue  
15 Fund.

16 (4) REGULATIONS GOVERNING THE CONTRACT.--The  
17 department may, from time to time, take any necessary actions,  
18 consistent with this part, to secure the prompt and faithful  
19 performance of all instructional materials contracts; and if  
20 any contractor fails or refuses to furnish instructional  
21 materials as provided in this part or otherwise breaks his or  
22 her contract, the department may sue on the required bond in  
23 the name of the state, in the courts of the state having  
24 jurisdiction, and recover damages on the bond given by the  
25 contractor for failure to furnish instructional materials, the  
26 sum recovered to inure to the General Revenue Fund.

27 (5) RETURN OF DEPOSITS.--

28 (a) The successful bidder shall be notified by  
29 registered mail of the award of contract and shall, within 30  
30 days after receipt of the contract, execute the proper  
31 contract and post the required bond. When the bond and

1 contract have been executed, the department shall notify the  
2 Comptroller and request that a warrant be issued against the  
3 Textbook Bid Trust Fund payable to the successful bidder in  
4 the amount deposited pursuant to this part. The Comptroller  
5 shall issue and forward the warrant to the department for  
6 distribution to the bidder.

7 (b) At the same time or prior thereto, the department  
8 shall inform the Comptroller of the names of the unsuccessful  
9 bidders. Upon receipt of such notice, the Comptroller shall  
10 issue warrants against the Textbook Bid Trust Fund payable to  
11 the unsuccessful bidders in the amounts deposited pursuant to  
12 this part and shall forward the warrants to the department for  
13 distribution to the unsuccessful bidders.

14 (c) One copy of each contract and an original of each  
15 bid, whether accepted or rejected, shall be preserved with the  
16 department for at least 3 years after the termination of the  
17 contract.

18 (6) DEPOSITS FORFEITED.--If any successful bidder  
19 fails or refuses to execute contract and bond within 30 days  
20 after receipt of the contract, the cash deposit shall be  
21 forfeited to the state and placed by the Treasurer in the  
22 General Revenue Fund.

23 (7) FORFEITURE OF CONTRACT AND BOND.--If any publisher  
24 or manufacturer of instructional materials fails or refuses to  
25 furnish a book, or books, or other instructional materials as  
26 provided in the contract, his or her bond is forfeited; and  
27 the department shall make another contract on such terms as it  
28 may find desirable, after giving due consideration to the  
29 recommendations of the commissioner.

30 Section 306. Section 1006.35, Florida Statutes, is  
31 created to read:

1           1006.35 Accuracy of instructional materials.--  
2           (1) In addition to relying on statements of publishers  
3 or manufacturers of instructional materials, the commissioner  
4 may conduct or cause to be conducted an independent  
5 investigation to determine the accuracy of state-adopted  
6 instructional materials.

7           (2) When errors in state-adopted materials are  
8 confirmed, the publisher of the materials shall provide to  
9 each district school board that has purchased the materials  
10 the corrections in a format approved by the commissioner.

11           (3) The commissioner may remove materials from the  
12 list of state-adopted materials if he or she finds that the  
13 content is in error and the publisher refuses to correct the  
14 error when notified by the department.

15           (4) The commissioner may remove materials from the  
16 list of state-adopted materials at the request of the  
17 publisher if, in his or her opinion, there is no material  
18 impact on the state's education goals.

19           Section 307. Section 1006.36, Florida Statutes, is  
20 created to read:

21           1006.36 Term of adoption for instructional  
22 materials.--

23           (1) The term of adoption of any instructional  
24 materials must be a 6-year period beginning on April 1  
25 following the adoption, except that the commissioner may  
26 approve terms of adoption of less than 6 years for materials  
27 in content areas which require more frequent revision. Any  
28 contract for instructional materials may be extended as  
29 prescribed in s. 1006.34(3).

30           (2) The department shall publish annually an official  
31 schedule of subject areas to be called for adoption for each

1 of the succeeding 2 years, and a tentative schedule for years  
2 3, 4, 5, and 6. If extenuating circumstances warrant, the  
3 commissioner may order the department to add one or more  
4 subject areas to the official schedule, in which event the  
5 commissioner shall develop criteria for such additional  
6 subject area or areas and make them available to publishers as  
7 soon as practicable before the date on which bids are due. The  
8 schedule shall be developed so as to promote balance among the  
9 subject areas so that the required expenditure for new  
10 instructional materials is approximately the same each year in  
11 order to maintain curricular consistency.

12 Section 308. Section 1006.37, Florida Statutes, is  
13 created to read:

14 1006.37 Requisition of instructional materials from  
15 publisher's depository.--

16 (1) The district school superintendent shall  
17 requisition adopted instructional materials from the  
18 depository of the publisher with whom a contract has been  
19 made. However, the superintendent shall requisition current  
20 instructional materials to provide each student with a  
21 textbook or other materials as a major tool of instruction in  
22 core courses of the subject areas specified in s. 1006.40(2).  
23 These materials must be requisitioned within the first 2 years  
24 of the adoption cycle, except for instructional materials  
25 related to growth of student membership or instructional  
26 materials maintenance needs. The superintendent may  
27 requisition instructional materials in the core subject areas  
28 specified in s. 1006.40(2) that are related to growth of  
29 student membership or instructional materials maintenance  
30 needs during the 3rd, 4th, 5th, and 6th years of the original  
31 contract period.



1       (2) The district school superintendent shall verify  
2 that the requisition is complete and accurate and order the  
3 depository to forward to him or her the adopted instructional  
4 materials shown by the requisition. The depository shall  
5 prepare an invoice of the materials shipped, including  
6 shipping charges, and mail it to the superintendent to whom  
7 the shipment is being made. The superintendent shall pay the  
8 depository within 60 days after receipt of the requisitioned  
9 materials from the appropriation for the purchase of adopted  
10 instructional materials.

11           Section 309. Section 1006.38, Florida Statutes, is  
12 created to read:

13           1006.38 Duties, responsibilities, and requirements of  
14 instructional materials publishers and  
15 manufacturers.--Publishers and manufacturers of instructional  
16 materials, or their representatives, shall:

17           (1) Comply with all provisions of this part.

18           (2) Deliver fully developed specimen copies of all  
19 instructional materials upon which bids are based to each  
20 member of a state instructional materials committee. At the  
21 conclusion of the review process, manufacturers submitting  
22 samples of instructional materials are entitled to the return  
23 thereof, at the expense of the manufacturers; or, in the  
24 alternative, the manufacturers are entitled to reimbursement  
25 by the individual committee members for the retail value of  
26 the samples.

27           (3) Submit, at a time designated in s. 1006.33, the  
28 following information:

29           (a) Detailed specifications of the physical  
30 characteristics of the instructional materials. The publisher  
31 or manufacturer shall comply with these specifications if the

1 instructional materials are adopted and purchased in completed  
2 form.

3 (b) Written proof that the publisher has provided  
4 written correlations to appropriate curricular objectives  
5 included within applicable performance standards provided for  
6 in s. 1001.03(1).

7 (4) Make available for purchase by any district school  
8 board any diagnostic, criterion-referenced, or other tests  
9 that they may develop.

10 (5) Furnish the instructional materials offered by  
11 them at a price in the state which, including all costs of  
12 transportation to their depositories, shall not exceed the  
13 lowest price at which they offer such instructional materials  
14 for adoption or sale to any state or school district in the  
15 United States.

16 (6) Reduce automatically the price of the  
17 instructional materials to any district school board to the  
18 extent that reductions are made elsewhere in the United  
19 States.

20 (7) Provide any instructional materials free of charge  
21 in the state to the same extent as they are provided free of  
22 charge to any state or school district in the United States.

23 (8) Guarantee that all copies of any instructional  
24 materials sold in this state will be at least equal in quality  
25 to the copies of such instructional materials that are sold  
26 elsewhere in the United States and will be kept revised, free  
27 from all errors, and up-to-date as may be required by the  
28 department.

29 (9) Agree that any supplementary material developed at  
30 the district or state level does not violate the author's or  
31

1 publisher's copyright, provided such material is developed in  
2 accordance with the doctrine of fair use.

3 (10) Not in any way, directly or indirectly, become  
4 associated or connected with any combination in restraint of  
5 trade in instructional materials, nor enter into any  
6 understanding, agreement, or combination to control prices or  
7 restrict competition in the sale of instructional materials  
8 for use in the state.

9 (11) Maintain or contract with a depository in the  
10 state.

11 (12) For the core subject areas specified in s.  
12 1006.40(2), maintain in the depository for the first 2 years  
13 of the contract an inventory of instructional materials  
14 sufficient to receive and fill orders.

15 (13) For the core subject areas specified in s.  
16 1006.40(2), ensure the availability of an inventory sufficient  
17 to receive and fill orders for instructional materials for  
18 growth, including the opening of a new school, and replacement  
19 during the 3rd and subsequent years of the original contract  
20 period.

21 (14) For all other subject areas, maintain in the  
22 depository an inventory of instructional materials sufficient  
23 to receive and fill orders.

24 (15) Accurately and fully disclose only the names of  
25 those persons who actually authored the instructional  
26 materials. In addition to the penalties provided in  
27 subsection (17), the commissioner may remove from the list of  
28 state-adopted instructional materials those instructional  
29 materials whose publisher or manufacturer misleads the  
30 purchaser by falsely representing genuine authorship.

31

1       (16) Grant, without prior written request, for any  
2 copyright held by the publisher or its agencies automatic  
3 permission to the department or its agencies for the  
4 reproduction of textbooks and supplementary materials in  
5 braille or large print or in the form of sound recordings, for  
6 use by visually impaired students or other students with  
7 disabilities that would benefit from use of the materials.

8       (17) Upon the willful failure of the publisher or  
9 manufacturer to comply with the requirements of this section,  
10 be liable to the department in the amount of 3 times the total  
11 sum which the publisher or manufacturer was paid in excess of  
12 the price required under subsections (5) and (6) and in the  
13 amount of 3 times the total value of the instructional  
14 materials and services which the district school board is  
15 entitled to receive free of charge under subsection (7).

16       Section 310. Section 1006.39, Florida Statutes, is  
17 created to read:

18       1006.39 Production and dissemination of educational  
19 materials and products by department.--

20       (1) Educational materials and products developed by or  
21 under the direction of the department, through research and  
22 development or other efforts, including those subject to  
23 copyright, patent, or trademark, shall be made available for  
24 use by teachers, students, administrators, and other  
25 appropriate persons in the state system of education at the  
26 earliest practicable date and in the most economical and  
27 efficient manner possible.

28       (2) To accomplish this objective the department may  
29 publish, produce, or have produced educational materials and  
30 products and make them readily available for appropriate use  
31 in the state system of education. The department may charge

1 an amount adequate to cover the essential cost of producing  
2 and disseminating such materials and products in the state  
3 system of education and may sell copies for educational use to  
4 private schools in the state and to the public.

5 (3) All proceeds from the sale of educational  
6 materials and products shall be remitted to the Treasurer and  
7 shall be kept in a separate fund to be known as the  
8 "Educational Media and Technology Trust Fund" and, when  
9 properly budgeted as approved by the Legislature and the  
10 Executive Office of the Governor, used to pay the cost of  
11 producing and disseminating educational materials and  
12 products.

13 (4) In cases in which the educational materials or  
14 products are of such nature, or the circumstances are such,  
15 that it is not practicable or feasible for the department to  
16 produce or have produced materials and products so developed,  
17 it may, after review and approval by the Department of State,  
18 license, lease, assign, sell, or otherwise give written  
19 consent to any person, firm or corporation for the manufacture  
20 or use thereof, on a royalty basis, or for such other  
21 consideration as the department finds proper and in the best  
22 interest of the state; the department shall protect  
23 educational materials and products against improper or  
24 unlawful use or infringement and enforce the collection of any  
25 sums due for the manufacture or use thereof by any other  
26 party.

27 (5) The department shall not enter into the business  
28 of producing or publishing textbooks, or the contents therein,  
29 for general use in classrooms.

30 Section 311. Section 1006.40, Florida Statutes, is  
31 created to read:

1           1006.40 Use of instructional materials allocation;  
2 instructional materials, library books, and reference books;  
3 repair of books.--

4           (1) On or before July 1 each year, the commissioner  
5 shall certify to each district school superintendent the  
6 estimated allocation of state funds for instructional  
7 materials, computed pursuant to the provisions of s. 1011.67  
8 for the ensuing fiscal year.

9           (2)(a) Each district school board must purchase  
10 current instructional materials to provide each student with a  
11 textbook or other instructional materials as a major tool of  
12 instruction in core courses of the appropriate subject areas  
13 of mathematics, language arts, science, social studies,  
14 reading, and literature for kindergarten through grade 12.  
15 Such purchase must be made within the first 2 years of the  
16 effective date of the adoption cycle. Unless specifically  
17 provided for in the General Appropriations Act, the cost of  
18 instructional materials purchases required by this paragraph  
19 shall not exceed the amount of the district's allocation for  
20 instructional materials, pursuant to s. 1011.67, for the  
21 previous 2 years.

22           (b) The requirement in paragraph (a) does not apply to  
23 contracts in existence before April 1, 2000, or to a purchase  
24 related to growth of student membership in the district or for  
25 instructional materials maintenance needs.

26           (3)(a) Each district school board shall use the annual  
27 allocation for the purchase of instructional materials  
28 included on the state-adopted list, except as otherwise  
29 authorized in paragraphs (b) and (c). No less than 50 percent  
30 of the annual allocation shall be used to purchase items which  
31

1 will be used to provide instruction to students at the level  
2 or levels for which the materials are designed.

3 (b) Up to 50 percent of the annual allocation may be  
4 used for the purchase of instructional materials, including  
5 library and reference books and nonprint materials, not  
6 included on the state-adopted list and for the repair and  
7 renovation of textbooks and library books.

8 (c) District school boards may use 100 percent of that  
9 portion of the annual allocation designated for the purchase  
10 of instructional materials for kindergarten, and 75 percent of  
11 that portion of the annual allocation designated for the  
12 purchase of instructional materials for first grade, to  
13 purchase materials not on the state-adopted list.

14 (4) The funds described in subsection (3) which  
15 district school boards may use to purchase materials not on  
16 the state-adopted list shall be used for the purchase of  
17 instructional materials or other items having intellectual  
18 content which assist in the instruction of a subject or  
19 course. These items may be available in bound, unbound, kit,  
20 or package form and may consist of hardbacked or softbacked  
21 textbooks, replacements for items which were part of  
22 previously purchased instructional materials, consumables,  
23 learning laboratories, manipulatives, electronic media,  
24 computer courseware or software, and other commonly accepted  
25 instructional tools as prescribed by district school board  
26 rule. The funds available to district school boards for the  
27 purchase of materials not on the state-adopted list may not be  
28 used to purchase electronic or computer hardware even if such  
29 hardware is bundled with software or other electronic media,  
30 nor may such funds be used to purchase equipment or supplies.  
31 However, when authorized to do so in the General

1 Appropriations Act, a school or district school board may use  
2 a portion of the funds available to it for the purchase of  
3 materials not on the state-adopted list to purchase science  
4 laboratory materials and supplies.

5 (5) Each district school board shall adopt rules, and  
6 each district school superintendent shall implement  
7 procedures, that will assure the maximum use by the students  
8 of the authorized instructional materials.

9 (6) District school boards may issue purchase orders  
10 subsequent to February 1 in an aggregate amount which does not  
11 exceed 20 percent of the current year's allocation, and  
12 subsequent to April 1 in an aggregate amount which does not  
13 exceed 90 percent of the current year's allocation, for the  
14 purpose of expediting the delivery of instructional materials  
15 which are to be paid for from the ensuing year's allocation.

16 (7) In any year in which the total instructional  
17 materials allocation for a school district has not been  
18 expended or obligated prior to June 30, the district school  
19 board shall carry forward the unobligated amount and shall add  
20 it to the next year's allocation.

21 Section 312. Section 1006.41, Florida Statutes, is  
22 created to read:

23 1006.41 Disposal of instructional materials.--

24 (1) Instructional materials that have become  
25 unserviceable or surplus or are no longer on state contract  
26 may be disposed of, under adopted rule of the district school  
27 board, by:

28 (a) Giving or lending the materials to other public  
29 education programs within the district or state, to the  
30 teachers to use in developing supplementary teaching  
31 materials, to students or others, or to any charitable



1 organization, governmental agency, home education students,  
2 private school, or state.

3 (b) Selling the materials to used book dealers,  
4 recycling plants, pulp mills, or other persons, firms, or  
5 corporations upon such terms as are most economically  
6 advantageous to the district school board.

7 (2) The district school board may prescribe by rule  
8 the manner for destroying instructional materials that cannot  
9 be disposed of as provided in subsection (1).

10 (3) All moneys received for the sale, exchange, or  
11 other disposition of instructional materials shall be  
12 deposited in the district school fund and added to the  
13 district appropriation for instructional materials.

14 (4) Instructional materials which have been sold,  
15 exchanged, lost, destroyed, or damaged and for which proper  
16 charges have been assessed and collected, and instructional  
17 materials which have been destroyed by fire or storm damage or  
18 by order of a competent health officer or the district school  
19 superintendent, shall be dropped from the record of  
20 instructional materials for which, as provided by law,  
21 district school boards are held responsible.

22 Section 313. Section 1006.42, Florida Statutes, is  
23 created to read:

24 1006.42 Responsibility of students and parents for  
25 instructional materials.--

26 (1) All instructional materials purchased under the  
27 provisions of this part are the property of the district  
28 school board. When distributed to the students, these  
29 instructional materials are on loan to the students while they  
30 are pursuing their courses of study and are to be returned at  
31 the direction of the school principal or the teacher in

1 charge. Each parent of a student to whom or for whom  
2 instructional materials have been issued, is liable for any  
3 loss or destruction of, or unnecessary damage to, the  
4 instructional materials or for failure of the student to  
5 return the instructional materials when directed by the school  
6 principal or the teacher in charge, and shall pay for such  
7 loss, destruction, or unnecessary damage as provided by law.

8 (2) Nothing in this part shall be construed to  
9 prohibit parents from exercising their right to purchase  
10 instructional materials from the district school board.

11 Section 314. Section 1006.43, Florida Statutes, is  
12 created to read:

13 1006.43 Expenses; budget request.--The commissioner  
14 shall include in the department's annual legislative budget a  
15 request for funds in an amount sufficient to provide the  
16 necessary expense for:

17 (1) The instructional materials committees.

18 (2)(a) Instructional materials for use by partially  
19 sighted students.

20 (b) The department may arrange for distribution  
21 adopted textbooks which are prepared in various media for the  
22 use of partially sighted children enrolled in the Florida  
23 schools.

24 (3) Other specific and necessary state expense of the  
25 instructional materials program.

26 Section 315. Part II of chapter 1006 shall be entitled  
27 "Public Postsecondary Education Support for Learning and  
28 Student Services" and shall consist of ss. 1006.50-1006.71.

29 Section 316. Section 1006.50, Florida Statutes, is  
30 created to read:

31 1006.50 Student handbooks.--

1       (1) Each public community college or state university  
2 shall compile and update annually a student handbook that  
3 includes, but is not limited to, a comprehensive calendar that  
4 emphasizes important dates and deadlines, student rights and  
5 responsibilities, appeals processes available to students, and  
6 a roster of contact persons within the administrative staff  
7 available to respond to student inquiries.

8       (2) Each student handbook shall list the legal and  
9 institution specific sanctions that will be imposed upon  
10 students who violate the law or institutional policies  
11 regarding controlled substances and alcoholic beverages.

12       (3) Each student handbook shall provide information  
13 related to acquired immune deficiency syndrome (AIDS)  
14 education or identify sites from which AIDS education  
15 information may be obtained.

16       Section 317. Section 1006.51, Florida Statutes, is  
17 created to read:

18       1006.51 Student ombudsman office.--

19       (1) There is created at each public community college  
20 and state university a student ombudsman office, which is  
21 accountable to the president.

22       (2) Each institution must have an established  
23 procedure by which a student may appeal to the office of the  
24 ombudsman a decision that is related to the student's access  
25 to courses and credit granted toward the degree. Detailed  
26 information concerning this procedure must be included in the  
27 institution's catalog.

28       (3) Each public community college and state university  
29 shall develop minimum standards for the role of ombudsman or  
30 student advocate. The standards shall address the issue of  
31

1 notification of students of opportunities for assistance or  
2 appeal.

3 Section 318. Section 1006.52, Florida Statutes, is  
4 created to read:

5 1006.52 Student records.--

6 (1) The university may prescribe the content and  
7 custody of records and reports which the university may  
8 maintain on its students. Such records are confidential and  
9 exempt from the provisions of s. 119.07(1) and are open to  
10 inspection only as provided in s. 1002.22.

11 (2) Rules of the State Board of Education may  
12 prescribe the content and custody of records and reports which  
13 a community college may maintain on its students. Such records  
14 are confidential and exempt from s. 119.07(1) and are open to  
15 inspection only as provided in s. 1002.22.

16 Section 319. Section 1006.53, Florida Statutes, is  
17 created to read:

18 1006.53 Religious observances.--Each public  
19 postsecondary educational institution shall adopt a policy in  
20 accordance with rules of the State Board of Education which  
21 reasonably accommodates the religious observance, practice,  
22 and belief of individual students in regard to admissions,  
23 class attendance, and the scheduling of examinations and work  
24 assignments. Each policy shall include a grievance procedure  
25 by which a student who believes that he or she has been  
26 unreasonably denied an educational benefit due to his or her  
27 religious belief or practices may seek redress. Such policy  
28 shall be made known to faculty and students annually in  
29 inclusion in the institution's handbook, manual, or other  
30 similar document regularly provided to faculty and students.

31

1           Section 320. Section 1006.54, Florida Statutes, is  
2 created to read:

3           1006.54 Universities; public documents distributed to  
4 libraries.--The general library of each institution in the  
5 State University System is entitled to receive copies of  
6 reports of state officials, departments, and institutions and  
7 all other state documents published by the state. Each officer  
8 of the state empowered by law to distribute such public  
9 documents is authorized to transmit without charge, except for  
10 payment of shipping costs, the number of copies of each public  
11 document desired upon requisition from the librarian. It is  
12 the duty of the library to keep public documents in a  
13 convenient form accessible to the public. The library, under  
14 rules formulated by the university board of trustees, is  
15 authorized to exchange documents for those of other states,  
16 territories, and countries.

17           Section 321. Section 1006.55, Florida Statutes, is  
18 created to read:

19           1006.55 Law libraries of certain institutions of  
20 higher learning designated as state legal depositories.--

21           (1) The law libraries of the University of Florida,  
22 Florida State University, Florida International University,  
23 Florida Agricultural and Mechanical University, Stetson  
24 University, Nova University, and the University of Miami are  
25 designated as state legal depositories.

26           (2) Each officer of the state empowered by law to  
27 distribute legal publications is authorized to transmit, upon  
28 payment of shipping costs or cash on delivery, to the state  
29 legal depositories copies of such publications as requested.  
30 However, the number of copies transmitted shall be limited to:

31

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 public 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 322. 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

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

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 323. 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,



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 324. 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

1       (3) No employee, representative, or agent of a  
2 university shall receive a commission, fee, or financial  
3 benefit in connection with the sale or exchange of a work of  
4 art, art history, or natural history, nor may he or she be a  
5 business associate of any individual, firm, or organization  
6 involved in the sale or exchange.

7       (4)(a) Each university may establish an Acquisition,  
8 Restoration, and Conservation Trust Fund or utilize an  
9 appropriate existing trust fund.

10       (b) The president of each university may delegate the  
11 following authority to the museum or gallery directors and  
12 governing bodies of the museums or galleries:

13           1. To enter into contracts for the restoration or  
14 purchase of art, art history, or natural history objects, with  
15 or without competitive bidding, as appropriate.

16           2. To sell art, art history, or natural history  
17 objects in museum or gallery collections, the proceeds of  
18 which shall be deposited in the Acquisition, Restoration, and  
19 Conservation Trust Fund or other appropriate existing trust  
20 fund.

21           3. To exchange art, art history, or natural history  
22 objects of equal or greater value with any other state  
23 university.

24       Section 325. Section 1006.59, Florida Statutes, is  
25 created to read:

26       1006.59 The Historically Black College and University  
27 Library Improvement Program.--

28       (1) It is the intent of the Legislature to enhance the  
29 quality of the libraries at Florida Agricultural and  
30 Mechanical University, Bethune-Cookman College, Edward Waters  
31 College, and Florida Memorial College.

1           (2) There is created the Historically Black College  
2 and University Library Improvement Program to be administered  
3 by the Department of Education. The primary objectives of the  
4 program shall be to increase each library's holdings by 500 to  
5 1,000 books per year, to increase library use by students and  
6 faculty, and to enhance the professional growth of librarians  
7 by providing inservice training. At least 50 percent of  
8 library acquisitions shall be in the humanities, with the  
9 balance to be in all other disciplines. It is the intent of  
10 the Legislature to provide general revenue funds each year to  
11 support this program.

12           (3) Each institution shall submit to the State Board  
13 of Education a plan for enhancing its library through the  
14 following activities:

15           (a) Each institution shall increase the number of  
16 volumes by purchasing replacement books and new titles. Funds  
17 shall not be used to purchase periodicals or nonprint media.  
18 The goal of these purchases is to meet the needs of students  
19 and faculty in disciplines that have recently been added to  
20 the curriculum, in traditional academic fields that have been  
21 expanded, or in academic fields in which rapid changes in  
22 technology result in accelerated obsolescence of related  
23 library holdings.

24           (b) A committee composed of librarians and faculty at  
25 each institution shall assess the adequacy of library holdings  
26 in all academic areas. The committee shall develop a list of  
27 resources that need to be replaced. Based on its assessment of  
28 the current collection, the committee shall develop a  
29 prioritized list of recommended acquisitions and shall submit  
30 such list to the college or university president.

31

1           Section 326. Section 1006.60, Florida Statutes, is  
2 created to read:

3           1006.60 Codes of conduct; disciplinary measures;  
4 rulemaking authority.--

5           (1) Each public community college and state university  
6 may adopt, by rule, codes of conduct and appropriate penalties  
7 for violations of rules by students, to be administered by the  
8 institution. Such penalties, unless otherwise provided by law,  
9 may include: reprimand; restitution; fines; withholding of  
10 diplomas or transcripts pending compliance with rules,  
11 completion of any student judicial process or sanction, or  
12 payment of fines; restrictions on the use of or removal from  
13 campus facilities; community service; educational  
14 requirements; and the imposition of probation, suspension,  
15 dismissal, or expulsion.

16           (2) Each public community college and state university  
17 may adopt, by rule, a code of conduct and appropriate  
18 penalties for violations of rules by student organizations, to  
19 be administered by the institution. Such penalties, unless  
20 otherwise provided by law, may include: reprimand;  
21 restitution; suspension, cancellation, or revocation of the  
22 registration or official recognition of a student  
23 organization; and restrictions on the use of, or removal from,  
24 campus facilities.

25           (3) Sanctions authorized by such codes of conduct may  
26 be imposed only for acts or omissions in violation of rules  
27 adopted by the institution, including rules adopted under this  
28 section, rules of the State Board of Education, county and  
29 municipal ordinances, and the laws of this state, the United  
30 States, or any other state.

31

1       (4) Each public community college and state university  
2 may establish and adopt, by rule, codes of appropriate  
3 penalties for violations of rules governing student academic  
4 honesty. Such penalties, unless otherwise provided by law, may  
5 include: reprimand; reduction of grade; denial of academic  
6 credit; invalidation of university credit or of the degree  
7 based upon such credit; probation; suspension; dismissal; or  
8 expulsion. In addition to any other penalties that may be  
9 imposed, an individual may be denied admission or further  
10 registration, and the institution may invalidate academic  
11 credit for work done by a student and may invalidate or revoke  
12 the degree based upon such credit if it is determined that the  
13 student has made false, fraudulent, or incomplete statements  
14 in the application, residence affidavit, or accompanying  
15 documents or statements in connection with, or supplemental  
16 to, the application for admission to or graduation from the  
17 institution.

18       (5) Each public community college or state university  
19 shall adopt rules for the lawful discipline of any student who  
20 intentionally acts to impair, interfere with, or obstruct the  
21 orderly conduct, processes, and functions of the institution.  
22 Said rules may apply to acts conducted on or off campus when  
23 relevant to such orderly conduct, processes, and functions.

24       Section 327. Section 1006.61, Florida Statutes, is  
25 created to read:

26       1006.61 Participation by students in disruptive  
27 activities at public postsecondary educational institution;  
28 penalties.--

29       (1) Any person who shall accept the privilege extended  
30 by the laws of this state of attendance at any state college,  
31 state community college, or state university shall, by so

1 attending such institution, be deemed to have given his or her  
2 consent to the policies of that institution, the State Board  
3 of Education, and the laws of this state. Such policies shall  
4 include prohibition against disruptive activities at state  
5 institutions of higher learning.

6 (2) After it has been determined that a student of a  
7 state institution of higher learning has participated in  
8 disruptive activities, such student may be immediately  
9 expelled from the institution of higher learning for a minimum  
10 of 2 years.

11 Section 328. Section 1006.62, Florida Statutes, is  
12 created to read:

13 1006.62 Expulsion and discipline of students of public  
14 community colleges and state universities.--

15 (1) Each student in a public community college or  
16 state university is subject to federal and state law,  
17 respective county and municipal ordinances, and all rules and  
18 regulations of the State Board of Education or board of  
19 trustees of the institution.

20 (2) Violation of these published laws, ordinances, or  
21 rules and regulations may subject the violator to appropriate  
22 action by the institution's authorities.

23 (3) Each president of a public community college or  
24 state university shall have authority, after notice to the  
25 student of the charges and after a hearing thereon, to expel,  
26 suspend, or otherwise discipline any student who is found to  
27 have violated any law, ordinance, or rule or regulation of the  
28 State Board of Education or of the board of trustees of the  
29 institution. A student may be entitled to waiver of expulsion:

30 (a) If the student provides substantial assistance in  
31 the identification, arrest, or conviction of any of his or her

1 accomplices, accessories, coconspirators, or principals or of  
2 any other person engaged in violations of chapter 893 within a  
3 state university or community college;

4 (b) If the student voluntarily discloses his or her  
5 violations of chapter 893 prior to his or her arrest; or

6 (c) If the student commits himself or herself, or is  
7 referred by the court in lieu of sentence, to a state-licensed  
8 drug abuse program and successfully completes the program.

9 Section 329. Section 1006.63, Florida Statutes, is  
10 created to read:

11 1006.63 Hazing prohibited.--

12 (1) As used in this section, "hazing" means any action  
13 or situation which recklessly or intentionally endangers the  
14 mental or physical health or safety of a student for the  
15 purpose of initiation or admission into or affiliation with  
16 any organization operating under the sanction of a  
17 postsecondary institution. Such term includes, but is not  
18 limited to, any brutality of a physical nature, such as  
19 whipping, beating, branding, forced calisthenics, exposure to  
20 the elements, forced consumption of any food, liquor, drug, or  
21 other substance, or other forced physical activity which could  
22 adversely affect the physical health or safety of the student,  
23 and also includes any activity which would subject the student  
24 to extreme mental stress, such as sleep deprivation, forced  
25 exclusion from social contact, forced conduct which could  
26 result in extreme embarrassment, or other forced activity  
27 which could adversely affect the mental health or dignity of  
28 the student.

29 (2) Public and nonpublic postsecondary educational  
30 institutions whose students receive state student financial  
31 assistance must adopt a written antihazing policy and under

1 such policy must adopt rules prohibiting students or other  
2 persons associated with any student organization from engaging  
3 in hazing.

4 (3) Public and nonpublic postsecondary educational  
5 institutions must provide a program for the enforcement of  
6 such rules and must adopt appropriate penalties for violations  
7 of such rules, to be administered by the person at the  
8 institution responsible for the sanctioning of such  
9 organizations.

10 (a) Such penalties at community colleges and state  
11 universities may include the imposition of fines; the  
12 withholding of diplomas or transcripts pending compliance with  
13 the rules or pending payment of fines; and the imposition of  
14 probation, suspension, or dismissal.

15 (b) In the case of an organization at a community  
16 college or state university which authorizes hazing in blatant  
17 disregard of such rules, penalties may also include rescission  
18 of permission for that organization to operate on campus  
19 property or to otherwise operate under the sanction of the  
20 institution.

21 (c) All penalties imposed under the authority of this  
22 subsection shall be in addition to any penalty imposed for  
23 violation of any of the criminal laws of this state or for  
24 violation of any other rule of the institution to which the  
25 violation may be subject.

26 (4) Rules adopted pursuant hereto shall apply to acts  
27 conducted on or off campus whenever such acts are deemed to  
28 constitute hazing.

29 (5) Upon approval of the antihazing policy of a  
30 community college or state university and of the rules and  
31 penalties adopted pursuant thereto, the institution shall



1 provide a copy of such policy, rules, and penalties to each  
2 student enrolled in that institution and shall require the  
3 inclusion of such policy, rules, and penalties in the bylaws  
4 of every organization operating under the sanction of the  
5 institution.

6 Section 330. Section 1006.64, Florida Statutes, is  
7 created to read:

8 1006.64 Suspension and removal from office of elected  
9 student government officials; referendum.--The student  
10 government association of each public community college and  
11 state university shall establish a process to provide for the  
12 removal from office of any elected student government official  
13 who has been convicted of a violation of criminal law or has  
14 been found civilly liable for an act of moral turpitude, after  
15 all available rights of judicial appeal have been exercised or  
16 waived or have expired. The process shall include a procedure  
17 for the immediate suspension of the student government  
18 official from elected office following the conviction or civil  
19 finding and during any appeal, and shall provide for the  
20 temporary successor to the subject office pending completion  
21 of any appeal. The process must also include a procedure for  
22 registered students to petition for a referendum recommending  
23 to the student government association the removal of a student  
24 official from elected office. The referendum must be held  
25 within 60 days of filing of the petition. The recommendation  
26 to remove the subject official from elected office shall be  
27 made by majority vote of the students participating in the  
28 referendum. The action of a student government association  
29 under this section shall be subject to an appeal to the  
30 university or community college president or designee.

31

1           Section 331. Section 1006.65, Florida Statutes, is  
2 created to read:

3           1006.65 Safety issues in courses offered by public  
4 postsecondary educational institutions.--

5           (1) The State Board of Education shall adopt rules to  
6 ensure that policies and procedures are in place to protect  
7 the health and safety of students, instructional personnel,  
8 and visitors who participate in courses offered by a public  
9 postsecondary educational institution.

10           (2) Such policies and procedures shall be guided by  
11 industry standards for practices in the course content area  
12 and shall conform with all related and relevant state and  
13 federal health and safety requirements.

14           Section 332. Section 1006.66, Florida Statutes, is  
15 created to read:

16           1006.66 Regulation of traffic at universities.--

17           (1) As defined under this section:

18           (a) "Traffic," when used as a noun, means the use or  
19 occupancy of, and the movement in, on, or over, streets, ways,  
20 walks, roads, alleys, and parking areas by vehicles,  
21 pedestrians, or ridden or herded animals.

22           (b) "Adjacent municipality" means a municipality which  
23 is contiguous or adjacent to, or which contains within its  
24 boundaries all or part of the grounds of, a university; except  
25 that, if the grounds of a university are not within or  
26 contiguous to a municipality, "adjacent municipality" means  
27 the county seat of the county which contains within its  
28 boundaries all or part of the grounds of the university.

29           (c) "Grounds" includes all of the campus and grounds  
30 of the university, whether it be the campus proper or outlying  
31 or noncontiguous land of the university within the county.

1           (d) "Law enforcement officers" include municipal  
2 police, patrol officers, traffic officers, sheriffs, deputies,  
3 highway patrol officers, and county traffic officers assigned  
4 to duty on the grounds of the university, as well as campus  
5 police, traffic officers, guards, parking patrollers, and  
6 other noncommissioned personnel designated for traffic  
7 purposes by the university.

8           (e) "University traffic infraction" means a  
9 noncriminal violation of university parking and traffic rules  
10 which is not included under s. 318.14 or s. 318.17 or any  
11 municipal ordinance, which is not punishable by incarceration,  
12 and for which there is no right to trial by jury or to  
13 court-appointed counsel.

14           (f) "Traffic authority" means an individual or a group  
15 of individuals at each university, authorized and appointed by  
16 the president of the university to adjudicate university  
17 traffic infractions.

18           (2) Each university board of trustees shall adopt  
19 rules which govern traffic on the grounds of that university;  
20 which provide penalties for the infraction of such traffic  
21 rules; and which the university finds necessary, convenient,  
22 or advisable for the safety or welfare of the students,  
23 faculty members, or other persons. Copies of such rules shall  
24 be posted at the university on public bulletin boards where  
25 notices are customarily posted, filed with the city clerk or  
26 corresponding municipal or county officer, and made available  
27 to any person requesting same. When adopted, said rules shall  
28 be enforceable as herein provided. All ordinances of the  
29 adjacent municipality relating to traffic which are not in  
30 conflict or inconsistent with the traffic rules adopted by the  
31 individual university shall extend and be applicable to the

1 grounds of the university. The provisions of chapter 316 shall  
2 extend and be applicable to the grounds of the university, and  
3 the rules adopted by the individual university shall not  
4 conflict with any section of that chapter.

5 (3) Any person who violates any of those rules adopted  
6 by the individual institution shall be deemed to have  
7 committed a university traffic infraction and shall be fined  
8 or penalized as provided by the rules adopted by the  
9 institution. Any person who violates any traffic regulation  
10 enumerated in chapter 316 shall be charged, and the cause  
11 shall proceed, in accordance with chapters 316 and 318.

12 (4) A person charged with a university traffic  
13 infraction shall elect the option prescribed in paragraph (a)  
14 or the option prescribed in paragraph (b). If neither option  
15 is exercised within the prescribed time by the person charged  
16 with a university traffic infraction, an additional fine or  
17 penalty may be assessed, and shall be payable, in accordance  
18 with the rules of the university.

19 (a) The person charged may pay the applicable  
20 infraction fine, either by mail or in person, within the time  
21 period specified in the rules of the individual university. A  
22 schedule of infraction fines applicable to each university  
23 shall be adopted by the university.

24 (b) The person charged may elect to appear before the  
25 university traffic authority for administrative determination  
26 pursuant to procedures enumerated in the rules of such  
27 university.

28 (5) Each university is authorized to approve the  
29 establishment of a university traffic authority to hear  
30 violations of traffic rules. In such cases as come before the  
31 authority, the university traffic authority shall determine

1 whether the person is guilty or not guilty of the charge. In  
2 the case of a finding of guilt, the authority shall, in its  
3 discretion, impose an appropriate penalty pursuant to  
4 subsection (3).

5 (6) This section shall provide the exclusive  
6 procedures for the adjudication of university traffic  
7 infractions.

8 (7) Moneys collected from parking assessments and  
9 infraction fines shall be deposited in appropriate funds and  
10 shall be used to defray the administrative and operating costs  
11 of the traffic and parking program at the institution, to  
12 provide for additional parking facilities on campus, or for  
13 student loan purposes.

14 Section 333. Section 1006.67, Florida Statutes, is  
15 created to read:

16 1006.67 Report of campus crime statistics and  
17 assessment of physical plant safety.--

18 (1) Each postsecondary educational institution shall  
19 prepare an annual report of campus crime statistics for  
20 submission to the Department of Education. The data for these  
21 reports may be taken from the Florida Department of Law  
22 Enforcement Annual Report. The Department of Education shall  
23 prescribe the format for institutional submission.

24 (2) Each postsecondary institution shall prepare a  
25 report of crime statistics as reported under subsection (1)  
26 for the most recent 3-year period. The report shall be updated  
27 annually. The institution shall give notice that this report  
28 is available upon request.

29 (3) The Commissioner of Education shall convey the  
30 reports required by this section to the President of the  
31

1 Senate and the Speaker of the House of Representatives no  
2 later than March 1 of each year.

3 Section 334. Section 1006.68, Florida Statutes, is  
4 created to read:

5 1006.68 HIV and AIDS policy.--Each community college  
6 and state university shall develop a comprehensive policy that  
7 addresses the provision of instruction, information, and  
8 activities regarding human immunodeficiency virus infection  
9 and acquired immune deficiency syndrome. Such instruction,  
10 information, or activities shall emphasize the known modes of  
11 transmission of human immunodeficiency virus infection and  
12 acquired immune deficiency syndrome, signs and symptoms,  
13 associated risk factors, appropriate behavior and attitude  
14 change, and means used to control the spread of human  
15 immunodeficiency virus infection and acquired immune  
16 deficiency syndrome.

17 Section 335. Section 1006.70, Florida Statutes, is  
18 created to read:

19 1006.70 Sponsorship of athletic activities similar to  
20 those for which scholarships offered; rulemaking.--

21 (1) If a district school board sponsors an athletic  
22 activity or sport that is similar to a sport for which a  
23 community college or state university offers an athletic  
24 scholarship, it must sponsor the athletic activity or sport  
25 for which a scholarship is offered. This section does not  
26 affect academic requirements for participation or prevent the  
27 districts or community colleges from sponsoring activities in  
28 addition to those for which scholarships are provided.

29 (2) If a Florida community college sponsors an  
30 athletic activity or sport that is similar to a sport for  
31 which a state university offers an athletic scholarship, it

1 must sponsor the athletic activity or sport for which a  
2 scholarship is offered.

3 (3) Two athletic activities or sports that are similar  
4 may be offered simultaneously.

5 (4) If the level of participation is insufficient to  
6 warrant continuation of an athletic activity or sport, the  
7 school may offer an alternative athletic activity or sport.

8 (5) The State Board of Education shall adopt rules to  
9 administer this section, including rules that determine which  
10 athletic activities are similar to sports for which public  
11 postsecondary educational institutions offer scholarships.

12 Section 336. Section 1006.71, Florida Statutes, is  
13 created to read:

14 1006.71 Gender equity in intercollegiate athletics.--

15 (1) GENDER EQUITY PLAN.--

16 (a) Each community college and state university shall  
17 develop a gender equity plan pursuant to s. 1000.05.

18 (b) The plan shall include consideration of equity in  
19 sports offerings, participation, availability of facilities,  
20 scholarship offerings, and funds allocated for administration,  
21 recruitment, comparable coaching, publicity and promotion, and  
22 other support costs.

23 (c) The Commissioner of Education shall annually  
24 assess the progress of each institution's plan and advise the  
25 State Board of Education regarding compliance.

26 (d) Each board of trustees of a public community  
27 college or state university shall annually evaluate the  
28 presidents on the extent to which the gender equity goals have  
29 been achieved.

30 (e) To determine the proper level of support for  
31 women's athletic scholarships, an equity plan may determine,

1 where appropriate, that support for women's scholarships may  
2 be disproportionate to the support of scholarships for men.

3 (f) If a community college or state university is not  
4 in compliance with Title IX of the Education Amendments of  
5 1972 and the Florida Educational Equity Act, the State Board  
6 of Education shall:

7 1. Declare the institution ineligible for competitive  
8 state grants.

9 2. Withhold funds sufficient to obtain compliance.

10  
11 The institution shall remain ineligible and the funds shall  
12 not be paid until the institution comes into compliance or the  
13 Commissioner of Education approves a plan for compliance.

14 (2) FUNDING.--

15 (a) An equitable portion of all separate athletic fees  
16 shall be designated for women's intercollegiate athletics.

17 (b) The level of funding and percentage share of  
18 support for women's intercollegiate athletics shall be  
19 determined by the State Board of Education. The level of  
20 funding and percentage share attained in the 1980-1981 fiscal  
21 year shall be the minimum level and percentage maintained by  
22 each institution, except as the State Board of Education  
23 otherwise directs for the purpose of assuring equity.

24 Consideration shall be given by the State Board of Education  
25 to emerging athletic programs at institutions which may not  
26 have the resources to secure external funds to provide  
27 athletic opportunities for women. It is the intent that the  
28 effect of any redistribution of funds among institutions shall  
29 not negate the requirements as set forth in this section.

30 (c) In addition to the above amount, an amount equal  
31 to the sales taxes collected from admission to athletic events



1 sponsored by a state university shall be retained and utilized  
2 by each university to support women's athletics.

3 (3) STATE BOARD OF EDUCATION.--The State Board of  
4 Education shall assure equal opportunity for female athletes  
5 and establish:

6 (a) Guidelines for reporting of intercollegiate  
7 athletics data concerning financial, program, and facilities  
8 information for review by the State Board of Education  
9 annually.

10 (b) Systematic audits for the evaluation of such data.

11 (c) Criteria for determining and assuring equity.

12 Section 337. Chapter 1007 shall be entitled  
13 "Articulation and Access" and shall consist of ss.  
14 1007.01-1007.34.

15 Section 338. Part I of chapter 1007 shall be entitled  
16 "General Provisions" and shall consist of s. 1007.01.

17 Section 339. Section 1007.01, Florida Statutes, is  
18 created to read:

19 1007.01 Articulation; legislative intent; purpose;  
20 role of the State Board of Education.--

21 (1) It is the intent of the Legislature to facilitate  
22 articulation and seamless integration of the K-20 education  
23 system by building and sustaining relationships among K-20  
24 public organizations, between public and private  
25 organizations, and between the educational system as a whole  
26 and Florida's communities. The purpose of building and  
27 sustaining these relationships is to provide for the efficient  
28 and effective progression and transfer of students within the  
29 educational system and to allow students to proceed toward  
30 their educational objectives as rapidly as their circumstances  
31 permit.

1       (2) To improve and facilitate articulation systemwide,  
2 the State Board of Education shall develop policies and  
3 guidelines with input from statewide K-20 advisory groups  
4 established by the Commissioner of Education relating to:

5       (a) The alignment between the exit requirements of one  
6 system and the admissions requirements of another system into  
7 which students typically transfer.

8       (b) The identification of common courses, the level of  
9 courses, institutional participation in a statewide course  
10 numbering system, and the transferability of credits among  
11 such institutions.

12       (c) Identification of courses that meet general  
13 education or common degree program prerequisite requirements  
14 at public postsecondary education institutions.

15       (d) Dual enrollment course equivalencies.

16       (e) Articulation agreements.

17       Section 340. Part II of chapter 1007 shall be entitled  
18 "Articulation" and shall consist of ss. 1007.21-1007.28.

19       Section 341. Section 1007.21, Florida Statutes, is  
20 created to read:

21       1007.21 Readiness for postsecondary education and the  
22 workplace.--

23       (1) It is the intent of the Legislature that students  
24 and parents set early achievement and career goals for the  
25 student's post-high school experience. This section sets forth  
26 a model which schools, through their school advisory councils,  
27 may choose to implement to ensure that students are ready for  
28 postsecondary education and the workplace. If such a program  
29 is adopted, students and their parents shall have the option  
30 of participating in this model to plan the student's secondary  
31 level course of study. Parents and students are to become

1 partners with school personnel in educational choice. Clear  
2 academic course expectations shall be made available to all  
3 students by allowing both student and parent or guardian  
4 choice.

5 (2)(a) Students entering the 9th grade and their  
6 parents shall be active participants in choosing an  
7 end-of-high-school student destination based upon both student  
8 and parent or guardian goals. Four or more destinations should  
9 be available with bridges between destinations to enable  
10 students to shift destinations should they choose to change  
11 goals. The destinations shall accommodate the needs of  
12 students served in exceptional education programs to the  
13 extent appropriate for individual students. Exceptional  
14 education students may continue to follow the courses outlined  
15 in the school district pupil progression plan. Participating  
16 students and their parents shall choose among destinations,  
17 which must include:

18 1. Four-year college or university, community college  
19 plus university, or military academy.

20 2. Two-year postsecondary degree.

21 3. Postsecondary career and technical certificate.

22 4. Immediate employment or entry-level military.

23 (b) The student progression model toward a chosen  
24 destination shall include:

25 1. A "path" of core courses leading to each of the  
26 destinations provided in paragraph (a).

27 2. A recommended group of electives which shall help  
28 define each path.

29 3. Provisions for a teacher, school administrator,  
30 other school staff member, or community volunteer to be  
31

1 assigned to a student as an "academic advocate" if parental or  
2 guardian involvement is lacking.

3 (c) The common placement test authorized in ss.  
4 1001.03(10) and 1008.30 or a similar test may be administered  
5 to all high school second semester sophomores who have chosen  
6 one of the four destinations. The results of the placement  
7 test shall be used to target additional instructional needs in  
8 reading, writing, and mathematics prior to graduation.

9 (d) Ample opportunity shall be provided for students  
10 to move from one destination to another, and some latitude  
11 shall exist within each destination, to meet the individual  
12 needs of students.

13 (e) Destinations specified in subparagraphs (a)1., 2.,  
14 and 3. shall support the goals of the Tech Prep program.  
15 Students participating in Tech Prep shall be enrolled in  
16 articulated, sequential programs of study which include a  
17 technical component and at least a minimum of a postsecondary  
18 certificate or 2-year degree.

19 (f) In order for these destinations to be attainable,  
20 the business community shall be encouraged to support  
21 real-world internships and apprenticeships.

22 (g) All students shall be encouraged to take part in  
23 service learning opportunities.

24 (h) High school equivalency diploma preparation  
25 programs shall not be a choice for high school students  
26 leading to any of the four destinations provided in paragraph  
27 (a) since the appropriate coursework, counseling component,  
28 and career preparation cannot be ensured.

29 (i) Schools shall ensure that students and parents are  
30 made aware of the destinations available and provide the  
31 necessary coursework to assist the student in reaching the

1 chosen destination. Students and parents shall be made aware  
2 of the student's progress toward the chosen destination.

3 (j) The Department of Education shall offer technical  
4 assistance to school districts to ensure that the destinations  
5 offered also meet the academic standards adopted by the state.

6 (3)(a) Access to Level I courses for graduation credit  
7 and for pursuit of a declared destination shall be limited to  
8 only those students for whom assessment indicates a more  
9 rigorous course of study would be inappropriate.

10 (b) The school principal shall:

11 1. Designate a member of the existing instructional or  
12 administrative staff to serve as a specialist to help  
13 coordinate the use of student achievement strategies to help  
14 students succeed in their coursework. The specialist shall  
15 also assist teachers in integrating the academic and career  
16 and technical curricula, utilizing technology, providing  
17 feedback regarding student achievement, and implementing the  
18 Blueprint for Career Preparation and Tech Prep programs.

19 2. Institute strategies to eliminate reading, writing,  
20 and mathematics deficiencies of secondary students.

21 Section 342. Section 1007.22, Florida Statutes, is  
22 created to read:

23 1007.22 Articulation; postsecondary institution  
24 coordination and collaboration.--

25 (1) The university boards of trustees, community  
26 college boards of trustees, and district school boards are  
27 authorized to establish intrainstitutional and  
28 interinstitutional programs to maximize articulation. Programs  
29 may include upper-division-level courses offered at the  
30 community college, distance learning, transfer agreements that  
31 facilitate the transfer of credits between public and

1 nonpublic postsecondary institutions, and the concurrent  
2 enrollment of students at a community college and a state  
3 university to enable students to take any level of  
4 baccalaureate degree coursework.

5 (2) The levels of postsecondary education shall  
6 collaborate in further developing and providing articulated  
7 programs in which students can proceed toward their  
8 educational objectives as rapidly as their circumstances  
9 permit. Time-shortened educational programs, as well as the  
10 use of acceleration mechanisms, shall include, but not be  
11 limited to, the International Baccalaureate, credit by  
12 examination or demonstration of competency, advanced  
13 placement, early admissions, and dual enrollment.

14 (3) Public postsecondary education institutions  
15 serving the same students in a geographic and service area are  
16 encouraged to establish appropriate interinstitutional  
17 mechanisms to achieve cooperative planning and delivery of  
18 academic programs and related services, share a high-cost  
19 instructional facility and equipment, coordinate credit and  
20 noncredit outreach activities, have access to each other's  
21 library and media holdings and services, and provide  
22 cooperative campus activities and consultative relationships  
23 for the discussion and resolution of interinstitutional issues  
24 and problems which discourage student access or transfer.

25 (4) Public postsecondary education institutions are  
26 encouraged to include independent colleges and universities  
27 and industries within their service areas in mutual planning  
28 of a comprehensive, complementary, cost-effective array of  
29 undergraduate and beginning graduate programs of study to  
30 serve that geographic area.

31

1 Section 343. Section 1007.23, Florida Statutes, is  
2 created to read:

3 1007.23 Statewide articulation agreement.--

4 (1) The State Board of Education shall establish in  
5 rule a statewide articulation agreement that governs:

6 (a) Articulation between secondary and postsecondary  
7 education;

8 (b) Admission of associate in arts degree graduates  
9 from Florida community colleges and state universities;

10 (c) Admission of applied technology diploma program  
11 graduates from public community colleges or technical centers;

12 (d) Admission of associate in science degree and  
13 associate in applied science degree graduates from Florida  
14 community colleges;

15 (e) The use of acceleration mechanisms, including  
16 nationally standardized examinations through which students  
17 may earn credit;

18 (f) General education requirements and statewide  
19 course numbers as provided for in ss. 1007.24 and 1007.25; and

20 (g) Articulation among programs in nursing.

21 (2) The articulation agreement must specifically  
22 provide that every associate in arts graduate of a Florida  
23 community college shall have met all general education  
24 requirements and must be granted admission to the upper  
25 division of a state university except to a limited access or  
26 teacher certification program or a major program requiring an  
27 audition. After admission has been granted to students under  
28 provisions of this section and to university students who have  
29 successfully completed 60 credit hours of coursework,  
30 including 36 hours of general education, and met the  
31 requirements of s. 1008.29, admission shall be granted to

1 state university and community college students who have  
2 successfully completed 60 credit hours of work, including 36  
3 hours of general education. Community college associate in  
4 arts graduates shall receive priority for admission to a state  
5 university over out-of-state students. Orientation programs  
6 and student handbooks provided to freshman enrollees and  
7 transfer students at state universities must include an  
8 explanation of this provision of the articulation agreement.

9       (3) The articulation agreement must guarantee the  
10 statewide articulation of appropriate workforce development  
11 programs and courses between school districts and community  
12 colleges and specifically provide that every applied  
13 technology diploma graduate must be granted the same amount of  
14 credit upon admission to an associate in science degree or  
15 associate in applied science degree program unless it is a  
16 limited access program. Preference for admission must be given  
17 to graduates who are residents of Florida.

18       (4) The articulation agreement must guarantee the  
19 statewide articulation of appropriate courses within associate  
20 in science degree programs to baccalaureate degree programs.  
21 Courses within an associate in applied science degree program  
22 may articulate into a baccalaureate degree program on an  
23 individual or block basis as authorized in local  
24 interinstitutional articulation agreements.

25       Section 344. Section 1007.235, Florida Statutes, is  
26 created to read:

27       1007.235 District interinstitutional articulation  
28 agreements.--

29       (1) Superintendents of schools and community college  
30 presidents shall jointly develop and implement a comprehensive  
31 articulated acceleration program for the students enrolled in



1 their respective school districts and service areas. Within  
2 this general responsibility, each superintendent and president  
3 shall develop a comprehensive interinstitutional articulation  
4 agreement for the school district and community college that  
5 serves the school district. The district school superintendent  
6 and president shall establish an articulation committee for  
7 the purpose of developing this agreement. Each state  
8 university president is encouraged to designate a university  
9 representative to participate in the development of the  
10 interinstitutional articulation agreements for each school  
11 district within the university service area.

12 (2) The district interinstitutional articulation  
13 agreement for each school year must be completed before high  
14 school registration for the fall term of the following school  
15 year. The agreement must include, but is not limited to, the  
16 following components:

17 (a) A ratification or modification of all existing  
18 articulation agreements.

19 (b)1. A delineation of courses and programs available  
20 to students eligible to participate in dual enrollment. This  
21 delineation must include a plan for the community college to  
22 provide guidance services to participating students on the  
23 selection of courses in the dual enrollment program. The  
24 process of community college guidance should make maximum use  
25 of the automated advisement system for community colleges. The  
26 plan must assure that each dual enrollment student is  
27 encouraged to identify a postsecondary education objective  
28 with which to guide the course selection. At a minimum, each  
29 student's plan should include a list of courses that will  
30 result in an Applied Technology Diploma, an Associate in  
31 Science degree, or an Associate in Arts degree. If the student

1 identifies a baccalaureate degree as the objective, the plan  
2 must include courses that will meet the general education  
3 requirements and any prerequisite requirements for entrance  
4 into a selected baccalaureate degree program.

5 2. A delineation of the process by which students and  
6 their parents are informed about opportunities to participate  
7 in articulated acceleration programs.

8 3. A delineation of the process by which students and  
9 their parents exercise their option to participate in an  
10 articulated acceleration program.

11 4. A delineation of high school credits earned for  
12 completion of each dual enrollment course.

13 5. Provision for postsecondary courses that meet the  
14 criteria for inclusion in a district articulated acceleration  
15 program to be counted toward meeting the graduation  
16 requirements of s. 1003.43.

17 6. An identification of eligibility criteria for  
18 student participation in dual enrollment courses and programs.

19 7. A delineation of institutional responsibilities  
20 regarding student screening prior to enrollment and monitoring  
21 student performance subsequent to enrollment in dual  
22 enrollment courses and programs.

23 8. An identification of the criteria by which the  
24 quality of dual enrollment courses and programs are to be  
25 judged and a delineation of institutional responsibilities for  
26 the maintenance of instructional quality.

27 9. A delineation of institutional responsibilities for  
28 assuming the cost of dual enrollment courses and programs that  
29 includes such responsibilities for student instructional  
30 materials.

31

1           10. An identification of responsibility for providing  
2 student transportation if the dual enrollment instruction is  
3 conducted at a facility other than the high school campus.

4           11. A delineation of the process for converting  
5 college credit hours earned through dual enrollment and early  
6 admission programs to high school credit based on mastery of  
7 course outcomes as determined by the Department of Education  
8 in accordance with s. 1007.271(6).

9           (c) Mechanisms and strategies for reducing the  
10 incidence of postsecondary remediation in math, reading, and  
11 writing for first-time-enrolled recent high school graduates,  
12 based upon the findings in the postsecondary  
13 readiness-for-college report produced pursuant to s. 1008.37.  
14 Each articulation committee shall annually analyze and assess  
15 the effectiveness of the mechanisms toward meeting the goal of  
16 reducing postsecondary remediation needs. Results of the  
17 assessment shall be annually presented to participating  
18 district school boards and community college boards of  
19 trustees and shall include, but not be limited to:

20           1. Mechanisms currently being initiated.

21           2. An analysis of problems and corrective actions.

22           3. Anticipated outcomes.

23           4. Strategies for the better preparation of students  
24 upon graduation from high school.

25           5. An analysis of costs associated with the  
26 implementation of postsecondary remedial education and  
27 secondary-level corrective actions.

28           6. The identification of strategies for reducing costs  
29 of the delivery of postsecondary remediation for recent high  
30 school graduates, including the consideration and assessment  
31

1 of alternative instructional methods and services such as  
2 those produced by private providers.

3  
4 Wherever possible, public schools and community colleges are  
5 encouraged to share resources, form partnerships with private  
6 industries, and implement innovative strategies and mechanisms  
7 such as distance learning, summer student and faculty  
8 workshops, parental involvement activities, and the  
9 distribution of information over the Internet.

10 (d) Mechanisms and strategies for promoting "tech  
11 prep" programs of study. Such mechanisms should raise  
12 awareness about the programs, promote enrollment in the  
13 programs, and articulate students from a secondary portion  
14 into a planned, related postsecondary portion of a sequential  
15 program of study that leads to a terminal postsecondary career  
16 or technical education degree or certificate.

17 (3) The district interinstitutional articulation  
18 agreement shall include a plan that outlines the mechanisms  
19 and strategies for improving the preparation of elementary,  
20 middle, and high school teachers. Effective collaboration  
21 among school districts, postsecondary institutions, and  
22 practicing educators is essential to improving teaching in  
23 Florida's elementary and secondary schools and consequently,  
24 the retention and success of students through high school  
25 graduation and into postsecondary education. Professional  
26 development programs shall be developed cooperatively and  
27 include curricular content which focuses upon local and state  
28 needs and responds to state, national, and district policy and  
29 program priorities. School districts and community colleges  
30 are encouraged to develop plans which utilize new

31

1 technologies, address critical needs in their implementation,  
2 and include both preservice and inservice initiatives.

3 (4) The district school superintendent is responsible  
4 for incorporating, either directly or by reference, all dual  
5 enrollment courses contained within the district  
6 interinstitutional articulation agreement within the district  
7 pupil progression plan.

8 (5) The Department of Education shall review each  
9 articulation agreement and certify the statewide course number  
10 of postsecondary courses that meet each district's graduation  
11 requirements.

12 (6) School districts and community colleges may enter  
13 into additional interinstitutional articulation agreements  
14 with state universities for the purposes of this section.  
15 School districts may also enter into interinstitutional  
16 articulation agreements with eligible independent colleges and  
17 universities pursuant to s. 1011.62(1)(i).

18 (7) State universities and community colleges may  
19 enter into interinstitutional articulation agreements with  
20 nonpublic secondary schools pursuant to s. 1007.271(2).

21 Section 345. Section 1007.24, Florida Statutes, is  
22 created to read:

23 1007.24 Statewide course numbering system.--

24 (1) The Department of Education shall develop,  
25 coordinate, and maintain a statewide course numbering system  
26 for postsecondary and dual enrollment education in school  
27 districts, public postsecondary education institutions, and  
28 participating nonpublic postsecondary education institutions  
29 which will improve program planning, increase communication  
30 among all delivery systems, and facilitate student  
31 acceleration and the transfer of students and credits between

1 public school districts, public postsecondary education  
2 institutions, and participating nonpublic institutions. The  
3 continuing maintenance of the system shall be accomplished  
4 with the assistance of appropriate faculty committees  
5 representing public and participating nonpublic institutions.

6 (2) The Commissioner of Education shall appoint  
7 faculty committees representing faculties of participating  
8 institutions to recommend a single level for each course,  
9 including postsecondary career and technical education  
10 courses, included in the statewide course numbering system.

11 (a) Any course designated as an upper-division level  
12 course must be characterized by a need for advanced academic  
13 preparation and skills that a student would be unlikely to  
14 achieve without significant prior coursework.

15 (b) A course that is offered as part of an associate  
16 in science degree program and as an upper-division course for  
17 a baccalaureate degree shall be designated for both the lower  
18 and upper division.

19 (c) A course designated as lower-division may be  
20 offered by any community college.

21 (3) The Commissioner of Education shall recommend to  
22 the State Board of Education the levels for the courses.

23 (4) The statewide course numbering system shall  
24 include the courses at the recommended levels.

25 (5) The registration process at each state university  
26 and community college shall include the courses at their  
27 designated levels and statewide course number.

28 (6) Nonpublic colleges and schools that are fully  
29 accredited by a regional or national accrediting agency  
30 recognized by the United States Department of Education and  
31 are either eligible to participate in the William L. Boyd, IV,

1 Florida Resident Access Grant or have been issued a regular  
2 license pursuant to s. 1005.31, may participate in the  
3 statewide course numbering system pursuant to s. 1007.24.  
4 Participating colleges and schools shall bear the costs  
5 associated with inclusion in the system and shall meet the  
6 terms and conditions for institutional participation in the  
7 system. The department shall adopt a fee schedule that  
8 includes the expenses incurred through data processing,  
9 faculty task force travel and per diem, and staff and clerical  
10 support time. Such fee schedule may differentiate between the  
11 costs associated with initial course inclusion in the system  
12 and costs associated with subsequent course maintenance in the  
13 system. Decisions regarding initial course inclusion and  
14 subsequent course maintenance must be made within 360 days  
15 after submission of the required materials and fees by the  
16 institution. The Department of Education may select a date by  
17 which colleges must submit requests for new courses to be  
18 included, and may delay review of courses submitted after that  
19 date until the next year's cycle. Any college that currently  
20 participates in the system, and that participated in the  
21 system prior to July 1, 1986, shall not be required to pay the  
22 costs associated with initial course inclusion in the system.  
23 Fees collected for participation in the statewide course  
24 numbering system pursuant to the provisions of this section  
25 shall be deposited in the Institutional Assessment Trust Fund.  
26 Any nonpublic, nonprofit college or university that is  
27 eligible to participate in the statewide course numbering  
28 system shall not be required to pay the costs associated with  
29 participation in the system. No college or school shall  
30 record student transcripts or document courses offered by the  
31 college or school in accordance with this subsection unless

1 the college or school is actually participating in the system  
2 pursuant to rules of the State Board of Education. Any  
3 college or school deemed to be in violation of this section  
4 shall be subject to the provisions of s. 1005.38.

5 (7) Any student who transfers among postsecondary  
6 institutions that are fully accredited by a regional or  
7 national accrediting agency recognized by the United States  
8 Department of Education and that participate in the statewide  
9 course numbering system shall be awarded credit by the  
10 receiving institution for courses satisfactorily completed by  
11 the student at the previous institutions. Credit shall be  
12 awarded if the courses are judged by the appropriate statewide  
13 course numbering system faculty committees representing school  
14 districts, public postsecondary education institutions, and  
15 participating nonpublic postsecondary education institutions  
16 to be academically equivalent to courses offered at the  
17 receiving institution, including equivalency of faculty  
18 credentials, regardless of the public or nonpublic control of  
19 the previous institution. The Department of Education shall  
20 ensure that credits to be accepted by a receiving institution  
21 are generated in courses for which the faculty possess  
22 credentials that are comparable to those required by the  
23 accrediting association of the receiving institution. The  
24 award of credit may be limited to courses that are entered in  
25 the statewide course numbering system. Credits awarded  
26 pursuant to this subsection shall satisfy institutional  
27 requirements on the same basis as credits awarded to native  
28 students.

29 (8) The State Board of Education shall adopt rules  
30 that provide for the conduct of regularly scheduled purges of  
31 courses that are listed in the statewide course numbering



1 system but have not been taught at an institution for the  
2 preceding 5 years. These rules must include waiver provisions  
3 that allow course continuation if an institution has  
4 reasonable cause for having not offered a course within the  
5 5-year limit and an expectation that the course will be  
6 offered again within the following 5 years.

7 Section 346. Section 1007.25, Florida Statutes, is  
8 created to read:

9 1007.25 General education courses; common  
10 prerequisites; and other degree requirements.--

11 (1) The department shall identify the degree programs  
12 offered by public postsecondary education institutions.

13 (2) The department shall identify postsecondary career  
14 and technical education programs offered by community colleges  
15 and public school districts. The department shall also  
16 identify career and technical courses designated as college  
17 credit courses applicable toward a career and technical  
18 education diploma or degree. Such courses must be identified  
19 within the statewide course numbering system.

20 (3) The department shall identify those courses that  
21 meet general education requirements within the subject areas  
22 of communication, mathematics, social sciences, humanities,  
23 and natural sciences. The courses shall be identified by their  
24 statewide course code number. All public postsecondary  
25 education institutions shall accept these general education  
26 courses.

27 (4) The department shall identify those courses  
28 offered by universities and accepted for credit toward a  
29 degree. The department shall identify courses designated as  
30 either general education or required as a prerequisite for a  
31

1 degree. The courses shall be identified by their statewide  
2 course number.

3 (5) The department shall identify common prerequisite  
4 courses and course substitutions for degree programs across  
5 all institutions. Common degree program prerequisites shall be  
6 offered and accepted by all state universities and community  
7 colleges, except in cases approved by the State Board of  
8 Education pursuant to s.1001.02(2)(x). The department shall  
9 develop a centralized database containing the list of courses  
10 and course substitutions that meet the prerequisite  
11 requirements for each baccalaureate degree program.

12 (6) The boards of trustees of the community colleges  
13 and state universities shall identify their core curricula,  
14 which shall include courses required by the State Board of  
15 Education. The universities and community colleges shall work  
16 with their school districts to assure that high school  
17 curricula coordinate with the core curricula and to prepare  
18 students for college-level work. Core curricula for associate  
19 in arts programs shall be adopted in rule by the State Board  
20 of Education and shall include 36 semester hours of general  
21 education courses in the subject areas of communication,  
22 mathematics, social sciences, humanities, and natural  
23 sciences.

24 (7) An associate in arts degree shall require no more  
25 than 60 semester hours of college credit, including 36  
26 semester hours of general education coursework. Except for  
27 college-preparatory coursework required pursuant to s.  
28 1008.30, all required coursework shall count toward the  
29 associate in arts degree or the baccalaureate degree.

30 (8) A baccalaureate degree program shall require no  
31 more than 120 semester hours of college credit, including 36

1 semester hours of general education coursework, unless prior  
2 approval has been granted by the State Board of Education.

3 (9) A student who received an associate in arts degree  
4 for successfully completing 60 semester credit hours may  
5 continue to earn additional credits at a community college.  
6 The university must provide credit toward the student's  
7 baccalaureate degree for an additional community college  
8 course if, according to the statewide course numbering, the  
9 community college course is a course listed in the university  
10 catalog as required for the degree or as prerequisite to a  
11 course required for the degree. Of the courses required for  
12 the degree, at least half of the credit hours required for the  
13 degree shall be achievable through courses designated as lower  
14 division, except in degree programs approved by the State  
15 Board of Education.

16 (10) Students at state universities may request  
17 associate in arts certificates if they have successfully  
18 completed the minimum requirements for the degree of associate  
19 in arts (A.A.). The university must grant the student an  
20 associate in arts degree if the student has successfully  
21 completed minimum requirements for college-level communication  
22 and computation skills adopted by the State Board of Education  
23 and 60 academic semester hours or the equivalent within a  
24 degree program area, with 36 semester hours in general  
25 education courses in the subject areas of communication,  
26 mathematics, social sciences, humanities, and natural  
27 sciences, consistent with the general education requirements  
28 specified in the articulation agreement pursuant to s.  
29 1007.23.

30 (11) The Commissioner of Education shall appoint  
31 faculty committees representing both community college and

1 public school faculties to recommend to the commissioner for  
2 approval by the State Board of Education a standard program  
3 length and appropriate occupational completion points for each  
4 postsecondary career and technical certificate program,  
5 diploma, and degree.

6 Section 347. Section 1007.261, Florida Statutes, is  
7 created to read:

8 1007.261 State universities; admissions of  
9 students.--Each university board of trustees is authorized to  
10 adopt rules governing the admission of students, subject to  
11 this section and rules of the State Board of Education.

12 (1) Minimum academic standards for undergraduate  
13 admission to a university include:

14 (a) Each student must have received a high school  
15 diploma pursuant to s. 1003.43, or its equivalent, except as  
16 provided in s. 1007.271(2)-(5) or completed a home education  
17 program according to s. 1002.41.

18 (b) Each student must have successfully completed a  
19 college-preparatory curriculum of 19 credits, as defined in  
20 rules of the State Board of Education, including at least 2  
21 credits of sequential foreign language at the secondary level  
22 or the equivalent of such instruction at the postsecondary  
23 level. A student who completes a home education program  
24 according to s. 1002.41 is not required to document completion  
25 of the 19 credits required by this paragraph. A student whose  
26 native language is not English is exempt from the foreign  
27 language requirement, provided that the student demonstrates  
28 proficiency in the native language. If a standardized test is  
29 not available in the student's native language for the  
30 demonstration of proficiency, the university may provide an  
31 alternative method of assessment. The State Board of Education

1 shall adopt rules for the articulation of foreign language  
2 competency and equivalency between secondary and postsecondary  
3 institutions. A student who received an associate in arts  
4 degree prior to September 1, 1989, or who enrolled in a  
5 program of studies leading to an associate degree from a  
6 Florida community college prior to August 1, 1989, and  
7 maintains continuous enrollment shall be exempt from this  
8 admissions requirement.

9 (c) Each student must have submitted a test score from  
10 the Scholastic Assessment Test of the College Entrance  
11 Examination Board or the American College Testing Program.

12 (2) The minimum admission standards adopted by the  
13 State Board of Education or a university board of trustees  
14 must permit a student to earn at least 4 of the 19 credits  
15 constituting the college-preparatory curriculum required for  
16 admission as electives in any one of the following manners:

17 (a) Successful completion of any course identified in  
18 the Department of Education course code directory as level two  
19 or higher in one or more of the following subject areas:  
20 English, mathematics, natural science, social science, and  
21 foreign language;

22 (b) Successful completion of any course identified in  
23 the Department of Education course code directory as level  
24 three in the same or related disciplines;

25 (c) Any combination of the courses identified in  
26 paragraphs (a) and (b); or

27 (d) Successful completion of two credits from the  
28 courses identified in paragraph (a), plus no more than two  
29 total credits from the following categories of courses:

30 1. Courses identified in the Department of Education  
31 course code directory as ROTC and military training;

1           2. Courses identified in the Department of Education  
2 course code directory as level two in art-visual arts, dance,  
3 drama-theatre arts, language arts, or music; or

4           3. Any additional courses determined to be equivalent  
5 by the Department of Education.

6           (3) Each university may admit a limited number of  
7 students notwithstanding the admission requirements of  
8 paragraph (1)(b) relating to credits in foreign language, if  
9 there is evidence that the applicant is expected to do  
10 successful academic work at the admitting university. The  
11 percent of applicants admitted under this subsection may not  
12 exceed a level established for the university by the State  
13 Board of Education. Any lower-division student admitted  
14 without meeting the foreign language requirement must earn  
15 such credits prior to admission to the upper division of a  
16 state university. Any associate in arts degree graduate from a  
17 public community college or university in Florida, or other  
18 upper-division transfer student, admitted without meeting the  
19 foreign language requirement, must earn such credits prior to  
20 graduation from a state university. Students shall be exempt  
21 from the provisions of this subsection if they can demonstrate  
22 proficiency in American sign language equivalent to that of  
23 students who have completed two credits of such instruction in  
24 high school.

25           (4) Nonresident students may be admitted to the  
26 university upon such terms as the university may establish.  
27 However, such terms shall include, but shall not be limited  
28 to: completion of a secondary school curriculum which  
29 includes 4 years of English; 3 years each of mathematics,  
30 science, and social sciences; and 2 years of a foreign  
31 language.

1       (5) Within the admission standards provided for in  
2 subsection (1), the State Board of Education shall develop  
3 procedures for weighting courses which are necessary to meet  
4 the requirements of a college-preparatory curriculum at a  
5 higher value than less rigorous courses. Credits received in  
6 such courses shall be given greater value in determining  
7 admission by universities than cumulative grade point averages  
8 in high school.

9       (6) Consideration shall be given to the past actions  
10 of any person applying for admission as a student to any state  
11 university, either as a new applicant, an applicant for  
12 continuation of studies, or a transfer student, when such  
13 actions have been found to disrupt or interfere with the  
14 orderly conduct, processes, functions, or programs of any  
15 other university, college, or community college.

16       (7) In any application for admission by a student as a  
17 citizen of the state, the applicant, if 18 years of age, or,  
18 if a minor, his or her parents or guardian shall make and file  
19 with such application a written statement under oath that such  
20 applicant is a citizen and resident of the state and entitled,  
21 as such, to admission upon the terms and conditions prescribed  
22 for citizens and residents of the state.

23       (8) Rules of the State Board of Education shall  
24 require the use of scores on tests of college-level  
25 communication and computation skills provided in s. 1008.29 as  
26 a condition for admission of students to upper-division  
27 instructional programs from community colleges, including  
28 those who have been awarded associate in arts degrees. Use of  
29 such test scores as an admission requirement shall extend  
30 equally and uniformly to students enrolled in lower divisions  
31 in a state university and to transfer students from other

1 colleges and universities. The tests shall be required for  
2 community college students seeking associate in arts degrees  
3 and students seeking admission to upper-division instructional  
4 programs in a state university. The use of test scores prior  
5 to August 1, 1984, shall be limited to student counseling and  
6 curriculum improvement.

7 (9) For the purposes of this section, American sign  
8 language constitutes a foreign language. Florida high schools  
9 may offer American sign language as a for-credit elective or  
10 as a substitute for any already authorized foreign language  
11 requirement.

12 (10) A Florida resident who is denied admission as an  
13 undergraduate to a state university for failure to meet the  
14 high school grade point average requirement may appeal the  
15 decision to the university and request a recalculation of the  
16 grade point average including in the revised calculation the  
17 grades earned in up to three credits of advanced fine arts  
18 courses. The university shall provide the student with a  
19 description of the appeals process at the same time as  
20 notification of the admissions decision. The university shall  
21 recalculate the student's grade point average using the  
22 additional courses and advise the student of any changes in  
23 the student's admission status. For purposes of this section,  
24 fine arts courses include courses in music, drama, painting,  
25 sculpture, speech, debate, or a course in any art form that  
26 requires manual dexterity. Advanced level fine arts courses  
27 include fine arts courses identified in the course code  
28 directory as Advanced Placement, pre-International  
29 Baccalaureate, or International Baccalaureate, or fine arts  
30 courses taken in the third or fourth year of a fine arts  
31 curriculum.



1           Section 348. Section 1007.262, Florida Statutes, is  
2 created to read:

3           1007.262 Foreign language competence; equivalence  
4 determinations.--The Department of Education shall identify  
5 the competencies demonstrated by students upon the successful  
6 completion of 2 credits of sequential high school foreign  
7 language instruction. For the purpose of determining  
8 postsecondary equivalence pursuant to s. 1007.261(1)(b), the  
9 department shall develop rules through which community  
10 colleges correlate such competencies to the competencies  
11 required of students in the colleges' respective courses.  
12 Based on this correlation, each community college shall  
13 identify the minimum number of postsecondary credits that  
14 students must earn in order to demonstrate a level of  
15 competence in a foreign language at least equivalent to that  
16 of students who have completed 2 credits of such instruction  
17 in high school. The department may also specify alternative  
18 means by which students can demonstrate equivalent foreign  
19 language competence, including means by which a student whose  
20 native language is not English may demonstrate proficiency in  
21 the native language. A student who demonstrates proficiency in  
22 a native language other than English is exempt from the  
23 requirement of completing foreign language courses at the  
24 secondary or postsecondary level.

25           Section 349. Section 1007.263, Florida Statutes, is  
26 created to read:

27           1007.263 Community colleges; admissions of  
28 students.--Each community college board of trustees is  
29 authorized to adopt rules governing admissions of students  
30 subject to this section and rules of the State Board of  
31 Education. These rules shall include the following:

1       (1) Admissions counseling shall be provided to all  
2 students entering college credit programs, which counseling  
3 shall utilize tests to measure achievement of college-level  
4 communication and computation competencies by all students  
5 entering college credit programs.

6       (2) Admission to associate degree programs is subject  
7 to minimum standards adopted by the State Board of Education  
8 and shall require:

9           (a) A standard high school diploma, a high school  
10 equivalency diploma as prescribed in s. 1003.435, previously  
11 demonstrated competency in college credit postsecondary  
12 coursework, or, in the case of a student who is home educated,  
13 a signed affidavit submitted by the student's parent or legal  
14 guardian attesting that the student has completed a home  
15 education program pursuant to the requirements of s. 1002.41.  
16 Students who are enrolled in a dual enrollment or early  
17 admission program pursuant to ss. 1007.27 and 1007.271 and  
18 secondary students enrolled in college-level instruction  
19 creditable toward the associate degree, but not toward the  
20 high school diploma, shall be exempt from this requirement.

21           (b) A demonstrated level of achievement of  
22 college-level communication and computation skills.

23           (c) Any other requirements established by the board of  
24 trustees.

25       (3) Admission to other programs within the community  
26 college shall include education requirements as established by  
27 the board of trustees.

28  
29 Each board of trustees shall establish policies that notify  
30 students about, and place students into, adult basic  
31 education, adult secondary education, or other instructional

1 programs that provide students with alternatives to  
2 traditional college-preparatory instruction, including private  
3 provider instruction. A student is prohibited from enrolling  
4 in additional college-level courses until the student scores  
5 above the cut-score on all sections of the common placement  
6 test.

7 Section 350. Section 1007.264, Florida Statutes, is  
8 created to read:

9 1007.264 Impaired and learning disabled persons;  
10 admission and graduation, substitute requirements; rules.--Any  
11 person who is hearing impaired, visually impaired, or  
12 dyslexic, or who has a specific learning disability, shall be  
13 eligible for reasonable substitution for any requirement for  
14 admission into a public postsecondary education institution,  
15 admission into a program of study, or graduation, where  
16 documentation can be provided that the person's failure to  
17 meet the requirement is related to the disability and where  
18 the failure to meet the graduation requirement or program  
19 admission requirement does not constitute a fundamental  
20 alteration in the nature of the program. The State Board of  
21 Education shall adopt rules to implement this section and  
22 shall develop substitute requirements where appropriate.

23 Section 351. Section 1007.27, Florida Statutes, is  
24 created to read:

25 1007.27 Articulated acceleration mechanisms.--  
26 (1) It is the intent of the Legislature that a variety  
27 of articulated acceleration mechanisms be available for  
28 secondary and postsecondary students attending public  
29 educational institutions. It is intended that articulated  
30 acceleration serve to shorten the time necessary for a student  
31 to complete the requirements associated with the conference of

1 a high school diploma and a postsecondary degree, broaden the  
2 scope of curricular options available to students, or increase  
3 the depth of study available for a particular subject.

4 Articulated acceleration mechanisms shall include, but not be  
5 limited to, dual enrollment as provided for in s. 1007.271,  
6 early admission, advanced placement, credit by examination,  
7 the International Baccalaureate Program, and the Advanced  
8 International Certificate of Education Program.

9 (2) The Department of Education shall identify the  
10 minimum scores, maximum credit, and course or courses for  
11 which credit is to be awarded for each College Level  
12 Examination Program (CLEP) general examination, CLEP subject  
13 examination, College Board Advanced Placement Program  
14 examination, and International Baccalaureate examination. In  
15 addition, the department shall identify such courses in the  
16 general education core curriculum of each state university and  
17 community college.

18 (3) Each community college and state university must  
19 award credit for specific courses for which competency has  
20 been demonstrated by successful passage of one of the  
21 examinations in subsection (2) unless the award of credit  
22 duplicates credit already awarded. Community colleges and  
23 universities may not exempt students from courses without the  
24 award of credit if competencies have been so demonstrated.

25 (4) It is the intent of the Legislature to provide  
26 articulated acceleration mechanisms for students who are in  
27 home education programs, as defined in s. 1003.01(11),  
28 consistent with the educational opportunities available to  
29 public and private secondary school students. Home education  
30 students may participate in dual enrollment, vocational dual  
31 enrollment, early admission, and credit by examination. Credit

1 earned by home education students through dual enrollment  
2 shall apply toward the completion of a home education program  
3 that meets the requirements of s. 1002.41.

4 (5) Early admission shall be a form of dual enrollment  
5 through which eligible secondary students enroll in a  
6 postsecondary institution on a full-time basis in courses that  
7 are creditable toward the high school diploma and the  
8 associate or baccalaureate degree. Students enrolled pursuant  
9 to this subsection shall be exempt from the payment of  
10 registration, matriculation, and laboratory fees.

11 (6) Advanced placement shall be the enrollment of an  
12 eligible secondary student in a course offered through the  
13 Advanced Placement Program administered by the College Board.  
14 Postsecondary credit for an advanced placement course shall be  
15 limited to students who score a minimum of 3, on a 5-point  
16 scale, on the corresponding Advanced Placement Examination.  
17 The specific courses for which students receive such credit  
18 shall be determined by the department. Students of Florida  
19 public secondary schools enrolled pursuant to this subsection  
20 shall be exempt from the payment of any fees for  
21 administration of the examination regardless of whether or not  
22 the student achieves a passing score on the examination.

23 (7) Credit by examination shall be the program through  
24 which secondary and postsecondary students generate  
25 postsecondary credit based on the receipt of a specified  
26 minimum score on nationally standardized general or  
27 subject-area examinations. For the purpose of statewide  
28 application, such examinations and the corresponding minimum  
29 scores required for an award of credit shall be delineated by  
30 the State Board of Education in the statewide articulation  
31 agreement. The maximum credit generated by a student pursuant

1 to this subsection shall be mitigated by any related  
2 postsecondary credit earned by the student prior to the  
3 administration of the examination. This subsection shall not  
4 preclude community colleges and universities from awarding  
5 credit by examination based on student performance on  
6 examinations developed within and recognized by the individual  
7 postsecondary institutions.

8 (8) The International Baccalaureate Program shall be  
9 the curriculum in which eligible secondary students are  
10 enrolled in a program of studies offered through the  
11 International Baccalaureate Program administered by the  
12 International Baccalaureate Office. The State Board of  
13 Education shall establish rules which specify the cutoff  
14 scores and International Baccalaureate Examinations which will  
15 be used to grant postsecondary credit at community colleges  
16 and universities. Any such rules, which have the effect of  
17 raising the required cutoff score or of changing the  
18 International Baccalaureate Examinations which will be used to  
19 grant postsecondary credit, shall only apply to students  
20 taking International Baccalaureate Examinations after such  
21 rules are adopted by the State Board of Education. Students  
22 shall be awarded a maximum of 30 semester credit hours  
23 pursuant to this subsection. The specific course for which a  
24 student receives such credit shall be determined by the  
25 department. Students enrolled pursuant to this subsection  
26 shall be exempt from the payment of any fees for  
27 administration of the examinations regardless of whether or  
28 not the student achieves a passing score on the examination.

29 (9) The Advanced International Certificate of  
30 Education Program shall be the curriculum in which eligible  
31 secondary students are enrolled in a program of studies

1 offered through the Advanced International Certificate of  
2 Education Program administered by the University of Cambridge  
3 Local Examinations Syndicate. The State Board of Education  
4 shall establish rules which specify the cutoff scores and  
5 Advanced International Certificate of Education examinations  
6 which will be used to grant postsecondary credit at community  
7 colleges and universities. Any such rules, which have the  
8 effect of raising the required cutoff score or of changing the  
9 Advanced International Certification of Education examinations  
10 which will be used to grant postsecondary credit, shall apply  
11 to students taking Advanced International Certificate of  
12 Education Examinations after such rules are adopted by the  
13 State Board of Education. Students shall be awarded a maximum  
14 of 30 semester credit hours pursuant to this subsection. The  
15 specific course for which a student receives such credit shall  
16 be determined by the community college or university that  
17 accepts the student for admission. Students enrolled pursuant  
18 to this subsection shall be exempt from the payment of any  
19 fees for administration of the examinations regardless of  
20 whether or not the student achieves a passing score on the  
21 examination.

22 (10) Any student who earns 9 or more credits from one  
23 or more of the acceleration mechanisms provided for in this  
24 section is exempt from any requirement of a public  
25 postsecondary educational institution mandating enrollment  
26 during a summer term.

27 Section 352. Section 1007.271, Florida Statutes, is  
28 created to read:

29 1007.271 Dual enrollment programs.--

30 (1) The dual enrollment program is the enrollment of  
31 an eligible secondary student or home education student in a

1 postsecondary course creditable toward a career and technical  
2 certificate or an associate or baccalaureate degree.

3 (2) For the purpose of this section, an eligible  
4 secondary student is a student who is enrolled in a Florida  
5 public secondary school or in a Florida private secondary  
6 school which is in compliance with s. 1002.42(2) and conducts  
7 a secondary curriculum pursuant to s. 1003.43. Students  
8 enrolled in postsecondary instruction that is not creditable  
9 toward the high school diploma shall not be classified as dual  
10 enrollments. Students who are eligible for dual enrollment  
11 pursuant to this section shall be permitted to enroll in dual  
12 enrollment courses conducted during school hours, after school  
13 hours, and during the summer term. Instructional time for such  
14 enrollment may exceed 900 hours; however, the school district  
15 may only report the student for a maximum of 1.0 FTE, as  
16 provided in s. 1011.61(4). Any student so enrolled is exempt  
17 from the payment of registration, matriculation, and  
18 laboratory fees. Career and preparatory instruction,  
19 college-preparatory instruction and other forms of  
20 precollegiate instruction, as well as physical education  
21 courses that focus on the physical execution of a skill rather  
22 than the intellectual attributes of the activity, are  
23 ineligible for inclusion in the dual enrollment program.  
24 Recreation and leisure studies courses shall be evaluated  
25 individually in the same manner as physical education courses  
26 for potential inclusion in the program.

27 (3) The Department of Education shall adopt guidelines  
28 designed to achieve comparability across school districts of  
29 both student qualifications and teacher qualifications for  
30 dual enrollment courses. Student qualifications must  
31 demonstrate readiness for college-level coursework if the



1 student is to be enrolled in college courses. Student  
2 qualifications must demonstrate readiness for career and  
3 technical-level coursework if the student is to be enrolled in  
4 career and technical courses. In addition to the common  
5 placement examination, student qualifications for enrollment  
6 in college credit dual enrollment courses must include a 3.0  
7 unweighted grade point average, and student qualifications for  
8 enrollment in career and technical certificate dual enrollment  
9 courses must include a 2.0 unweighted grade point average.  
10 Exceptions to the required grade point averages may be granted  
11 if the educational entities agree and the terms of the  
12 agreement are contained within the dual enrollment  
13 interinstitutional articulation agreement. Community college  
14 boards of trustees may establish additional admissions  
15 criteria, which shall be included in the district  
16 interinstitutional articulation agreement developed according  
17 to s. 1007.235, to ensure student readiness for postsecondary  
18 instruction. Additional requirements included in the agreement  
19 shall not arbitrarily prohibit students who have demonstrated  
20 the ability to master advanced courses from participating in  
21 dual enrollment courses. School districts may not refuse to  
22 enter into an agreement with a local community college if that  
23 community college has the capacity to offer dual enrollment  
24 courses.

25 (4) Career and technical dual enrollment shall be  
26 provided as a curricular option for secondary students to  
27 pursue in order to earn a series of elective credits toward  
28 the high school diploma. However, career and technical dual  
29 enrollment shall not supplant student acquisition of the  
30 diploma. Career and technical dual enrollment shall be  
31 available for secondary students seeking a degree or

1 certificate from a complete job-preparatory program, but shall  
2 not sustain student enrollment in isolated career and  
3 technical courses. It is the intent of the Legislature that  
4 career and technical dual enrollment reflect the interests and  
5 aptitudes of the student. The provision of a comprehensive  
6 academic and career and technical dual enrollment program  
7 within the area technical center or community college is  
8 supportive of legislative intent; however, such provision is  
9 not mandatory.

10 (5) Each school district shall inform all secondary  
11 students of dual enrollment as an educational option and  
12 mechanism for acceleration. Students shall be informed of  
13 eligibility criteria, the option for taking dual enrollment  
14 courses beyond the regular school year, and the 24 minimum  
15 academic credits required for graduation. School districts  
16 shall annually assess the demand for dual enrollment and other  
17 advanced courses, and the district school board shall consider  
18 strategies and programs to meet that demand.

19 (6) The Commissioner of Education shall appoint  
20 faculty committees representing public school, community  
21 college, and university faculties to identify postsecondary  
22 courses that meet the high school graduation requirements of  
23 s. 1003.43, and to establish the number of postsecondary  
24 semester credit hours of instruction and equivalent high  
25 school credits earned through dual enrollment pursuant to s.  
26 1007.271 that are necessary to meet high school graduation  
27 requirements. Such equivalencies shall be determined solely on  
28 comparable course content and not on seat time traditionally  
29 allocated to such courses in high school. The Commissioner of  
30 Education shall recommend to the State Board of Education  
31 those courses identified to meet high school graduation

1 requirements, based on mastery of course outcomes, by their  
2 statewide course number, and all high schools shall accept  
3 these postsecondary education courses toward meeting the  
4 requirements of s. 1003.43.

5 (7) Early admission shall be a form of dual enrollment  
6 through which eligible secondary students enroll in a  
7 postsecondary institution on a full-time basis in courses that  
8 are creditable toward the high school diploma and the  
9 associate or baccalaureate degree. Students enrolled pursuant  
10 to this subsection shall be exempt from the payment of  
11 registration, matriculation, and laboratory fees.

12 (8) Career and technical early admission is a form of  
13 career and technical dual enrollment through which eligible  
14 secondary students enroll full time in an area technical  
15 center or a community college in courses that are creditable  
16 toward the high school diploma and the certificate or  
17 associate degree. Participation in the career and technical  
18 early admission program shall be limited to students who have  
19 completed a minimum of 6 semesters of full-time secondary  
20 enrollment, including studies undertaken in the ninth grade.  
21 Students enrolled pursuant to this section are exempt from the  
22 payment of registration, matriculation, and laboratory fees.

23 (9) The State Board of Education shall adopt rules for  
24 any dual enrollment programs involving requirements for high  
25 school graduation.

26 (10)(a) The dual enrollment program for home education  
27 students consists of the enrollment of an eligible home  
28 education secondary student in a postsecondary course  
29 creditable toward an associate degree, a career or technical  
30 certificate, or a baccalaureate degree. To participate in the  
31

1 dual enrollment program, an eligible home education secondary  
2 student must:

3 1. Provide proof of enrollment in a home education  
4 program pursuant to s. 1002.41.

5 2. Be responsible for his or her own instructional  
6 materials and transportation unless provided for otherwise.

7 (b) Each area technical center, community college and  
8 each state university shall:

9 1. Delineate courses and programs for dually enrolled  
10 home education students. Courses and programs may be added,  
11 revised, or deleted at any time.

12 2. Identify eligibility criteria for home education  
13 student participation, not to exceed those required of other  
14 dually enrolled students.

15 (11) The Department of Education shall approve any  
16 course for inclusion in the dual enrollment program that is  
17 contained within the statewide course numbering system.  
18 However, college-preparatory and other forms of precollegiate  
19 instruction, and physical education and other courses that  
20 focus on the physical execution of a skill rather than the  
21 intellectual attributes of the activity, may not be so  
22 approved, but must be evaluated individually for potential  
23 inclusion in the dual enrollment program.

24 (12) The Department of Education shall develop a  
25 statement on transfer guarantees which will inform students,  
26 prior to enrollment in a dual enrollment course, of the  
27 potential for the dual enrollment course to articulate as an  
28 elective or a general education course into a postsecondary  
29 education certificate or degree program. The statement shall  
30 be provided to each district superintendent of schools, who  
31 shall include the statement in the information provided to all

1 secondary students as required pursuant to this subsection.  
2 The statement may also include additional information  
3 including, but not limited to, dual enrollment options,  
4 guarantees, privileges, and responsibilities.

5 (13) It is the intent of the Legislature that students  
6 who meet the eligibility requirements of this subsection and  
7 who choose to participate in dual enrollment programs be  
8 exempt from the payment of registration, matriculation, and  
9 laboratory fees.

10 (14) Instructional materials assigned for use within  
11 dual enrollment courses shall be made available to dual  
12 enrollment students from Florida public secondary schools free  
13 of charge. This subsection shall not be construed to prohibit  
14 a community college from providing instructional materials at  
15 no cost to a home education student or student from a private  
16 school. Students enrolled in postsecondary instruction not  
17 creditable toward a high school diploma shall not be  
18 considered dual enrollments and shall be required to assume  
19 the cost of instructional materials necessary for such  
20 instruction.

21 (15) Instructional materials purchased by a district  
22 school board or community college board of trustees on behalf  
23 of dual enrollment students shall be the property of the board  
24 against which the purchase is charged.

25 (16) School districts and community colleges must  
26 weigh college-level dual enrollment courses the same as honors  
27 courses and advanced placement courses when grade point  
28 averages are calculated. Alternative grade calculation or  
29 weighting systems that discriminate against dual enrollment  
30 courses are prohibited.

31

1           (17) The Commissioner of Education may approve dual  
2 enrollment agreements for limited course offerings that have  
3 statewide appeal. Such programs shall be limited to a single  
4 site with multiple county participation.

5           Section 353. Section 1007.272, Florida Statutes, is  
6 created to read:

7           1007.272 Joint dual enrollment and advanced placement  
8 instruction.--

9           (1) Each school district, community college, and state  
10 university may conduct advanced placement instruction within  
11 dual enrollment courses. Each joint dual enrollment and  
12 advanced placement course shall be incorporated within and  
13 subject to the provisions of the district interinstitutional  
14 articulation agreement pursuant to s. 1007.235. Such agreement  
15 shall certify that each joint dual enrollment and advanced  
16 placement course integrates, at a minimum, the course  
17 structure recommended by the College Board and the structure  
18 that corresponds to the common course number.

19           (2) Each student enrolled in a joint dual enrollment  
20 and advanced placement course may be funded pursuant to either  
21 the dual enrollment or advanced placement formula specified in  
22 s. 1011.62; however, no student shall be funded through both  
23 programs for enrollment in a course provided through this  
24 section. The district school board reporting enrollments for  
25 such courses shall utilize the funding formula that more  
26 closely approximates the cost of conducting the course. No  
27 student shall be reported for advanced placement funding who  
28 fails to meet the examination requirement for such funding.

29           (3) Postsecondary credit for student completion of a  
30 joint dual enrollment and advanced placement course shall be  
31 awarded, based on the stated preference of the student, as

1 either dual enrollment or advanced placement credit; however,  
2 an award of advanced placement credit shall be limited to  
3 students who score a minimum of 3, on a 5-point scale, on the  
4 Advanced Placement Examination. No student shall claim double  
5 credit based on the completion of a single joint dual  
6 enrollment and advanced placement course, nor shall any  
7 student enrolled pursuant to this section be required to  
8 complete the Advanced Placement Examination.

9 Section 354. Section 1007.28, Florida Statutes, is  
10 created to read:

11 1007.28 Computer-assisted student advising  
12 system.--The State Board of Education shall establish and  
13 maintain within the Department of Education a single,  
14 statewide computer-assisted student advising system, which  
15 must be an integral part of the process of advising,  
16 registering, and certifying students for graduation. It is  
17 intended that an advising system be the primary advising and  
18 tracking tool for students enrolled in public postsecondary  
19 education institutions and be accessible to all Florida  
20 students. The system shall consist of a degree audit and an  
21 articulation component that includes the following  
22 characteristics:

23 (1) The system shall constitute an integral part of  
24 the process of advising students and assisting them in course  
25 selection. The system shall be accessible to students in the  
26 following ways:

27 (a) A student must be able to access the system, at  
28 any time, to identify course options that will meet the  
29 requirements of a selected path toward a degree.

30 (b) A status report from the system shall be generated  
31 and sent with each grade report to each student enrolled in

1 public postsecondary education institutions with a declared  
2 major.

3 (2) The system shall be an integral part of the  
4 registration process at public postsecondary education  
5 institutions. As part of the process, the system shall:

6 (a) Provide reports that document each student's  
7 status toward completion of a degree.

8 (b) Verify that a student has completed requirements  
9 for graduation.

10 (3) The system must provide students information  
11 related to career descriptions and corresponding educational  
12 requirements, admissions requirements, and available sources  
13 of student financial assistance. Such advising must enable  
14 students to examine their interests and aptitudes for the  
15 purpose of curricular and career planning.

16 (4) The system must provide management information to  
17 decisionmakers, including information relating student  
18 enrollment patterns and course demands to plans for  
19 corresponding course offerings and information useful in  
20 planning the student registration process.

21 Section 355. Part III of chapter 1007 shall be  
22 entitled "Access to Postsecondary Education" and shall consist  
23 of ss. 1007.31-1007.34.

24 Section 356. Section 1007.31, Florida Statutes, is  
25 created to read:

26 1007.31 Limited access programs.--

27 (1) The State Board of Education shall establish  
28 criteria for assigning limited access status to an educational  
29 program and a process for the periodic review of such programs  
30 so that a board of trustees can determine the need for  
31 retention or removal of limited access status.



1           (2) Each university board of trustees shall monitor  
2 limited access programs within the university and conduct  
3 periodic reviews of such programs to determine the need for  
4 retention or removal of the limited access status.

5           Section 357. Section 1007.32, Florida Statutes, is  
6 created to read:

7           1007.32 Transfer students.--

8           (1) Each university shall provide registration  
9 opportunities for transfer students that allow such students  
10 access to high demand courses comparable to that provided  
11 native students.

12           (2) Each university that provides an orientation  
13 program for freshman enrollees shall also provide orientation  
14 programs for transfer students.

15           Section 358. Section 1007.33, Florida Statutes, is  
16 created to read:

17           1007.33 Site-determined baccalaureate degree access.--

18           (1) The Legislature recognizes that public and private  
19 postsecondary education institutions play essential roles in  
20 improving the quality of life and economic well-being of the  
21 state and its residents. The Legislature also recognizes that  
22 economic development needs and the educational needs of  
23 place-bound, nontraditional students have increased the demand  
24 for local access to baccalaureate degree programs. In some,  
25 but not all, geographic regions, baccalaureate degree programs  
26 are being delivered successfully at the local community  
27 college through agreements between the community college and  
28 4-year postsecondary institutions within or outside of the  
29 state. It is therefore the intent of the Legislature to  
30 further expand access to baccalaureate degree programs through  
31 the use of community colleges.

1           (2) A community college may enter into a formal  
2 agreement pursuant to the provisions of s. 1007.22 for the  
3 delivery of specified baccalaureate degree programs.

4           (3) A community college may develop a proposal to  
5 deliver specified baccalaureate degree programs in its  
6 district to meet local workforce needs. The proposal must be  
7 submitted to the State Board of Education for approval. The  
8 community college's proposal must include the following  
9 information:

10           (a) Demand for the baccalaureate degree program is  
11 identified by the workforce development board, local  
12 businesses and industry, local chambers of commerce, and  
13 potential students.

14           (b) Substantiation of the unmet need for graduates of  
15 the proposed degree program is substantiated.

16           (c) Evidence that the community college has the  
17 facilities and academic resources to deliver the program.

18           (d) Documentation of any efforts to offer the  
19 specified baccalaureate program through cooperative  
20 arrangements with other institutions.

21           (e) Documentation of any formal agreements with  
22 institutions to deliver specified baccalaureate programs.

23  
24 The proposal must be submitted to the Council for Education  
25 Policy Research and Improvement for review and comment. Upon  
26 approval of the State Board of Education for the specific  
27 degree program or programs, the community college shall pursue  
28 regional accreditation by the Commission on Colleges of the  
29 Southern Association of Colleges and Schools. Any additional  
30 baccalaureate degree programs the community college wishes to  
31 offer must be approved by the State Board of Education.

1           (4) A community college may not terminate its  
2 associate in arts or associate in science degree programs as a  
3 result of the authorization provided in subsection (3). The  
4 Legislature intends that the primary mission of a community  
5 college, including a community college that offers  
6 baccalaureate degree programs, continues to be the provision  
7 of associate degrees that provide access to a university.

8           Section 359. Section 1007.34, Florida Statutes, is  
9 created to read:

10           1007.34 College reach-out program.--

11           (1) There is established a college reach-out program  
12 to increase the number of low-income educationally  
13 disadvantaged students in grades 6-12 who, upon high school  
14 graduation, are admitted to and successfully complete  
15 postsecondary education. Participants should be students who  
16 otherwise would be unlikely to seek admission to a community  
17 college, state university, or independent postsecondary  
18 institution without special support and recruitment efforts.  
19 The State Board of Education shall adopt rules which provide  
20 for the following:

21           (a) Definition of "low-income educationally  
22 disadvantaged student."

23           (b) Specific criteria and guidelines for selection of  
24 college reach-out participants.

25           (2) In developing the definition for "low-income  
26 educationally disadvantaged student," the State Board of  
27 Education shall include such factors as: the family's taxable  
28 income; family receipt of temporary cash assistance in the  
29 preceding year; family receipt of public assistance in the  
30 preceding year; the student's cumulative grade point average;  
31 the student's promotion and attendance patterns; the student's

1 performance on state standardized tests; the student's  
2 enrollment in mathematics and science courses; and the  
3 student's participation in a dropout prevention program.

4 (3) To participate in the college reach-out program, a  
5 postsecondary education institution may submit a proposal to  
6 the Department of Education. The State Board of Education  
7 shall consider the proposals and determine which proposals to  
8 implement as programs that will strengthen the educational  
9 motivation and preparation of low-income educationally  
10 disadvantaged students.

11 (4) Postsecondary institutions that participate in the  
12 program must provide procedures for continuous contact with  
13 students from the point at which they are selected for  
14 participation until they enroll in a postsecondary education  
15 institution. These procedures must assist students in  
16 selecting courses required for graduation from high school and  
17 admission to a postsecondary institution and ensure that  
18 students continue to participate in program activities.  
19 Institutions that participate must provide on-campus academic  
20 and advisory activities during summer vacation and provide  
21 opportunities for interacting with college and university  
22 students as mentors, tutors, or role models. Proposals  
23 submitted by universities and consortia involving universities  
24 must provide students with an opportunity to live on campus.

25 (5) In selecting proposals for approval, the State  
26 Board of Education shall give preference to:

27 (a) Proposals submitted jointly by two or more  
28 eligible postsecondary institutions;

29 (b) A program that will use institutional, federal, or  
30 private resources to supplement state appropriations;

31

1           (c) An applicant that has demonstrated success in  
2 conducting similar programs;

3           (d) A program that includes innovative approaches,  
4 provides a great variety of activities, and includes a large  
5 percentage of low-income educationally disadvantaged minority  
6 students in the college reach-out program;

7           (e) An applicant that demonstrates commitment to the  
8 program by proposing to match the grant funds at least  
9 one-to-one in cash or services, with cash being the preferred  
10 match;

11           (f) An applicant that demonstrates an interest in  
12 cultural diversity and that addresses the unmet regional needs  
13 of varying communities; and

14           (6) A participating postsecondary institution is  
15 encouraged to use its resources to meet program objectives. A  
16 participating postsecondary institution must establish an  
17 advisory committee composed of high school and junior high  
18 school personnel, as well as community leaders, to provide  
19 advice and assistance in implementing its program.

20           (7) A proposal must contain the following information:

21           (a) A statement of purpose which includes a  
22 description of the need for, and the results expected from,  
23 the proposed program;

24           (b) An identification of the service area which names  
25 the schools to be served, provides community and school  
26 demographics, and sets forth the postsecondary enrollment  
27 rates of high school graduates within the area;

28           (c) An identification of existing programs for  
29 enhancing the academic performance of minority and low-income  
30 educationally disadvantaged students for enrollment in  
31 postsecondary education;

1           (d) A description of the proposed program which  
2 describes criteria to be used to identify schools for  
3 participation in the program. At least 60 percent of the  
4 students recruited in any one year must be in grades 6-9;

5           (e) A description of the program activities which must  
6 support the following goals:

7           1. Motivate students to pursue a postsecondary  
8 education;

9           2. Enhance students' basic learning skills and  
10 performance;

11           3. Strengthen students' and parents' understanding of  
12 the benefits of postsecondary education;

13           4. Foster academic, personal, and career development  
14 through supplemental instruction; and

15           (f) An evaluation component that provides for the  
16 collection, maintenance, retrieval, and analysis of the data  
17 required by this paragraph. The data must be used to assess  
18 the extent to which programs have accomplished specific  
19 objectives and achieved the goals of the college reach-out  
20 program. The Department of Education shall develop  
21 specifications and procedures for the collection and  
22 transmission of the data. The annual project evaluation  
23 component must contain:

24           1. The student identification number and social  
25 security number, if available; the name of the public school  
26 attended; gender; ethnicity; grade level; and grade point  
27 average of each participant at the time of entry into the  
28 program;

29           2. The grade point average, grade, and promotion  
30 status of each of the participants in the program at the end  
31

- 1 of the academic year and any suspension or expulsion of a  
2 participant, if applicable;
- 3 3. The number and percentage of high school  
4 participants who satisfactorily complete 2 sequential years of  
5 a foreign language and Level 2 and 3 mathematics and science  
6 courses;
- 7 4. The number and percentage of participants eligible  
8 for high school graduation who receive a standard high school  
9 diploma or a high school equivalency diploma, pursuant to s.  
10 229.814;
- 11 5. The number and percentage of 12th grade  
12 participants who are accepted for enrollment and who enroll in  
13 a postsecondary institution;
- 14 6. The number of participants who receive  
15 scholarships, grant aid, and work-study awards;
- 16 7. The number and percentage of participants who  
17 enroll in a public postsecondary institution and who fail to  
18 achieve a passing score, as defined in State Board of  
19 Education rule, on college placement tests pursuant to s.  
20 1008.30;
- 21 8. The number and percentage of participants who  
22 enroll in a postsecondary institution and have a minimum  
23 cumulative 2.0 grade point average on a 4.0 scale by the end  
24 of the second semester; and
- 25 9. The number of disabled students participating in  
26 the project and the nature of their disabilities.
- 27 (8) Proposals must be funded competitively in  
28 accordance with the following methodology:
- 29 (a) The funds appropriated must be distributed to  
30 projects on the basis of minimum standards that include:  
31

1           1. A summer residency program of at least 1 week in  
2 duration; and

3           2. A minimum number of hours of academic instructional  
4 and developmental activities, career counseling, and personal  
5 counseling.

6           (b) Subject to legislative appropriations,  
7 continuation projects that satisfy the minimum requirements  
8 should have their funds increased each year by the same  
9 percentage as the rate of inflation. Projects funded for 3  
10 consecutive years should have a cumulative institutional cash  
11 match of not less than 50 percent of the total cost of the  
12 project over the 3-year period. Any college reach-out program  
13 project operating for 3 years which does not provide the  
14 minimum 50-percent institutional cash match must not be  
15 considered for continued funding.

16           (9) The Commissioner of Education shall appoint an  
17 advisory council to review the proposals and recommend to the  
18 State Board of Education an order of priority for funding the  
19 proposals.

20           (10) On or before February 15 of each year, each  
21 participating institution shall submit to the Department of  
22 Education an interim report containing program expenditures  
23 and participant information as required in State Board of  
24 Education rules.

25           (11) On or before November 1 of each year,  
26 postsecondary institutions participating in the program shall  
27 submit to the Department of Education an end-of-the-year  
28 report on the effectiveness of their participation in the  
29 program. The end-of-the-year report must include, without  
30 limitation:

31



1           (a) A copy of the certificate-of-expenditures form  
2 showing expenditures by category; state grant funds; and  
3 institutional matching, in cash and in-kind services;

4           (b) A listing of students participating in the program  
5 by grade level, sex, and race;

6           (c) A statement of how the program addresses the four  
7 program goals identified in paragraph (7)(e);

8           (d) A brief description and analysis of program  
9 characteristics and activities critical to program success;

10           (e) A description of the cooperation received from  
11 other units or organizations; and

12           (f) An explanation of the program's outcomes,  
13 including data related to student performance on the measures  
14 provided for in paragraph (7)(f).

15           (12) By February 15 of each year, the Department of  
16 Education shall submit to the President of the Senate, the  
17 Speaker of the House of Representatives, the Commissioner of  
18 Education, and the Governor a report that evaluates the  
19 effectiveness of the college reach-out program. To the extent  
20 feasible, the performance of college reach-out program  
21 participants must be compared to the performance of comparable  
22 cohorts of students in public school and postsecondary  
23 education.

24           (13) Funding for the college reach-out program shall  
25 be provided in the General Appropriations Act.

26           Section 360. Chapter 1008 shall be entitled  
27 "Assessment and Accountability" and shall consist of ss.  
28 1008.01-1008.51.

29           Section 361. Part I of chapter 1008 shall be entitled  
30 "Assessment (K-20)" and shall consist of ss. 1008.21-1008.30.

31

1           Section 362. Effective upon this act becoming a law,  
2 section 1008.21, Florida Statutes, is created to read:

3           1008.21 School readiness uniform screening  
4 (kindergarten).--

5           (1) The Department of Education shall implement the  
6 school readiness uniform screening developed by the Florida  
7 Partnership for School Readiness, and shall require that all  
8 school districts administer the kindergarten uniform screening  
9 to each kindergarten student in the district school system  
10 upon the student's entry into kindergarten.

11           (2)(a) The Department of Education shall implement the  
12 school readiness uniform screening to validate the system  
13 recommended by the Florida Partnership for School Readiness as  
14 part of a comprehensive evaluation design. Beginning with the  
15 2002-2003 school year, the department shall require that all  
16 school districts administer the school readiness uniform  
17 screening to each kindergarten student in the district school  
18 system upon the student's entry into kindergarten. Children  
19 who enter public school for the first time in first grade must  
20 be administered the school readiness uniform screening adopted  
21 for use in first grade. The department shall incorporate  
22 school readiness data into the K-20 data warehouse for  
23 longitudinal tracking.

24           (b) The uniform screening shall provide objective data  
25 regarding the following expectations for school readiness  
26 which shall include, at a minimum:

27           1. The child's immunizations and other health  
28 requirements as necessary, including appropriate vision and  
29 hearing screening and examinations.

30           2. The child's physical development.  
31

- 1           3. The child's compliance with rules, limitations, and
- 2 routines.
- 3           4. The child's ability to perform tasks.
- 4           5. The child's interactions with adults.
- 5           6. The child's interactions with peers.
- 6           7. The child's ability to cope with challenges.
- 7           8. The child's self-help skills.
- 8           9. The child's ability to express his or her needs.
- 9           10. The child's verbal communication skills.
- 10          11. The child's problem-solving skills.
- 11          12. The child's following of verbal directions.
- 12          13. The child's demonstration of curiosity,
- 13 persistence, and exploratory behavior.
- 14          14. The child's interest in books and other printed
- 15 materials.
- 16          15. The child's paying attention to stories.
- 17          16. The child's participation in art and music
- 18 activities.
- 19          17. The child's ability to identify colors, geometric
- 20 shapes, letters of the alphabet, numbers, and spatial and
- 21 temporal relationships.

22           Section 363. Section 1008.22, Florida Statutes, is  
23 created to read:

24           1008.22 Student assessment program (public schools).--

25           (1) PURPOSE.--The primary purposes of the student  
26 assessment program are to provide information needed to  
27 improve the public schools by enhancing the learning gains of  
28 all students and to inform parents of the educational progress  
29 of their public school children. The program must be designed  
30 to:

31

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

4        (b) Provide data for making decisions regarding school  
5 accountability and recognition.

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

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

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

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

16       (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's  
17 intent to participate in the measurement of national  
18 educational goals. The Commissioner of Education shall direct  
19 Florida school districts to participate in the administration  
20 of the National Assessment of Educational Progress, or a  
21 similar national assessment program, both for the national  
22 sample and for any state-by-state comparison programs which  
23 may be initiated. Such assessments must be conducted using  
24 the data collection procedures, the student surveys, the  
25 educator surveys, and other instruments included in the  
26 National Assessment of Educational Progress or similar program  
27 being administered in Florida. The results of these  
28 assessments shall be included in the annual report of the  
29 Commissioner of Education specified in this section. The  
30 administration of the National Assessment of Educational  
31 Progress or similar program shall be in addition to and

1 separate from the administration of the statewide assessment  
2 program.

3 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner  
4 shall design and implement a statewide program of educational  
5 assessment that provides information for the improvement of  
6 the operation and management of the public schools, including  
7 schools operating for the purpose of providing educational  
8 services to youth in Department of Juvenile Justice programs.  
9 Pursuant to the statewide assessment program, the commissioner  
10 shall:

11 (a) Submit to the State Board of Education a list that  
12 specifies student skills and competencies to which the goals  
13 for education specified in the state plan apply, including,  
14 but not limited to, reading, writing, science, and  
15 mathematics. The skills and competencies must include  
16 problem-solving and higher-order skills as appropriate and  
17 shall be known as the Sunshine State Standards as defined in  
18 s. 1000.21. The commissioner shall select such skills and  
19 competencies after receiving recommendations from educators,  
20 citizens, and members of the business community. The  
21 commissioner shall submit to the State Board of Education  
22 revisions to the list of student skills and competencies in  
23 order to maintain continuous progress toward improvements in  
24 student proficiency.

25 (b) Develop and implement a uniform system of  
26 indicators to describe the performance of public school  
27 students and the characteristics of the public school  
28 districts and the public schools. These indicators must  
29 include, without limitation, information gathered by the  
30 comprehensive management information system created pursuant  
31

1 to s. 1008.385 and student achievement information obtained  
2 pursuant to this section.

3 (c) Develop and implement a student achievement  
4 testing program known as the Florida Comprehensive Assessment  
5 Test (FCAT) as part of the statewide assessment program, to be  
6 administered annually in grades 3 through 10 to measure  
7 reading, writing, science, and mathematics. Other content  
8 areas may be included as directed by the Commissioner. The  
9 testing program must be designed so that:

10 1. The tests measure student skills and competencies  
11 adopted by the State Board of Education as specified in  
12 paragraph (a). The tests must measure and report student  
13 proficiency levels in reading, writing, mathematics, and  
14 science. The commissioner shall provide for the tests to be  
15 developed or obtained, as appropriate, through contracts and  
16 project agreements with private vendors, public vendors,  
17 public agencies, postsecondary institutions, or school  
18 districts. The commissioner shall obtain input with respect  
19 to the design and implementation of the testing program from  
20 state educators and the public.

21 2. The testing program will include a combination of  
22 norm-referenced and criterion-referenced tests and include, to  
23 the extent determined by the commissioner, questions that  
24 require the student to produce information or perform tasks in  
25 such a way that the skills and competencies he or she uses can  
26 be measured.

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

31

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

5           5. Students must earn a passing score on the grade 10  
6 assessment test described in this paragraph in reading,  
7 writing, and mathematics to qualify for a regular high school  
8 diploma. The State Board of Education shall designate a  
9 passing score for each part of the grade 10 assessment test.  
10 In establishing passing scores, the state board shall consider  
11 any possible negative impact of the test on minority students.

12           6. Participation in the testing program is mandatory  
13 for all students in public school districts, including  
14 students served in Department of Juvenile Justice programs,  
15 except as otherwise prescribed by the commissioner. The State  
16 Board of Education shall adopt rules, based upon  
17 recommendations of the commissioner, for the provision of test  
18 accommodations and modifications of procedures as necessary  
19 for students in exceptional education programs and for  
20 students who have limited English proficiency.

21           7. A student seeking an adult high school diploma must  
22 meet the same testing requirements that a regular high school  
23 student must meet.

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

31

1           9. The Department of Education must develop, or  
2 select, and implement a common battery of assessment tools  
3 which will be used in all juvenile justice programs in the  
4 state. These tools must accurately measure the skills and  
5 competencies established in the Florida Sunshine State  
6 Standards.

7  
8 The commissioner may design and implement student testing  
9 programs for any grade level and subject area, necessary to  
10 effectively monitor educational achievement in the state.

11           (d) Conduct ongoing research to develop improved  
12 methods of assessing student performance, including, without  
13 limitation, the use of technology to administer tests, score,  
14 or report the results of, the use of electronic transfer of  
15 data, the development of work-product assessments, and the  
16 development of process assessments.

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

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

25           (4) DISTRICT TESTING PROGRAMS.--Each district shall  
26 periodically assess student performance and achievement within  
27 each school of the district. The assessment programs must be  
28 based upon local goals and objectives that are compatible with  
29 the state plan for education and that supplement the skills  
30 and competencies adopted by the State Board of Education. All  
31 school districts must participate in the statewide assessment



1 program designed to measure annual student learning and school  
2 performance. All school districts shall report assessment  
3 results as required by the state management information  
4 system.

5 (5) SCHOOL TESTING PROGRAMS.--Each public school,  
6 unless specifically exempted by state board rule based on  
7 serving a specialized population for which standardized  
8 testing is not appropriate, shall participate in the statewide  
9 assessment program. Student performance data shall be analyzed  
10 and reported to parents, the community, and the state. Student  
11 performance data shall be used in developing objectives of the  
12 school improvement plan, evaluation of instructional  
13 personnel, evaluation of administrative personnel, assignment  
14 of staff, allocation of resources, acquisition of  
15 instructional materials and technology, performance-based  
16 budgeting, and promotion and assignment of students into  
17 educational programs. The analysis of student performance data  
18 also must identify strengths and needs in the educational  
19 program and trends over time. The analysis must be used in  
20 conjunction with the budgetary planning processes developed  
21 pursuant to s. 1008.385 and the development of the programs of  
22 remediation.

23 (6) REQUIRED ANALYSES.--The Commissioner shall  
24 provide, at a minimum, for the following analyses of data  
25 produced by the student achievement testing program:

26 (a) The statistical system for the annual assessments  
27 shall use measures of student learning, such as the FCAT, to  
28 determine teacher, school, and school district statistical  
29 distributions, which shall be determined using available data  
30 from the FCAT, and other data collection as deemed appropriate  
31 by the Department of Education, to measure the differences in

1 student prior year achievement compared to the current year  
2 achievement for the purposes of accountability and  
3 recognition.

4 (b) The statistical system shall provide the best  
5 estimates of teacher, school, and school district effects on  
6 student progress. The approach used by the department shall be  
7 approved by the commissioner before implementation.

8 (c) The annual testing program shall be administered  
9 to provide for valid statewide comparisons of learning gains  
10 to be made for purposes of accountability and recognition. The  
11 commissioner shall establish a schedule for the administration  
12 of the statewide assessments. In establishing such schedule,  
13 the commissioner is charged with the duty to accomplish the  
14 latest possible administration of the statewide assessments  
15 and the earliest possible provision of the results to the  
16 school districts feasible within available technology and  
17 specific appropriation. District school boards shall not  
18 establish school calendars that jeopardize or limit the valid  
19 testing and comparison of student learning gains.

20 (7) LOCAL ASSESSMENTS.--Measurement of the learning  
21 gains of students in all subjects and grade levels other than  
22 subjects and grade levels required for the state student  
23 achievement testing program is the responsibility of the  
24 school districts.

25 (8) APPLICABILITY OF TESTING STANDARDS.--A student  
26 must meet the testing requirements for high school graduation  
27 which were in effect at the time the student entered 9th  
28 grade, provided the student's enrollment was continuous.

29 (9) RULES.--The State Board of Education shall adopt  
30 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
31 provisions of this section.

1           Section 364. Section 1008.23, Florida Statutes, is  
2 created to read:

3           1008.23 Confidentiality of assessment  
4 instruments.--All examination and assessment instruments,  
5 including developmental materials and workpapers directly  
6 related thereto, which are prepared, prescribed, or  
7 administered pursuant to ss. 1003.43, 1008.22, and 1008.25  
8 shall be confidential and exempt from the provisions of s.  
9 119.07(1) and from s. 1001.52. Provisions governing access,  
10 maintenance, and destruction of such instruments and related  
11 materials shall be prescribed by rules of the State Board of  
12 Education.

13           Section 365. Section 1008.24, Florida Statutes, is  
14 created to read:

15           1008.24 Test security.--

16           (1) It is unlawful for anyone knowingly and willfully  
17 to violate test security rules adopted by the State Board of  
18 Education for mandatory tests administered by or through the  
19 State Board of Education or the Commissioner of Education to  
20 students, educators, or applicants for certification or  
21 administered by school districts pursuant to s. 1008.22, or,  
22 with respect to any such test, knowingly and willfully to:

23           (a) Give examinees access to test questions prior to  
24 testing;

25           (b) Copy, reproduce, or use in any manner inconsistent  
26 with test security rules all or any portion of any secure test  
27 booklet;

28           (c) Coach examinees during testing or alter or  
29 interfere with examinees' responses in any way;

30           (d) Make answer keys available to examinees;  
31

1       (e) Fail to follow security rules for distribution and  
2 return of secure test as directed, or fail to account for all  
3 secure test materials before, during, and after testing;

4       (f) Fail to follow test administration directions  
5 specified in the test administration manuals; or

6       (g) Participate in, direct, aid, counsel, assist in,  
7 or encourage any of the acts prohibited in this section.

8       (2) Any person who violates this section is guilty of  
9 a misdemeanor of the first degree, punishable by a fine of not  
10 more than \$1,000 or imprisonment for not more than 90 days, or  
11 both.

12       (3) A district school superintendent, a president of a  
13 public postsecondary institution, or a president of a  
14 nonpublic postsecondary institution shall cooperate with the  
15 Commissioner of Education in any investigation concerning the  
16 administration of a test administered pursuant to state  
17 statute or rule.

18       Section 366. Section 1008.25, Florida Statutes, is  
19 created to read:

20       1008.25 Public school student progression; remedial  
21 instruction; reporting requirements.--

22       (1) INTENT.--It is the intent of the Legislature that  
23 each student's progression from one grade to another be  
24 determined, in part, upon proficiency in reading, writing,  
25 science, and mathematics; that school district policies  
26 facilitate such proficiency; and that each student and his or  
27 her parent be informed of that student's academic progress.

28       (2) COMPREHENSIVE PROGRAM.--Each district school board  
29 shall establish a comprehensive program for student  
30 progression which must include:

31

1       (a) Standards for evaluating each student's  
2 performance, including how well he or she masters the  
3 performance standards approved by the State Board of Education  
4 according to s. 1001.03(1); and

5       (b) Specific levels of performance in reading,  
6 writing, science, and mathematics for each grade level,  
7 including the levels of performance on statewide assessments  
8 as defined by the Commissioner of Education, below which a  
9 student must receive remediation, or be retained within an  
10 intensive program that is different from the previous year's  
11 program and that takes into account the student's learning  
12 style.

13       (c) Appropriate alternative placement for a student  
14 who has been retained 2 or more years.

15       (3) ELIMINATION OF SOCIAL PROMOTION.--

16       (a) No student may be assigned to a grade level based  
17 solely on age or other factors that constitute social  
18 promotion.

19       (b) District school boards shall allocate remedial and  
20 supplemental instruction resources first to students who fail  
21 to meet achievement performance levels required for promotion.

22       (c) The State Board of Education shall adopt rules to  
23 prescribe limited circumstances in which a student may be  
24 promoted without meeting the specific assessment performance  
25 levels prescribed by the district's student progression plan.  
26 Such rules shall specifically address the promotion of  
27 students with limited English proficiency and students with  
28 disabilities.

29       (4) ASSESSMENT AND REMEDIATION.--

30       (a) Each student must participate in the statewide  
31 assessment tests required by s. 1008.22. Each student who does

1 not meet specific levels of performance as determined by the  
2 district school board in reading, writing, science, and  
3 mathematics for each grade level, or who does not meet  
4 specific levels of performance, determined by the Commissioner  
5 of Education, on statewide assessments at selected grade  
6 levels, must be provided with additional diagnostic  
7 assessments to determine the nature of the student's  
8 difficulty and areas of academic need.

9 (b) The school in which the student is enrolled must  
10 develop, in consultation with the student's parent, and must  
11 implement an academic improvement plan designed to assist the  
12 student in meeting state and district expectations for  
13 proficiency. Each plan must include the provision of intensive  
14 remedial instruction in the areas of weakness. Remedial  
15 instruction provided during high school may not be in lieu of  
16 English and mathematics credits required for graduation.

17 (c) Upon subsequent evaluation, if the documented  
18 deficiency has not been corrected in accordance with the  
19 academic improvement plan, the student may be retained. Each  
20 student who does not meet the minimum performance expectations  
21 defined by the Commissioner of Education for the statewide  
22 assessment tests in reading, writing, science, and mathematics  
23 must continue remedial or supplemental instruction until the  
24 expectations are met or the student graduates from high school  
25 or is not subject to compulsory school attendance.

26 (5) READING DEFICIENCY.--

27 (a) Any student who exhibits substantial deficiency in  
28 reading skills, based on locally determined assessments  
29 conducted before the end of grade 1 or 2, or based on teacher  
30 recommendation, must be given intensive reading instruction  
31 immediately following the identification of the reading

1 deficiency. The student's reading proficiency must be  
2 reassessed by locally determined assessment or based on  
3 teacher recommendation at the beginning of the grade following  
4 the intensive reading instruction, and the student must  
5 continue to be given intensive reading instruction until the  
6 reading deficiency is remedied.

7 (b) If the student's reading deficiency, as determined  
8 by the locally determined assessment at grades 1 and 2, or by  
9 the statewide assessment at grade 3, is not remedied by the  
10 end of grade 4, and if the student scores below the specific  
11 level of performance on the statewide assessment test in  
12 reading, the student must be retained.

13 (c) The district school board may exempt a student  
14 from mandatory retention for good cause.

15 (6) ANNUAL REPORT.--Each district must annually report  
16 to the parent of each student the progress of the student  
17 towards achieving state and district expectations for  
18 proficiency in reading, writing, science, and mathematics. The  
19 district must report to the parent the student's results on  
20 each statewide assessment test. The evaluation of each  
21 student's progress must be based upon the student's classroom  
22 work, observations, tests, district and state assessments, and  
23 other relevant information. Progress reporting must be  
24 provided to the parent in writing in a format adopted by the  
25 district school board.

26 (7) RULEMAKING.--The State Board of Education shall  
27 adopt rules pursuant to ss. 120.536(1) and 120.54 for the  
28 administration of this section.

29 (8) TECHNICAL ASSISTANCE.--The Department of Education  
30 shall provide technical assistance as needed to aid school  
31 districts in administering this section.

1           Section 367. Section 1008.29, Florida Statutes, is  
2 created to read:

3           1008.29 College-level communication and mathematics  
4 skills examination (CLAST).--

5           (1) It is the intent of the Legislature that the  
6 examination of college-level communication and mathematics  
7 skills provided in s. 1008.345(3) serve as a mechanism for  
8 students to demonstrate that they have mastered the academic  
9 competencies prerequisite to upper-division undergraduate  
10 instruction. It is further intended that the examination  
11 serve as both a summative evaluation instrument prior to  
12 student enrollment in upper-division programs and as a source  
13 of information for student advisers. It is not intended that  
14 student passage of the examination supplant the need for a  
15 student to complete the general education curriculum  
16 prescribed by an institution.

17           (2) Public postsecondary institutions shall administer  
18 a minimum of two administrations, one of which may consist of  
19 an alternative administration, of the college-level  
20 communication and computation skills examination per academic  
21 term. Such administrations shall be available to all  
22 lower-division students seeking associate in arts or  
23 baccalaureate degrees upon completion of at least 18 semester  
24 hours or the equivalent. Public postsecondary institutions  
25 shall report at a minimum the examination scores of all  
26 students tested at each administration of the college-level  
27 communication and computation skills examination.

28           (3) No public postsecondary institution shall confer  
29 an associate in arts or baccalaureate degree upon any student  
30 who fails to complete successfully the examination of  
31 college-level communication and computation skills. Students



1 who received their associate in arts degree prior to September  
2 1, 1982, shall be exempt from the provisions of this  
3 subsection.

4 (4) The State Board of Education, by rule, shall set  
5 the minimum scores that constitute successful completion of  
6 the examination. In establishing the minimum scores that  
7 constitute successful completion of the examination, the State  
8 Board of Education shall consider any possible negative impact  
9 of the tests on minority students. Determinations regarding a  
10 student's successful completion of the examination shall be  
11 based on the minimum standards prescribed by rule for the date  
12 the student initially takes the examination.

13 (5) Any student who, in the best professional opinion  
14 of the university, has a specific learning disability such  
15 that the student can not demonstrate successful completion of  
16 one or more sections of the college-level communication and  
17 computation skills examination and is achieving at the college  
18 level in every area except that of the disability, and whose  
19 diagnosis indicates that further remediation will not succeed  
20 in overcoming the disability, may appeal through the  
21 appropriate dean to a committee appointed by the president or  
22 vice president for academic affairs for special consideration.  
23 The committee shall examine the evidence of the student's  
24 academic and medical records and may hear testimony relevant  
25 to the case. The committee may grant a waiver for one or more  
26 sections of the college-level communication and computation  
27 skills examination based on the results of its review.

28 (6) Each public postsecondary institution president  
29 shall establish a committee to consider requests for waivers  
30 from the provisions of subsection (3). The committee shall be  
31 chaired by the chief academic officer of the institution and

1 shall have four additional members appointed by the president:  
2 a member of the mathematics department, a member of the  
3 English department, the institutional test administrator, and  
4 a fourth faculty member from a department other than English  
5 or mathematics. Any student who has taken a subtest of the  
6 examination required by this section at least four times and  
7 has not achieved a passing score, but has otherwise  
8 demonstrated proficiency in coursework in the same subject  
9 area, may request a waiver from that particular subtest.  
10 Waivers shall be considered only after students have been  
11 provided test accommodations or other administrative  
12 adjustments to permit the accurate measurement of the  
13 student's proficiency in the subject areas measured by the  
14 examination authorized in this section. The committee shall  
15 consider the student's educational records and other evidence  
16 as to whether the student should be able to pass the subtest  
17 under consideration. A waiver may be recommended to the  
18 president upon majority vote of the committee. The president  
19 may approve or disapprove the recommendation. The president  
20 may not approve a request which the committee has disapproved.  
21 If a waiver for a given subtest is approved, the student's  
22 transcript shall include a statement that the student did not  
23 meet the requirements of subsection (3) and that a waiver was  
24 granted.

25 (7) The State Board of Education, by rule, shall  
26 establish fees for the administration of the examination to  
27 private postsecondary students.

28 (8) The State Board of Education, by rule, shall  
29 establish fees for the administration of the examination at  
30 times other than regularly scheduled dates to accommodate  
31 examinees who are unable to be tested on those dates. The

1 board shall establish the conditions under which examinees may  
2 be admitted to the special administrations.

3 (9) Any student fulfilling one or both of the  
4 following requirements before completion of associate in arts  
5 degree requirements or baccalaureate degree requirements is  
6 exempt from the testing requirements of this section:

7 (a) Achieves a score that meets or exceeds a minimum  
8 score on a nationally standardized examination, as established  
9 by the State Board of Education; or

10 (b) Demonstrates successful remediation of any  
11 academic deficiencies identified by the college placement test  
12 and achieves a cumulative grade point average of 2.5 or above,  
13 on a 4.0 scale, in postsecondary-level coursework identified  
14 by the State Board of Education. The Department of Education  
15 shall specify the means by which a student may demonstrate  
16 successful remediation.

17  
18 Any student denied a degree prior to January 1, 1996, based on  
19 the failure of at least one subtest of the CLAST may use  
20 either of the alternatives specified in this subsection for  
21 receipt of a degree if such student meets all degree program  
22 requirements at the time of application for the degree under  
23 the exemption provisions of this subsection. This section does  
24 not require a student to take the CLAST before being given the  
25 opportunity to use any of the alternatives specified in this  
26 subsection. The exemptions provided herein do not apply to  
27 requirements for certification as provided in s. 1012.56.

28 Section 368. Section 1008.30, Florida Statutes, is  
29 created to read:

30 1008.30 Common placement testing for public  
31 postsecondary education.--

1           (1) The State Board of Education shall develop and  
2 implement a common placement test for the purpose of assessing  
3 the basic computation and communication skills of students who  
4 intend to enter a degree program at any public postsecondary  
5 institution. The State Board of Education shall adopt rules  
6 which enable public postsecondary institutions to implement  
7 appropriate modifications of the test instruments or test  
8 procedures for students with disabilities.

9           (2) The common placement testing program shall include  
10 at a minimum the following: the capacity to diagnose basic  
11 competencies in the areas of English, reading, and mathematics  
12 which are essential to perform college-level work;  
13 prerequisite skills that relate to progressively advanced  
14 instruction in mathematics, such as algebra and geometry;  
15 prerequisite skills that relate to progressively advanced  
16 instruction in language arts, such as English composition and  
17 literature; prerequisite skills which relate to the College  
18 Level Academic Skills Test (CLAST); and provision of test  
19 information to students on the specific deficiencies.

20           (3) The State Board of Education shall adopt rules  
21 that would require high schools to give the common placement  
22 test prescribed in this section, or an equivalent test  
23 identified by the State Board of Education, at the beginning  
24 of the tenth grade year before enrollment in the eleventh  
25 grade year in public high school for the purpose of obtaining  
26 remedial instruction prior to entering public postsecondary  
27 education.

28           (4)(a) Public postsecondary institution students who  
29 have been identified as requiring additional preparation  
30 pursuant to subsection (1) shall enroll in college-preparatory  
31 or other adult education pursuant to s. 1004.93 in community

1 colleges to develop needed college-entry skills. These  
2 students shall be permitted to take courses within their  
3 degree program concurrently in other curriculum areas for  
4 which they are qualified while enrolled in college-preparatory  
5 instruction courses. A student enrolled in a  
6 college-preparatory course may concurrently enroll only in  
7 college credit courses that do not require the skills  
8 addressed in the college-preparatory course. The State Board  
9 of Education shall specify the college credit courses that are  
10 acceptable for students enrolled in each college-preparatory  
11 skill area, pursuant to s. 1001.02(7)(g). A student who wishes  
12 to earn an associate in arts or a baccalaureate degree, but  
13 who is required to complete a college-preparatory course, must  
14 successfully complete the required college-preparatory studies  
15 by the time the student has accumulated 12 hours of  
16 lower-division college credit degree coursework; however, a  
17 student may continue enrollment in degree-earning coursework  
18 provided the student maintains enrollment in  
19 college-preparatory coursework for each subsequent semester  
20 until college-preparatory coursework requirements are  
21 completed, and the student demonstrates satisfactory  
22 performance in degree-earning coursework. A passing score on  
23 a standardized, institutionally developed test must be  
24 achieved before a student is considered to have met basic  
25 computation and communication skills requirements; however, no  
26 student shall be required to retake any test or subtest that  
27 was previously passed by said student. Credit awarded for  
28 college-preparatory instruction may not be counted towards  
29 fulfilling the number of credits required for a degree.  
30 (b) The university board of trustees may contract with  
31 a community college board of trustees for the community

1 college to provide such instruction on the state university  
2 campus. Any state university in which the percentage of  
3 incoming students requiring college-preparatory instruction  
4 equals or exceeds the average percentage of such students for  
5 the community college system may offer college-preparatory  
6 instruction without contracting with a community college;  
7 however, any state university offering college-preparatory  
8 instruction as of January 1, 1996, may continue to provide  
9 such services.

10 (5) A student may not be enrolled in a college credit  
11 mathematics or English course on a dual enrollment basis  
12 unless the student has demonstrated adequate precollegiate  
13 preparation on the section of the basic computation and  
14 communication skills assessment required pursuant to  
15 subsection (1) that is appropriate for successful student  
16 participation in the course.

17 Section 369. Part II of chapter 1008 shall be entitled  
18 "Accountability (K-20)" and shall consist of ss.  
19 1008.31-1008.46.

20 Section 370. Section 1008.31, Florida Statutes, is  
21 created to read:

22 1008.31 Florida's K-20 education performance  
23 accountability system; legislative intent; performance-based  
24 funding; mission, goals, and systemwide measures.--

25 (1) LEGISLATIVE INTENT.--It is the intent of the  
26 Legislature that:

27 (a) The performance accountability system implemented  
28 to assess the effectiveness of Florida's seamless K-20  
29 education delivery system provide answers to the following  
30 questions in relation to its mission and goals:  
31

1           1. What is the public receiving in return for funds it  
2 invests in education?

3           2. How effectively is Florida's K-20 education system  
4 educating its students?

5           3. How effectively are the major delivery sectors  
6 promoting student achievement?

7           4. How are individual schools and postsecondary  
8 education institutions performing their responsibility to  
9 educate their students as measured by how students are  
10 performing and how much they are learning?

11           (b) The State Board of Education recommend to the  
12 Legislature systemwide performance standards; the Legislature  
13 establish systemwide performance measures and standards; and  
14 the systemwide measures and standards provide Floridians with  
15 information on what the public is receiving in return for the  
16 funds it invests in education and how well the K-20 system  
17 educates its students.

18           (c) The State Board of Education establish performance  
19 measures and set performance standards for individual  
20 components of the public education system, including  
21 individual schools and postsecondary education institutions,  
22 with measures and standards based primarily on student  
23 achievement.

24           (2) PERFORMANCE-BASED FUNDING.--The State Board of  
25 Education shall cooperate with the Commissioner of Education  
26 and each delivery system to develop proposals for  
27 performance-based funding, using performance measures  
28 established by the Legislature. The proposals must provide  
29 that at least 10 percent of the state funds appropriated for  
30 the K-20 education system are conditional upon meeting or  
31 exceeding established performance standards. The State Board

1 of Education must submit the recommendations to the  
2 Legislature in the following sequence:

3 (a) By December 1, 2002, recommendations for state  
4 universities, for consideration by the 2003 Legislature and  
5 implementation in the 2003-2004 fiscal year.

6 (b) By December 1, 2003, recommendations for public  
7 schools and workforce education, for consideration by the 2004  
8 Legislature and implementation in the 2004-2005 fiscal year.

9 (c) By December 1, 2004, recommendations for community  
10 colleges, for consideration by the 2005 Legislature and  
11 implementation in the 2005-2006 fiscal year.

12 (d) By December 1, 2005, recommendations for all other  
13 programs that receive state funds within the Department of  
14 Education.

15 (3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The  
16 mission of Florida's K-20 education system shall be to  
17 increase the proficiency of all students within one seamless,  
18 efficient system, by allowing them the opportunity to expand  
19 their knowledge and skills through learning opportunities and  
20 research valued by students, parents, and communities, and to  
21 maintain an accountability system that measures student  
22 progress toward the following goals:

23 (a) Highest student achievement, as measured by:  
24 student FCAT performance and annual learning gains; the number  
25 and percentage of schools that improve at least one school  
26 performance grade designation or maintain a school performance  
27 grade designation of "A" pursuant to s. 1008.34; graduation or  
28 completion rates at all learning levels; and other measures  
29 identified in law or rule.

30 (b) Seamless articulation and maximum access, as  
31 measured by: the percentage of students who demonstrate



1 readiness for the educational level they are entering, from  
2 kindergarten through postsecondary education and into the  
3 workforce; the number and percentage of students needing  
4 remediation; the percentage of Floridians who complete  
5 associate, baccalaureate, professional, and postgraduate  
6 degrees; the number and percentage of credits that articulate;  
7 the extent to which each set of exit-point requirements  
8 matches the next set of entrance-point requirements; and other  
9 measures identified in law or rule.

10 (c) Skilled workforce and economic development, as  
11 measured by: the number and percentage of graduates employed  
12 in their areas of preparation; the percentage of Floridians  
13 with high school diplomas and postsecondary education  
14 credentials; the percentage of business and community members  
15 who find that Florida's graduates possess the skills they  
16 need; and other measures identified in law or rule.

17 (d) Quality efficient services, as measured by: cost  
18 per completer or graduate; average cost per noncompleter at  
19 each educational level; cost disparity across institutions  
20 offering the same degrees; the percentage of education  
21 customers at each educational level who are satisfied with the  
22 education provided; and other measures identified in law or  
23 rule.

24 (4) SYSTEMWIDE DATA COLLECTION.--School districts and  
25 public postsecondary institutions shall maintain information  
26 systems that will provide the State Board of Education and the  
27 Legislature with information and reports at a level of  
28 comprehensiveness and quality no less than that which was  
29 available as of June 30, 2001.

30 Section 371. Section 1008.32, Florida Statutes, is  
31 created to read:

1           1008.32 State Board of Education oversight enforcement  
2 authority.--The State Board of Education shall oversee the  
3 performance of district school boards and public postsecondary  
4 education institution boards in enforcement of all laws and  
5 rules. District school boards and public postsecondary  
6 education institution boards shall be primarily responsible  
7 for compliance with law and state board rule.

8           (1) In order to ensure compliance with law or state  
9 board rule, the State Board of Education shall have the  
10 authority to request and receive information, data, and  
11 reports from school districts and public postsecondary  
12 education institutions. District school superintendents and  
13 public postsecondary education institution presidents are  
14 responsible for the accuracy of the information and data  
15 reported to the state board.

16           (2) The Commissioner of Education may investigate  
17 allegations of noncompliance with law or state board rule and  
18 determine probable cause, the commissioner shall report to the  
19 State Board of Education which shall require the district  
20 school board or public postsecondary education institution  
21 board to document compliance with law or state board rule.

22           (3) If the district school board or public  
23 postsecondary education institution board cannot  
24 satisfactorily document compliance, the State Board of  
25 Education may order compliance within a specified time frame.

26           (4) If the State Board of Educaiton determines that a  
27 district school board or public postsecondary education  
28 institution board is unwilling or unable to comply with law or  
29 state board rule within the specified time, the state board  
30 shall have the authority to initiate any of the following  
31 actions:

1       (a) Report to the Legislature that the school district  
2 or public postsecondary education institution has been  
3 unwilling or unable to comply with law or state board rule and  
4 recommend action to be taken by the Legislature.

5       (b) Reduce the discretionary lottery appropriation  
6 until the school district or public postsecondary education  
7 institution complies with the law or state board rule.

8       (c) Withhold the transfer of state funds,  
9 discretionary grant funds, or any other funds specified as  
10 eligible for this purpose by the Legislature until the school  
11 district or public postsecondary education institution  
12 complies with the law or state board rule.

13       (d) Declare the school district or public  
14 postsecondary education institution ineligible for competitive  
15 grants.

16       (e) Require monthly or periodic reporting on the  
17 situation related to noncompliance until is remedied.

18       (5) Nothing in this section shall be construed to  
19 create a private cause of action or create any rights for  
20 individuals or entities in addition to those provided  
21 elsewhere in law or rule.

22       Section 372. Section 1008.33, Florida Statutes, is  
23 created to read:

24       1008.33 Authority to enforce public school  
25 improvement.--It is the intent of the Legislature that all  
26 public schools be held accountable for students performing at  
27 acceptable levels. A system of school improvement and  
28 accountability that assesses student performance by school,  
29 identifies schools in which students are not making adequate  
30 progress toward state standards, institutes appropriate  
31 measures for enforcing improvement, and provides rewards and

1 sanctions based on performance shall be the responsibility of  
2 the State Board of Education.

3 (1) Pursuant to Art. IX of the State Constitution  
4 prescribing the duty of the State Board of Education to  
5 supervise Florida's public school system and notwithstanding  
6 any other statutory provisions to the contrary, the State  
7 Board of Education shall intervene in the operation of a  
8 district school system when one or more schools in the school  
9 district have failed to make adequate progress for 2 school  
10 years in a 4-year period. For purposes of determining when a  
11 school is eligible for state board action and opportunity  
12 scholarships for its students, the terms "2 years in any  
13 4-year period" and "2 years in a 4-year period" mean that in  
14 any year that a school has a grade of "F," the school is  
15 eligible for state board action and opportunity scholarships  
16 for its students if it also has had a grade of "F" in any of  
17 the previous 3 school years. The State Board of Education may  
18 determine that the school district or school has not taken  
19 steps sufficient for students in the school to be academically  
20 well served. Considering recommendations of the Commissioner  
21 of Education, the State Board of Education shall recommend  
22 action to a district school board intended to improve  
23 educational services to students in each school that is  
24 designated as performance grade category "F." Recommendations  
25 for actions to be taken in the school district shall be made  
26 only after thorough consideration of the unique  
27 characteristics of a school, which shall include student  
28 mobility rates, the number and type of exceptional students  
29 enrolled in the school, and the availability of options for  
30 improved educational services. The state board shall adopt by  
31 rule steps to follow in this process. Such steps shall

1 provide school districts sufficient time to improve student  
2 performance in schools and the opportunity to present evidence  
3 of assistance and interventions that the district school board  
4 has implemented.

5 (2) The State Board of Education may recommend one or  
6 more of the following actions to district school boards to  
7 enable students in schools designated as performance grade  
8 category "F" to be academically well served by the public  
9 school system:

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

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

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

21 (d) Allow parents of students in the school to send  
22 their children to another district school of their choice; or

23 (e) Other action appropriate to improve the school's  
24 performance.

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

1           (4) The State Board of Education may require the  
2 Department of Education or Comptroller to withhold any  
3 transfer of state funds to the school district if, within the  
4 timeframe specified in state board action, the school district  
5 has failed to comply with the action ordered to improve the  
6 district's low-performing schools. Withholding the transfer of  
7 funds shall occur only after all other recommended actions for  
8 school improvement have failed to improve performance. The  
9 State Board of Education may invoke the same penalty to any  
10 district school board that fails to develop and implement a  
11 plan for assistance and intervention for low-performing  
12 schools as specified in s. 1001.42(16)(c).

13           Section 373. Section 1008.34, Florida Statutes, is  
14 created to read:

15           1008.34 School grading system; district performance  
16 grade.--

17           (1) ANNUAL REPORTS.--The Commissioner of Education  
18 shall prepare annual reports of the results of the statewide  
19 assessment program which describe student achievement in the  
20 state, each district, and each school. The commissioner shall  
21 prescribe the design and content of these reports, which must  
22 include, without limitation, descriptions of the performance  
23 of all schools participating in the assessment program and all  
24 of their major student populations as determined by the  
25 Commissioner of Education, and must also include the median  
26 scores of all eligible students who scored at or in the lowest  
27 25th percentile of the state in the previous school year;  
28 provided, however, that the provisions of s. 1002.22  
29 pertaining to student records apply to this section.

30           (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual  
31 report shall identify schools as being in one of the following

1 grade categories defined according to rules of the State Board  
2 of Education:

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

9  
10 Each school designated in performance grade category "A,"  
11 making excellent progress, or as having improved at least two  
12 performance grade categories, shall have greater authority  
13 over the allocation of the school's total budget generated  
14 from the FEFP, state categoricals, lottery funds, grants, and  
15 local funds, as specified in state board rule. The rule must  
16 provide that the increased budget authority shall remain in  
17 effect until the school's performance grade declines.

18 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE  
19 CATEGORIES.--School performance grade category designations  
20 itemized in subsection (2) shall be based on the following:

- 21 (a) Timeframes.--  
22 1. School performance grade category designations  
23 shall be based on the school's current year performance and  
24 the school's annual learning gains.  
25 2. A school's performance grade category designation  
26 shall be based on a combination of student achievement scores,  
27 student learning gains as measured by annual FCAT assessments  
28 in grades 3 through 10, and improvement of the lowest 25th  
29 percentile of students in the school in reading, math, or  
30 writing on the FCAT, unless these students are performing  
31 above satisfactory performance.

1           (b) Student assessment data.--Student assessment data  
2 used in determining school performance grade categories shall  
3 include:

4           1. The aggregate scores of all eligible students  
5 enrolled in the school who have been assessed on the FCAT.

6           2. The aggregate scores of all eligible students  
7 enrolled in the school who have been assessed on the FCAT,  
8 including Florida Writes, and who have scored at or in the  
9 lowest 25th percentile of students in the school in reading,  
10 math, or writing, unless these students are performing above  
11 satisfactory performance.

12  
13 The Department of Education shall study the effects of  
14 mobility on the performance of highly mobile students and  
15 recommend programs to improve the performance of such  
16 students. The State Board of Education shall adopt appropriate  
17 criteria for each school performance grade category. The  
18 criteria must also give added weight to student achievement in  
19 reading. Schools designated as performance grade category "C,"  
20 making satisfactory progress, shall be required to demonstrate  
21 that adequate progress has been made by students in the school  
22 who are in the lowest 25th percentile in reading, math, or  
23 writing on the FCAT, including Florida Writes, unless these  
24 students are performing above satisfactory performance.

25           (4) SCHOOL IMPROVEMENT RATINGS.--The annual report  
26 shall identify each school's performance as having improved,  
27 remained the same, or declined. This school improvement rating  
28 shall be based on a comparison of the current year's and  
29 previous year's student and school performance data. Schools  
30 that improve at least one performance grade category are  
31 eligible for school recognition awards pursuant to s. 1008.36.



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

10           (6) RULES.--The State Board of Education shall adopt  
11 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
12 provisions of this section.

13           (7) PERFORMANCE-BASED FUNDING.--The Legislature may  
14 factor in the performance of schools in calculating any  
15 performance-based funding policy that is provided for annually  
16 in the General Appropriations Act.

17           (8) DISTRICT PERFORMANCE GRADE.--The annual report  
18 required by subsection (1) shall include district performance  
19 grades, which shall consist of weighted district average  
20 grades, by level, for all elementary schools, middle schools,  
21 and high schools in the district. A district's weighted  
22 average grade shall be calculated by weighting individual  
23 school grades determined pursuant to subsection (2) by school  
24 enrollment.

25           Section 374. Section 1008.345, Florida Statutes, is  
26 created to read:

27           1008.345 Implementation of state system of school  
28 improvement and education accountability.--

29           (1) COMMISSIONER.--The Commissioner of Education shall  
30 be responsible for implementing and maintaining a system of  
31 intensive school improvement and stringent education

1 accountability, which shall include policies and programs to  
2 implement the following:

3 (a) A system of data collection and analysis that will  
4 improve information about the educational success of  
5 individual students and schools, including schools operating  
6 for the purpose of providing educational services to youth in  
7 Department of Juvenile Justice programs. The information and  
8 analyses must be capable of identifying educational programs  
9 or activities in need of improvement, and reports prepared  
10 pursuant to this paragraph shall be distributed to the  
11 appropriate district school boards prior to distribution to  
12 the general public. This provision shall not preclude access  
13 to public records as provided in chapter 119.

14 (b) A program of school improvement that will analyze  
15 information to identify schools, including schools operating  
16 for the purpose of providing educational services to youth in  
17 Department of Juvenile Justice programs, educational programs,  
18 or educational activities in need of improvement.

19 (c) A method of delivering services to assist school  
20 districts and schools to improve, including schools operating  
21 for the purpose of providing educational services to youth in  
22 Department of Juvenile Justice programs.

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

26 (2) The commissioner shall be held responsible for the  
27 implementation and maintenance of the system of school  
28 improvement and education accountability outlined in this  
29 section. There shall be an annual determination of whether  
30 adequate progress is being made toward implementing and

31

1 maintaining a system of school improvement and education  
2 accountability.

3 (3) The annual feedback report shall be developed by  
4 the Department of Education.

5 (4) The commissioner shall review each district school  
6 board's feedback report and submit findings to the State Board  
7 of Education. If adequate progress is not being made toward  
8 implementing and maintaining a system of school improvement  
9 and education accountability, the State Board of Education  
10 shall direct the commissioner to prepare and implement a  
11 corrective action plan. The commissioner and State Board of  
12 Education shall monitor the development and implementation of  
13 the corrective action plan.

14 (5) The commissioner shall report to the Legislature  
15 and recommend changes in state policy necessary to foster  
16 school improvement and education accountability. Included in  
17 the report shall be a list of the schools, including schools  
18 operating for the purpose of providing educational services to  
19 youth in Department of Juvenile Justice programs, for which  
20 district school boards have developed assistance and  
21 intervention plans and an analysis of the various strategies  
22 used by the school boards. School reports shall be distributed  
23 pursuant to this subsection and s. 1001.42(16)(e) and  
24 according to rules adopted by the State Board of Education.

25 (6) DEPARTMENT.--

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

1           (b) Upon request, the department shall provide  
2 technical assistance and training to any school, including any  
3 school operating for the purpose of providing educational  
4 services to youth in Department of Juvenile Justice programs,  
5 school advisory council, district, or district school board  
6 for conducting needs assessments, developing and implementing  
7 school improvement plans, developing and implementing  
8 assistance and intervention plans, or implementing other  
9 components of school improvement and accountability. Priority  
10 for these services shall be given to schools designated as  
11 performance grade category "D" or "F" and school districts in  
12 rural and sparsely populated areas of the state.

13           (c) Pursuant to s. 24.121(5)(d), the department shall  
14 not release funds from the Educational Enhancement Trust Fund  
15 to any district in which a school, including schools operating  
16 for the purpose of providing educational services to youth in  
17 Department of Juvenile Justice programs, does not have an  
18 approved school improvement plan, pursuant to s. 1001.42(16),  
19 after 1 full school year of planning and development, or does  
20 not comply with school advisory council membership composition  
21 requirements pursuant to s. 1001.452. The department shall  
22 send a technical assistance team to each school without an  
23 approved plan to develop such school improvement plan or to  
24 each school without appropriate school advisory council  
25 membership composition to develop a strategy for corrective  
26 action. The department shall release the funds upon approval  
27 of the plan or upon establishment of a plan of corrective  
28 action. Notice shall be given to the public of the  
29 department's intervention and shall identify each school  
30 without a plan or without appropriate school advisory council  
31 membership composition.

1       (d) The department shall assign a community assessment  
2 team to each school district with a school designated as  
3 performance grade category "D" or "F" to review the school  
4 performance data and determine causes for the low performance.  
5 The team shall make recommendations to the school board, to  
6 the department, and to the State Board of Education for  
7 implementing an assistance and intervention plan that will  
8 address the causes of the school's low performance. The  
9 assessment team shall include, but not be limited to, a  
10 department representative, parents, business representatives,  
11 educators, and community activists, and shall represent the  
12 demographics of the community from which they are appointed.

13       (7)(a) Schools designated in performance grade  
14 category "A," making excellent progress, shall, if requested  
15 by the school, be given deregulated status as specified in s.  
16 1003.63(5), (7), (8), (9), and (10).

17       (b) Schools that have improved at least two  
18 performance grade categories and that meet the criteria of the  
19 Florida School Recognition Program pursuant to s. 1008.36 may  
20 be given deregulated status as specified in s. 1003.63(5),  
21 (7), (8), (9), and (10).

22       (8) As a part of the system of educational  
23 accountability, the Department of Education shall:

24       (a) Develop minimum performance standards for various  
25 grades and subject areas, as required in ss. 1001.03, 1008.22,  
26 and 1008.34.

27       (b) Administer the statewide assessment testing  
28 program created by s. 1008.22.

29       (c) Review the school advisory councils of each  
30 district as required by s. 1001.452.

31

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

1 be required by the commissioner, the State Board of Education,  
2 or law.

3 Section 375. Section 1008.35, Florida Statutes, is  
4 created to read:

5 1008.35 Best financial management practices (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.

- 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



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 act:

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

1           (6)(a) The Joint Legislative Auditing Committee may  
2 adjust the schedule of districts to be reviewed when  
3 unforeseen circumstances prevent initiation of reviews  
4 scheduled in a given year.

5           (b) Once the 5-year cycle has been completed, reviews  
6 shall continue, beginning again with those districts included  
7 in year one of the cycle unless a district has requested and  
8 received a waiver as provided in subsection (17).

9           (7) At the direction of the Joint Legislative Auditing  
10 Committee or the President of the Senate and the Speaker of  
11 the House of Representatives, and subject to funding by the  
12 Legislature, OPPAGA may conduct, or contract with a private  
13 firm to conduct, up to two additional best financial  
14 management practices reviews in districts not scheduled for  
15 review during that year if such review is necessary to address  
16 adverse financial conditions.

17           (8) Reviews shall be conducted by OPPAGA and the  
18 consultant to the extent specifically funded by the  
19 Legislature in the General Appropriations Act for this  
20 purpose. Such funds may be used for the cost of reviews by  
21 OPPAGA and private consultants contracted by the director of  
22 OPPAGA. Costs may include professional services, travel  
23 expenses of OPPAGA and staff of the Auditor General, and any  
24 other necessary expenses incurred as part of a best financial  
25 management practices review.

26           (9) Districts scheduled for review must complete a  
27 self-assessment instrument provided by OPPAGA which indicates  
28 the school district's evaluation of its performance on each  
29 best practice. The district must begin the self-assessment not  
30 later than 60 days prior to the commencement of the review.  
31 The completed self-assessment instrument and supporting

1 documentation must be submitted to OPPAGA not later than the  
2 date of commencement of the review as notified by OPPAGA. The  
3 best practice review team will use this self-assessment  
4 information during their review of the district.

5 (10) During the review, OPPAGA and the consultant  
6 conducting the review, if any, shall hold at least one  
7 advertised public forum as part of the review in order to  
8 explain the best financial management practices review process  
9 and obtain input from students, parents, the business  
10 community, and other district residents regarding their  
11 concerns about the operations and management of the school  
12 district.

13 (11) District reviews conducted under this section  
14 must be completed within 6 months after commencement. OPPAGA  
15 shall issue a final report to the President of the Senate, the  
16 Speaker of the House of Representatives, and the district  
17 regarding the district's use of best financial management  
18 practices and cost savings recommendations within 60 days  
19 after completing the reviews. Copies of the final report shall  
20 be provided to the Governor, the Commissioner of Education,  
21 and to the chairs of school advisory councils and district  
22 advisory councils established pursuant to s. 229.58(1)(a) and  
23 (b). The school district shall notify all members of the  
24 school advisory councils and district advisory council by mail  
25 that the final report has been delivered to the school  
26 district and to the council chairs. The notification shall  
27 also inform members of the OPPAGA website address at which an  
28 electronic copy of the report is available.

29 (12) After receipt of the final report and before the  
30 district school board votes whether to adopt the action plan,  
31 or if no action plan was required because the district was

1 found to be using the best practices, the school district  
2 shall hold an advertised public forum to accept public input  
3 and review the findings and recommendations of the report. The  
4 district shall advertise and promote this forum in a manner  
5 appropriate to inform school and district advisory councils,  
6 parents, school district employees, the business community,  
7 and other district residents of the opportunity to attend this  
8 meeting. OPPAGA and the consultant, if any, shall also be  
9 represented at this 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

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 school district must submit an initial status  
10 report to the President of the Senate, the Speaker of the  
11 House of Representatives, the Governor, OPPAGA, the Auditor  
12 General, the State Board of Education, and the Commissioner of  
13 Education on progress made towards implementing the action  
14 plan and whether changes have occurred in other areas of  
15 operation that would affect compliance with the best  
16 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

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) School districts that successfully implement the  
13 best financial management practices within 2 years, or are  
14 determined in the review to be using the best practices, are  
15 eligible to receive a "Seal of Best Financial Management."  
16 Upon notification to the Commissioner of Education and the  
17 State Board of Education by OPPAGA that a district has been  
18 found to be using the best financial management practices, the  
19 State Board of Education shall award that district a "Seal of  
20 Best Financial Management" certifying that the district is  
21 adhering to the state's best financial management practices.  
22 The State Board of Education designation shall be effective  
23 for 5 years from the certification date or until the next  
24 review is completed, whichever is later. During the  
25 designation period, the district school board shall annually,  
26 not later than the anniversary date of the certification,  
27 notify OPPAGA, the Auditor General, the Commissioner of  
28 Education, and the State Board of Education of any changes in  
29 policies or operations or any other situations that would not  
30 conform to the state's best financial management practices.  
31 The State Board of Education may revoke the designation of a

1 district at any time if it determines that a district is no  
2 longer complying with the state's best financial management  
3 practices. If no such changes have occurred and the district  
4 school board determines that the school district continues to  
5 conform to the best financial management practices, the  
6 district school board shall annually report that information  
7 to the State Board of Education, with copies to OPPAGA, the  
8 Auditor General, and the Commissioner of Education.

9 (17)(a) A district school board that has been awarded  
10 a "Seal of Best Financial Management" by the State Board of  
11 Education and has annually reported to the State Board of  
12 Education that the district is still conforming to the best  
13 financial management practices may request a waiver from  
14 undergoing its next scheduled Best Financial Management  
15 Practices review.

16 (b) To apply for such waiver, not later than September  
17 1 of the fiscal year prior to the fiscal year in which the  
18 district is next scheduled for review, the district school  
19 board shall certify to OPPAGA and the Department of Education  
20 the district school board's determination that the school  
21 district is still conforming to the best financial management  
22 practices.

23 (c) After consultation with the Department of  
24 Education and review of the district school board's  
25 determination, OPPAGA may recommend to the Legislative Budget  
26 Commission that the district be granted a waiver for the next  
27 scheduled Best Financial Management Practices review. If  
28 approved for waiver, OPPAGA shall notify the school district  
29 and the Department of Education that no review of that  
30 district will be conducted during the next scheduled review  
31 cycle. In that event, the school district must continue annual

1 reporting to the State Board of Education as required in  
2 subsection (16). Districts granted a waiver for one review  
3 cycle are not eligible for waiver of the next scheduled review  
4 cycle.

5 (18) School districts that receive a best financial  
6 management practices review must maintain records that will  
7 enable independent verification of the implementation of the  
8 action plan and any related fiscal impacts.

9 (19) Unrestricted cost savings resulting from  
10 implementation of the best financial management practices must  
11 be spent at the school and classroom levels for teacher  
12 salaries, teacher training, improved classroom facilities,  
13 student supplies, textbooks, classroom technology, and other  
14 direct student instruction activities. Cost savings identified  
15 for a program that has restrictive expenditure requirements  
16 shall be used for the enhancement of the specific program.

17 Section 376. Section 1008.36, Florida Statutes, is  
18 created to read:

19 1008.36 Florida School Recognition Program.--

20 (1) The Legislature finds that there is a need for a  
21 performance incentive program for outstanding faculty and  
22 staff in highly productive schools. The Legislature further  
23 finds that performance-based incentives are commonplace in the  
24 private sector and should be infused into the public sector as  
25 a reward for productivity.

26 (2) The Florida School Recognition Program is created  
27 to provide financial awards to public schools that:

28 (a) Sustain high performance by receiving a school  
29 grade of "A", making excellent progress; or

30 (b) Demonstrate exemplary improvement due to  
31 innovation and effort by improving a letter grade.



1       (3) All public schools, including charter schools,  
2 that receive a school grade pursuant to s. 1008.34 are  
3 eligible to participate in the program.

4       (4) All selected schools shall receive financial  
5 awards depending on the availability of funds appropriated and  
6 the number and size of schools selected to receive an award.  
7 Funds must be distributed to the school's fiscal agent and  
8 placed in the school's account and must be used for purposes  
9 listed in subsection (5) as determined jointly by the school's  
10 staff and school advisory council. If school staff and the  
11 school advisory council cannot reach agreement by November 1,  
12 the awards must be equally distributed to all classroom  
13 teachers currently teaching in the school.

14       (5) School recognition awards must be used for the  
15 following:

16           (a) Nonrecurring bonuses to the faculty and staff;

17           (b) Nonrecurring expenditures for educational  
18 equipment or materials to assist in maintaining and improving  
19 student performance; or

20           (c) Temporary personnel for the school to assist in  
21 maintaining and improving student performance.

22  
23 Notwithstanding statutory provisions to the contrary,  
24 incentive awards are not subject to collective bargaining.

25       Section 377. Section 1008.37, Florida Statutes, is  
26 created to read:

27       1008.37 Postsecondary feedback of information to high  
28 schools.--

29       (1) The State Board of Education shall adopt rules  
30 that require the Commissioner of Education to report to the  
31 State Board of Education, the Legislature, and the school

1 districts on the performance of each  
2 first-time-in-postsecondary education student from each public  
3 high school in this state who is enrolled in a public  
4 postsecondary institution or public technical center. Such  
5 reports must be based on information databases maintained by  
6 the Department of Education. In addition, the public  
7 postsecondary institutions and technical centers shall provide  
8 school districts access to information on student performance  
9 in regular and preparatory courses and shall indicate students  
10 referred for remediation pursuant to s. 1008.30 or s. 1008.28.

11 (2) The Commissioner of Education shall report, by  
12 high school, to the State Board of Education and the  
13 Legislature, no later than November 31 of each year, on the  
14 number of prior year Florida high school graduates who  
15 enrolled for the first time in public postsecondary education  
16 in this state during the previous summer, fall, or spring  
17 term, indicating the number of students whose scores on the  
18 common placement test indicated the need for remediation  
19 through college-preparatory or vocational-preparatory  
20 instruction pursuant to s. 1004.91 or s. 1008.30.

21 (3) The Commissioner of Education shall organize  
22 school summary reports and student-level records by school  
23 district and high school in which the postsecondary education  
24 students were enrolled and report the information to each  
25 school district no later than January 31 of each year.

26 (4) As a part of the school improvement plan pursuant  
27 to s. 1008.345, the State Board of Education shall ensure that  
28 each school district and high school develops strategies to  
29 improve student readiness for the public postsecondary level  
30 based on annual analysis of the feedback report data.

31

1           (5) The Commissioner of Education shall annually  
2 recommend to the Legislature statutory changes to reduce the  
3 incidence of postsecondary remediation in mathematics,  
4 reading, and writing for first-time-enrolled recent high  
5 school graduates.

6           Section 378. Section 1008.38, Florida Statutes, is  
7 created to read:

8           1008.38 Articulation accountability process.--The  
9 State Board of Education shall develop articulation  
10 accountability measures which assess the status of systemwide  
11 articulation processes authorized under s. 1007.23. The State  
12 Board of Education shall establish an articulation  
13 accountability process which at a minimum shall address:

14           (1) The impact of articulation processes on ensuring  
15 educational continuity and the orderly and unobstructed  
16 transition of students between public secondary and  
17 postsecondary education systems and facilitating the  
18 transition of students between the public and private sectors.

19           (2) The adequacy of preparation of public secondary  
20 students to smoothly articulate to a public postsecondary  
21 institution.

22           (3) The effectiveness of articulated acceleration  
23 mechanisms available to secondary students.

24           (4) The smooth transfer of community college associate  
25 in arts degree graduates to a state university.

26           (5) An examination of degree requirements which exceed  
27 the parameters of 60 credit hours for an associate degree and  
28 120 hours for a baccalaureate degree in public postsecondary  
29 programs.

30  
31

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 379. 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 shall be responsible  
10 for 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

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

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

1 be determined in order to provide the necessary information  
2 for making management decisions at all levels;  
3 8. Developing output report formats which will provide  
4 district school systems with information for making management  
5 decisions at the various educational levels;  
6 9. Developing a phased plan for distributing computer  
7 services equitably among all public schools and school  
8 districts in the state as rapidly as possible. The plan shall  
9 describe alternatives available to the state in providing such  
10 computing services and shall contain estimates of the cost of  
11 each alternative, together with a recommendation for action.  
12 In developing the plan, the feasibility of shared use of  
13 computing hardware and software by school districts, community  
14 colleges, and universities shall be examined. Laws or  
15 administrative rules regulating procurement of data processing  
16 equipment, communication services, or data processing services  
17 by state agencies shall not be construed to apply to local  
18 agencies which share computing facilities with state agencies;  
19 10. Assisting the district school systems in  
20 establishing their subsystem components and assuring  
21 compatibility with current district systems;  
22 11. Establishing procedures for continuous evaluation  
23 of system efficiency and effectiveness;  
24 12. Initiating a reports-management and  
25 forms-management system to ascertain that duplication in  
26 collection of data does not exist and that forms and reports  
27 for reporting under state and federal requirements and other  
28 forms and reports are prepared in a logical and uncomplicated  
29 format, resulting in a reduction in the number and complexity  
30 of required reports, particularly at the school level; and  
31

1           13. Initiating such other actions as are necessary to  
2 carry out the intent of the Legislature that a management  
3 information system for public school management needs be  
4 implemented. Such other actions shall be based on criteria  
5 including, but not limited to:  
6           a. The purpose of the reporting requirement;  
7           b. The origination of the reporting requirement;  
8           c. The date of origin of the reporting requirement;  
9 and  
10           d. The date of repeal of the reporting requirement.  
11           (b) The specific responsibilities of each district  
12 school system shall include:  
13           1. Establishing, at the district level, a  
14 reports-control and forms-control management system committee  
15 composed of school administrators and classroom teachers. The  
16 district school board shall appoint school administrator  
17 members and classroom teacher members; or, in school districts  
18 where appropriate, the classroom teacher members shall be  
19 appointed by the bargaining agent. Teachers shall constitute a  
20 majority of the committee membership. The committee shall  
21 periodically recommend procedures to the district school board  
22 for eliminating, reducing, revising, and consolidating  
23 paperwork and data collection requirements and shall submit to  
24 the district school board an annual report of its findings.  
25           2. With assistance from the commissioner, developing  
26 systems compatibility between the state management information  
27 system and unique local systems.  
28           3. Providing, with the assistance of the department,  
29 inservice training dealing with management information system  
30 purposes and scope, a method of transmitting input data, and  
31 the use of output report information.



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

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

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

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

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

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

22           (3) RULES.--The State Board of Education shall adopt  
23 rules to administer this section.

24           Section 380. Section 1008.386, Florida Statutes, is  
25 created to read:

26           1008.386 Social security numbers used as student  
27 identification numbers.--Each school district shall request  
28 that each student enrolled in a public school in this state  
29 provide his or her social security number. Each school  
30 district shall use social security numbers as student  
31 identification numbers in the management information system

1 maintained by the school district. However, a student is not  
2 required to provide his or her social security number as a  
3 condition for enrollment or graduation. A student satisfies  
4 this requirement by presenting to school enrollment officials  
5 his or her social security card or a copy of the card. The  
6 school district shall include the social security number in  
7 the student's permanent records and shall indicate if the  
8 student identification number is not a social security number.  
9 The Commissioner of Education shall provide assistance to  
10 school districts to assure that the assignment of student  
11 identification numbers other than social security numbers is  
12 kept to a minimum and to avoid duplication of any student  
13 identification number.

14 Section 381. Section 1008.39, Florida Statutes, is  
15 created to read:

16 1008.39 Florida Education and Training Placement  
17 Information Program.--

18 (1) The Department of Education shall develop and  
19 maintain a continuing program of information management named  
20 the "Florida Education and Training Placement Information  
21 Program," the purpose of which is to compile, maintain, and  
22 disseminate information concerning the educational histories,  
23 placement and employment, enlistments in the United States  
24 armed services, and other measures of success of former  
25 participants in state educational and workforce development  
26 programs. Placement and employment information shall contain  
27 data appropriate to calculate job retention and job retention  
28 rates.

29 (2) Any project conducted by the Department of  
30 Education or the workforce development system that requires  
31 placement information shall use information provided through

1 the Florida Education and Training Placement Information  
2 Program, and shall not initiate automated matching of records  
3 in duplication of methods already in place in the Florida  
4 Education and Training Placement Information Program. The  
5 department shall implement an automated system which matches  
6 the social security numbers of former participants in state  
7 educational and training programs with information in the  
8 files of state and federal agencies that maintain educational,  
9 employment, and United States armed service records and shall  
10 implement procedures to identify the occupations of those  
11 former participants whose social security numbers are found in  
12 employment records, as required by Specific Appropriation  
13 337A, chapter 84-220, Laws of Florida; Specific Appropriation  
14 337B, chapter 85-119, Laws of Florida; Specific Appropriation  
15 350A, chapter 86-167, Laws of Florida; and Specific  
16 Appropriation 351, chapter 87-98, Laws of Florida.

17 (3) The Florida Education and Training Placement  
18 Information Program must not make public any information that  
19 could identify an individual or the individual's employer. The  
20 Department of Education must assure that the purpose of  
21 obtaining placement information is to evaluate and improve  
22 public programs or to conduct research for the purpose of  
23 improving services to the individuals whose social security  
24 numbers are used to identify their placement. If an agreement  
25 assures that this purpose will be served and that privacy will  
26 be protected, the Department of Education shall have access to  
27 the unemployment insurance wage reports maintained by the  
28 Department of Labor and Employment Security, the files of the  
29 Department of Children and Family Services that contain  
30 information about the distribution of public assistance, the  
31 files of the Department of Corrections that contain records of

1 incarcerations, and the files of the Department of Business  
2 and Professional Regulation that contain the results of  
3 licensure examination.

4 (4) The Florida Education and Training Placement  
5 Information Program may perform longitudinal analyses for all  
6 levels of education and workforce development. These analyses  
7 must include employment stability, annual earnings, and  
8 relatedness of employment to education.

9 Section 382. Section 1008.40, Florida Statutes, is  
10 created to read:

11 1008.40 Workforce Development Information System.--The  
12 Department of Education shall:

13 (1) Design specifications for the collection and  
14 reporting of data and performance specifications for the  
15 Workforce Development Information System. This design must  
16 enable parallel reporting and state-level access of workforce  
17 data necessary to use the data reports as a basis for  
18 calculating funding allocations. In addition, the design must  
19 be capable of providing reports necessary to comply with other  
20 program performance documentation required by state or federal  
21 law, without requiring additional data collection or reporting  
22 from local educational agencies.

23 (2) Develop the computer programs, software, and edit  
24 processes necessary for local and state users to produce a  
25 single, unified Workforce Development Information System.

26 Section 383. Section 1008.405, Florida Statutes, is  
27 created to read:

28 1008.405 Adult student information.--Each school  
29 district and community college shall maintain sufficient  
30 information for each student enrolled in workforce development  
31 education to allow local and state administrators to locate

1 such student upon the termination of instruction and to  
2 determine the appropriateness of student placement in specific  
3 instructional programs. The State Board of Education shall  
4 adopt, in rule, specific information that must be maintained  
5 and acceptable means of maintaining that information.

6 Section 384. Section 1008.41, Florida Statutes, is  
7 created to read:

8 1008.41 Workforce Development Education; management  
9 information system.--

10 (1) The Commissioner of Education shall coordinate  
11 uniform program structures, common definitions, and uniform  
12 management information systems for workforce development  
13 education for all divisions within the department. In  
14 performing these functions, the commissioner shall designate  
15 deadlines after which data elements may not be changed for the  
16 coming fiscal or school year. School districts and community  
17 colleges shall be notified of data element changes at least 90  
18 days prior to the start of the subsequent fiscal or school  
19 year. Such systems must provide for:

20 (a) Individual student reporting.

21 (b) Compliance with state and federal confidentiality  
22 requirements, except that the department shall have access to  
23 the unemployment insurance wage reports to collect and report  
24 placement information about former students. Such placement  
25 reports must not disclose the individual identities of former  
26 students.

27 (c) Maximum use of automated technology and records in  
28 existing data bases and data systems. To the extent feasible,  
29 the Florida Information Resource Network shall be employed for  
30 this purpose.

31

1        (d) Annual reports of student enrollment, completion,  
2 and placement by program.

3        (2) The State Board of Education shall identify, by  
4 rule, the components to be included in the workforce  
5 development education management information system. All such  
6 components shall be comparable between school districts and  
7 community colleges.

8        (3) Planning and evaluation of job-preparatory  
9 programs shall be based on standard sources of data and use  
10 standard occupational definitions and coding structures,  
11 including, but not limited to:

12        (a) The Florida Occupational Information System;

13        (b) The Florida Education and Training Placement  
14 Information Program;

15        (c) The Agency for Workforce Innovation;

16        (d) The United States Department of Labor; and

17        (e) Other sources of data developed using  
18 statistically valid procedures.

19        Section 385. Section 1008.42, Florida Statutes, is  
20 created to read:

21        1008.42 Public information on career and technical  
22 education programs.--

23        (1) The Department of Education shall disseminate  
24 information derived from the reports required by s. 1008.43.  
25 The department shall ensure that the information disseminated  
26 does not name or otherwise identify a student, a former  
27 student, or the student's employer.

28        (2) The dissemination shall be conducted in accordance  
29 with the following procedures:

30        (a) Annually, the Department of Education shall  
31 publish the placement rates and average quarterly earnings for

1 students who complete each type of certificate career  
2 education program and degree career education program. This  
3 information must be aggregated to the state level and must be  
4 included in any accountability reports. A program that was  
5 created or modified so that placement rates cannot be  
6 calculated must be so identified in such reports.

7 (b)1. Each school district shall publish, at a  
8 minimum, the most recently available placement rate for each  
9 certificate career education program conducted by that school  
10 district at the secondary school level and at the degree  
11 career education level. The placement rates for the preceding  
12 3 years shall be published, if available; shall be included in  
13 each publication that informs the public of the availability  
14 of the program; and shall be made available to each school  
15 guidance counselor. If a program does not have a placement  
16 rate, a publication that lists or describes that program must  
17 state that the rate is unavailable.

18 2. Each community college shall publish, at a minimum,  
19 the most recent placement rate for each certificate career  
20 education program and for each degree career education program  
21 in its annual catalog. The placement rates for the preceding 3  
22 years shall be published, if available, and shall be included  
23 in any publication that informs the public of the availability  
24 of the program. If a program does not have a placement rate,  
25 the publication that lists or describes that program must  
26 state that the rate is unavailable.

27 3. If a school district or a community college has  
28 calculated for a program a placement rate that differs from  
29 the rate reported by the department, and if each record of a  
30 placement was obtained through a process that was capable of  
31 being audited, procedurally sound, and consistent statewide,

1 the district or the community college may use the locally  
2 calculated placement rate in the report required by this  
3 section. However, that rate may not be combined with the rate  
4 maintained in the computer files of the Department of  
5 Education's Florida Education and Training Placement  
6 Information Program.

7 4. An independent degree career education, technical,  
8 trade, or business school may not publish a placement rate  
9 unless the placement rate was determined as provided by this  
10 section.

11 Section 386. Section 1008.43, Florida Statutes, is  
12 created to read:

13 1008.43 Career and technical program reporting  
14 requirements.--

15 (1)(a) The Department of Education shall develop a  
16 system of performance measures in order to evaluate the career  
17 and technical education programs as required in s. 1008.42.  
18 This system must measure program enrollment, completion rates,  
19 placement rates, and amount of earnings at the time of  
20 placement. Placement and employment information, where  
21 applicable, shall contain data relevant to job retention,  
22 including retention rates. The State Board of Education shall  
23 adopt by rule the specific measures and any definitions needed  
24 to establish the system of performance measures.

25 (b) To measure and report program enrollment and  
26 completion rates, the Department of Education shall use data  
27 in the automated student databases generated by the public  
28 schools and community colleges. To measure and report  
29 placement rates and amount of earnings at the time of  
30 placement, the department shall use data in the reports  
31 produced by the Florida Education and Training Placement



1 Information Program as required in s. 1008.39. If any  
2 placement information is not available from the Florida  
3 Education and Training Placement Information Program, the  
4 school district or the community college may provide placement  
5 information collected by the school district or the community  
6 college. However, this supplemental information must be  
7 verifiable by the department and must not be commingled with  
8 the database maintained by the Florida Education and Training  
9 Placement Information Program. The State Board of Education  
10 shall specify by rule the statistically valid, verifiable,  
11 uniform procedures by which school districts and community  
12 colleges may collect and report placement information to  
13 supplement the reports from the Florida Education and Training  
14 Placement Information Program.

15 (c) The State Board of Education shall adopt standards  
16 for the department, district school boards, and community  
17 college district boards of trustees to use in program  
18 planning, program review, and program evaluation. The  
19 standards must include, at a minimum, the completion rates,  
20 placement rates, and earnings from employment of former  
21 students of career and technical education programs.

22 (2) The State Board of Education shall adopt  
23 procedures for reviewing the career and technical education  
24 programs administered by the district school boards and the  
25 community college district boards of trustees when program  
26 performance falls below the standards required by this  
27 section.

28 (3) Annually the department shall compile the reports  
29 submitted in compliance with the rules adopted under this  
30 section and shall produce a statewide report that addresses  
31

1 the extent to which school districts and community colleges  
2 are meeting the standards established under paragraph (1)(c).

3 (4) The State Board of Education may adopt rules  
4 necessary to administer this section.

5 Section 387. Section 1008.45, Florida Statutes, is  
6 created to read:

7 1008.45 Community college accountability process.--

8 (1) It is the intent of the Legislature that a  
9 management and accountability process be implemented which  
10 provides for the systematic, ongoing improvement and  
11 assessment of the improvement of the quality and efficiency of  
12 the Florida community colleges. Accordingly, the State Board  
13 of Education and the community college boards of trustees  
14 shall develop and implement an accountability plan to improve  
15 and evaluate the instructional and administrative efficiency  
16 and effectiveness of the Florida Community College System.  
17 This plan shall be designed in consultation with staff of the  
18 Governor and the Legislature and must address the following  
19 issues:

20 (a) Graduation rates of A.A. and A.S. degree-seeking  
21 students compared to first-time-enrolled students seeking the  
22 associate degree.

23 (b) Minority student enrollment and retention rates.

24 (c) Student performance, including student performance  
25 in college-level academic skills, mean grade point averages  
26 for community college A.A. transfer students, and community  
27 college student performance on state licensure examinations.

28 (d) Job placement rates of community college career  
29 and technical students.

30 (e) Student progression by admission status and  
31 program.

1           (f) Career and technical accountability standards  
2 identified in s. 1008.42.

3           (g) Institutional assessment efforts related to the  
4 requirements of s. III in the Criteria for Accreditation of  
5 the Commission on Colleges of the Southern Association of  
6 Colleges and Schools.

7           (h) Other measures as identified by the Council for  
8 Education Policy Research and Improvement and approved by the  
9 State Board of Education.

10           (2) The State Board of Education shall submit an  
11 annual report, to coincide with the submission of the agency  
12 strategic plan required by law, providing the results of  
13 initiatives taken during the prior year and the initiatives  
14 and related objective performance measures proposed for the  
15 next year.

16           (3) The State Board of Education shall address within  
17 the annual evaluation of the performance of the executive  
18 director, and the community college boards of trustees shall  
19 address within the annual evaluation of the presidents, the  
20 achievement of the performance goals established by the  
21 accountability process.

22           Section 388. Section 1008.46, Florida Statutes, is  
23 created to read:

24           1008.46 State university accountability process.--It  
25 is the intent of the Legislature that an accountability  
26 process be implemented which provides for the systematic,  
27 ongoing evaluation of quality and effectiveness of state  
28 universities. It is further the intent of the Legislature that  
29 this accountability process monitor performance at the system  
30 level in each of the major areas of instruction, research, and  
31 public service, while recognizing the differing missions of

1 each of the state universities. The accountability process  
2 shall provide for the adoption of systemwide performance  
3 standards and performance goals for each standard identified  
4 through a collaborative effort involving state universities,  
5 the Legislature, and the Governor's Office. These standards  
6 and goals shall be consistent with s. 216.011(1) to maintain  
7 congruity with the performance-based budgeting process. This  
8 process requires that university accountability reports  
9 reflect measures defined through performance-based budgeting.  
10 The performance-based budgeting measures must also reflect the  
11 elements of teaching, research, and service inherent in the  
12 missions of the state universities.

13 (1) By December 31 of each year, the State Board of  
14 Education shall submit an annual accountability report  
15 providing information on the implementation of performance  
16 standards, actions taken to improve university achievement of  
17 performance goals, the achievement of performance goals during  
18 the prior year, and initiatives to be undertaken during the  
19 next year. The accountability reports shall be designed in  
20 consultation with the Governor's Office, the Office of Program  
21 Policy Analysis and Government Accountability, and the  
22 Legislature.

23 (2) The State Board of Education shall recommend in  
24 the annual accountability report any appropriate modifications  
25 to this section.

26 Section 389. Part III of chapter 1008 shall be  
27 entitled "Council for Education Policy Research and  
28 Improvement (CEPRI)" and shall consist of s. 1008.51.

29 Section 390. Section 1008.51, Florida Statutes, is  
30 created to read:

31

1           1008.51 Council for Education Policy Research and  
2 Improvement.--The Council for Education Policy Research and  
3 Improvement is created as an independent office under the  
4 Office of Legislative Services, pursuant to s. 11.147. The  
5 council shall conduct and review education research, provide  
6 independent analysis on education progress, and provide  
7 independent evaluation of education issues of statewide  
8 concern. The Office of Legislative Services shall provide  
9 administrative functions of the council, pursuant to joint  
10 policies of the Legislature.

11           (1) The council shall serve as a citizen board for  
12 independent policy research and analysis. The council shall be  
13 composed of five members appointed by the Governor, two  
14 members appointed by the Speaker of the House of  
15 Representatives, and two members appointed by the President of  
16 the Senate. Each member shall be appointed for a term of 6  
17 years. However, for purposes of continuity, the Governor shall  
18 appoint two members, the Speaker of the House of  
19 Representatives shall appoint one member, and the President of  
20 the Senate shall appoint one member for a first term of 4  
21 years. Members appointed for 4 years may be reappointed to one  
22 additional term. Members shall not include elected officials  
23 or employees of public or independent education entities.  
24 Members who miss two consecutive meetings may be replaced by  
25 the appointing officer.

26           (2) The council shall meet as often as it considers  
27 necessary to carry out its duties and responsibilities.  
28 Members shall be paid travel and per diem expenses as provided  
29 in s. 112.061 while performing their duties under this  
30 section.

31

1           (3) The council shall appoint an executive director,  
2 who shall serve at the pleasure of the council and shall  
3 perform the duties assigned to him or her by the council. The  
4 executive director is the chief administrative officer of the  
5 council and shall appoint all employees and staff members of  
6 the council, who shall serve under the executive director's  
7 direction and control.

8           (4) The council shall:

9           (a) Provide state policymakers, educators, and the  
10 public with objective and timely information that supports the  
11 seamless K-20 education system and the K-20 education  
12 accountability process designed to provide all students an  
13 opportunity for a high-quality education, in accordance with  
14 the policies and guiding principles of s. 1000.02 and the  
15 performance accountability system in s. 1008.31.

16           (b) Explore national and state emerging educational  
17 issues and examine how these issues should be addressed by  
18 education institutions in Florida.

19           (c) Prepare and submit to the State Board of Education  
20 a long-range master plan for education. The plan must include  
21 consideration of the promotion of quality, fundamental  
22 educational goals, programmatic access, needs for remedial  
23 education, regional and state economic development,  
24 international education programs, demographic patterns,  
25 student demand for programs, needs of particular subgroups of  
26 the population, implementation of innovative educational  
27 techniques and technology, and requirements of the labor  
28 market. The plan must evaluate the capacity of existing  
29 programs in public and independent institutions to respond to  
30 identified needs, and the council shall recommend efficient  
31

1 alternatives to address unmet needs. The council shall update  
2 the master plan at least every 5 years.

3 (d) Prepare and submit for approval by the State Board  
4 of Education a long-range performance plan for K-20 education  
5 in Florida, and annually review and recommend improvement in  
6 the implementation of the plan.

7 (e) Annually report on the progress of public schools  
8 and postsecondary education institutions toward meeting  
9 educational goals and standards as defined by s. 1008.31.

10 (f) Recommend to the Legislature and the State Board  
11 of Education legislation and rules for the educational  
12 accountability system that support the policies and guiding  
13 principles of s. 1000.02.

14 (g) Recommend to the State Board of Education  
15 revisions and new initiatives to further improve the K-20  
16 education accountability system.

17 (h) Provide public education institutions and the  
18 public with information on the K-20 education accountability  
19 system, recommend refinements and improvements, and evaluate  
20 issues pertaining to student learning gains.

21 (i) On its own initiative or in response to the  
22 Governor, the Legislature, the State Board of Education, or  
23 the Commissioner of Education, issue reports and  
24 recommendations on matters relating to any education sector.

25 (j) By January 1, 2003, and on a 3-year cycle  
26 thereafter, review and make recommendations to the Legislature  
27 regarding the activities of research centers and institutes  
28 supported with state funds to assess the return on the state's  
29 investment in research conducted by public postsecondary  
30 education institutions, in coordination with the Leadership  
31

1 Board for Applied Research and Public Service, created  
2 pursuant to s. 1004.58.

3 (k) Apply for and receive grants for the study of K-20  
4 education system improvement consistent with its  
5 responsibilities.

6 (l) Assist the State Board of Education in the conduct  
7 of its educational responsibilities in such capacities as the  
8 board considers appropriate.

9 Section 391. Chapter 1009 shall be entitled  
10 "Educational Scholarships, Fees, and Financial Assistance" and  
11 shall consist of ss. 1009.01-1009.984.

12 Section 392. Part I of chapter 1009 shall be entitled  
13 "General Provisions" and shall consist of s. 1009.01.

14 Section 393. Section 1009.01, Florida Statutes, is  
15 created to read:

16 1009.01 Definitions.--The term:

17 (1) "Tuition" means the basic fee charged to a student  
18 for instruction provided by a public postsecondary educational  
19 institution in this state. A charge for any other purpose  
20 shall not be included within this fee.

21 (2) "Out-of-state fee" means the additional fee for  
22 instruction provided by a public postsecondary educational  
23 institution in this state, which fee is charged to a  
24 non-Florida student as defined in rules of the State Board of  
25 Education. A charge for any other purpose shall not be  
26 included within this fee.

27 Section 394. Part II of chapter 1009 shall be entitled  
28 "Postsecondary Student Fees" and shall consist of ss.  
29 1009.21-1009.29.

30 Section 395. Section 1009.21, Florida Statutes, is  
31 created to read:



1           1009.21 Determination of resident status for tuition  
2 purposes.--Students shall be classified as residents or  
3 nonresidents for the purpose of assessing tuition in community  
4 colleges and state universities.

5           (1) As defined under this section:

6           (a) The term "dependent child" means any person,  
7 whether or not living with his or her parent, who is eligible  
8 to be claimed by his or her parent as a dependent under the  
9 federal income tax code.

10           (b) The term "institution of higher education" means  
11 any public community college or state university.

12           (c) A "legal resident" or "resident" is a person who  
13 has maintained his or her residence in this state for the  
14 preceding year, has purchased a home which is occupied by him  
15 or her as his or her residence, or has established a domicile  
16 in this state pursuant to s. 222.17.

17           (d) The term "parent" means the natural or adoptive  
18 parent or legal guardian of a dependent child.

19           (e) A "resident for tuition purposes" is a person who  
20 qualifies as provided in subsection (2) for the in-state  
21 tuition rate; a "nonresident for tuition purposes" is a person  
22 who does not qualify for the in-state tuition rate.

23           (2)(a) To qualify as a resident for tuition purposes:

24           1. A person or, if that person is a dependent child,  
25 his or her parent or parents must have established legal  
26 residence in this state and must have maintained legal  
27 residence in this state for at least 12 months immediately  
28 prior to his or her qualification.

29           2. Every applicant for admission to an institution of  
30 higher education shall be required to make a statement as to  
31 his or her length of residence in the state and, further,

1 shall establish that his or her presence or, if the applicant  
2 is a dependent child, the presence of his or her parent or  
3 parents in the state currently is, and during the requisite  
4 12-month qualifying period was, for the purpose of maintaining  
5 a bona fide domicile, rather than for the purpose of  
6 maintaining a mere temporary residence or abode incident to  
7 enrollment in an institution of higher education.

8 (b) However, with respect to a dependent child living  
9 with an adult relative other than the child's parent, such  
10 child may qualify as a resident for tuition purposes if the  
11 adult relative is a legal resident who has maintained legal  
12 residence in this state for at least 12 months immediately  
13 prior to the child's qualification, provided the child has  
14 resided continuously with such relative for the 5 years  
15 immediately prior to the child's qualification, during which  
16 time the adult relative has exercised day-to-day care,  
17 supervision, and control of the child.

18 (c) The legal residence of a dependent child whose  
19 parents are divorced, separated, or otherwise living apart  
20 will be deemed to be this state if either parent is a legal  
21 resident of this state, regardless of which parent is entitled  
22 to claim, and does in fact claim, the minor as a dependent  
23 pursuant to federal individual income tax provisions.

24 (3) An individual shall not be classified as a  
25 resident for tuition purposes and, thus, shall not be eligible  
26 to receive the in-state tuition rate until he or she has  
27 provided such evidence related to legal residence and its  
28 duration as may be required by officials of the institution of  
29 higher education from which he or she seeks the in-state  
30 tuition rate.

31

1           (4) With respect to a dependent child, the legal  
2 residence of such individual's parent or parents is prima  
3 facie evidence of the individual's legal residence, which  
4 evidence may be reinforced or rebutted, relative to the age  
5 and general circumstances of the individual, by the other  
6 evidence of legal residence required of or presented by the  
7 individual. However, the legal residence of an individual  
8 whose parent or parents are domiciled outside this state is  
9 not prima facie evidence of the individual's legal residence  
10 if that individual has lived in this state for 5 consecutive  
11 years prior to enrolling or reregistering at the institution  
12 of higher education at which resident status for tuition  
13 purposes is sought.

14           (5) In making a domiciliary determination related to  
15 the classification of a person as a resident or nonresident  
16 for tuition purposes, the domicile of a married person,  
17 irrespective of sex, shall be determined, as in the case of an  
18 unmarried person, by reference to all relevant evidence of  
19 domiciliary intent. For the purposes of this section:

20           (a) A person shall not be precluded from establishing  
21 or maintaining legal residence in this state and subsequently  
22 qualifying or continuing to qualify as a resident for tuition  
23 purposes solely by reason of marriage to a person domiciled  
24 outside this state, even when that person's spouse continues  
25 to be domiciled outside of this state, provided such person  
26 maintains his or her legal residence in this state.

27           (b) A person shall not be deemed to have established  
28 or maintained a legal residence in this state and subsequently  
29 to have qualified or continued to qualify as a resident for  
30 tuition purposes solely by reason of marriage to a person  
31 domiciled in this state.

1           (c) In determining the domicile of a married person,  
2 irrespective of sex, the fact of the marriage and the place of  
3 domicile of such person's spouse shall be deemed relevant  
4 evidence to be considered in ascertaining domiciliary intent.

5           (6) Any nonresident person, irrespective of sex, who  
6 marries a legal resident of this state or marries a person who  
7 later becomes a legal resident may, upon becoming a legal  
8 resident of this state, accede to the benefit of the spouse's  
9 immediately precedent duration as a legal resident for  
10 purposes of satisfying the 12-month durational requirement of  
11 this section.

12           (7) A person shall not lose his or her resident status  
13 for tuition purposes solely by reason of serving, or, if such  
14 person is a dependent child, by reason of his or her parent's  
15 or parents' serving, in the Armed Forces outside this state.

16           (8) A person who has been properly classified as a  
17 resident for tuition purposes but who, while enrolled in an  
18 institution of higher education in this state, loses his or  
19 her resident tuition status because the person or, if he or  
20 she is a dependent child, the person's parent or parents  
21 establish domicile or legal residence elsewhere shall continue  
22 to enjoy the in-state tuition rate for a statutory grace  
23 period, which period shall be measured from the date on which  
24 the circumstances arose that culminated in the loss of  
25 resident tuition status and shall continue for 12 months.  
26 However, if the 12-month grace period ends during a semester  
27 or academic term for which such former resident is enrolled,  
28 such grace period shall be extended to the end of that  
29 semester or academic term.

30           (9) Any person who ceases to be enrolled at or who  
31 graduates from an institution of higher education while

1 classified as a resident for tuition purposes and who  
2 subsequently abandons his or her domicile in this state shall  
3 be permitted to reenroll at an institution of higher education  
4 in this state as a resident for tuition purposes without the  
5 necessity of meeting the 12-month durational requirement of  
6 this section if that person has reestablished his or her  
7 domicile in this state within 12 months of such abandonment  
8 and continuously maintains the reestablished domicile during  
9 the period of enrollment. The benefit of this subsection shall  
10 not be accorded more than once to any one person.

11 (10) The following persons shall be classified as  
12 residents for tuition purposes:

13 (a) Active duty members of the Armed Services of the  
14 United States residing or stationed in this state, their  
15 spouses, and dependent children.

16 (b) Active duty members of the Armed Services of the  
17 United States and their spouses attending a public community  
18 college or state university within 50 miles of the military  
19 establishment where they are stationed, if such military  
20 establishment is within a county contiguous to Florida.

21 (c) United States citizens living on the Isthmus of  
22 Panama, who have completed 12 consecutive months of college  
23 work at the Florida State University Panama Canal Branch, and  
24 their spouses and dependent children.

25 (d) Full-time instructional and administrative  
26 personnel employed by state public schools, community  
27 colleges, and institutions of higher education, as defined in  
28 s. 1000.04, and their spouses and dependent children.

29 (e) Students from Latin America and the Caribbean who  
30 receive scholarships from the federal or state government.  
31 Any student classified pursuant to this paragraph shall

1 attend, on a full-time basis, a Florida institution of higher  
2 education.

3 (f) Southern Regional Education Board's Academic  
4 Common Market graduate students attending Florida's state  
5 universities.

6 (g) Full-time employees of state agencies or political  
7 subdivisions of the state when the student fees are paid by  
8 the state agency or political subdivision for the purpose of  
9 job-related law enforcement or corrections training.

10 (h) McKnight Doctoral Fellows and Finalists who are  
11 United States citizens.

12 (i) United States citizens living outside the United  
13 States who are teaching at a Department of Defense Dependent  
14 School or in an American International School and who enroll  
15 in a graduate level education program which leads to a Florida  
16 teaching certificate.

17 (j) Active duty members of the Canadian military  
18 residing or stationed in this state under the North American  
19 Air Defense (NORAD) agreement, and their spouses and dependent  
20 children, attending a community college or state university  
21 within 50 miles of the military establishment where they are  
22 stationed.

23 (11) The State Board of Education shall by rule  
24 designate classifications of students as residents or  
25 nonresidents for tuition purposes at community colleges and  
26 state universities.

27 Section 396. Section 1009.22, Florida Statutes, is  
28 created to read:

29 1009.22 Workforce development postsecondary student  
30 fees.--

31

1       (1) This section applies to students enrolled in  
2 workforce development programs who are reported for funding  
3 through the Workforce Development Education Fund, except that  
4 college credit fees for the community colleges are governed by  
5 s. 1009.23.

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

8       (3)(a) The Commissioner of Education shall provide to  
9 the State Board of Education no later than December 31 of each  
10 year a schedule of fees for workforce development education,  
11 excluding continuing workforce education, for school districts  
12 and community colleges. The fee schedule shall be based on the  
13 amount of student fees necessary to produce 25 percent of the  
14 prior year's average cost of a course of study leading to a  
15 certificate or diploma. Except as otherwise provided by law,  
16 fees for students who are not residents for tuition purposes  
17 must offset the full cost of instruction. Fee-nonexempt  
18 students enrolled in career and technical education  
19 preparatory instruction shall be charged fees equal to the  
20 fees charged for certificate career education instruction.  
21 Each community college that conducts college-preparatory and  
22 career and technical education preparatory instruction in the  
23 same class section may charge a single fee for both types of  
24 instruction.

25       (b) Fees for continuing workforce education shall be  
26 locally determined by the district school board or community  
27 college board. However, at least 50 percent of the  
28 expenditures for the continuing workforce education program  
29 provided by the community college or school district must be  
30 derived from fees.

31

1        (c) The State Board of Education shall adopt a fee  
2 schedule for school districts that produces the fee revenues  
3 calculated pursuant to paragraph (a). The schedule so  
4 calculated shall take effect, unless otherwise specified in  
5 the General Appropriations Act.

6        (d) The State Board of Education shall adopt, by rule,  
7 the definitions and procedures that district school boards  
8 shall use in the calculation of cost borne by students.

9        (4) A district school board or community college board  
10 that has a service area that borders another state may  
11 implement a plan for a differential out-of-state fee.

12        (5) Each district school board and community college  
13 board of trustees may establish a separate fee for financial  
14 aid purposes in an additional amount of up to 10 percent of  
15 the student fees collected for workforce development programs  
16 funded through the Workforce Development Education Fund. All  
17 fees collected shall be deposited into a separate workforce  
18 development student financial aid fee trust fund of the school  
19 district or community college to support students enrolled in  
20 workforce development programs. Any undisbursed balance  
21 remaining in the trust fund and interest income accruing to  
22 investments from the trust fund shall increase the total funds  
23 available for distribution to workforce development education  
24 students. Awards shall be based on student financial need and  
25 distributed in accordance with a nationally recognized system  
26 of need analysis approved by the State Board of Education.  
27 Fees collected pursuant to this subsection shall be allocated  
28 in an expeditious manner.

29        (6) Each district school board and community college  
30 board of trustees may establish a separate fee for capital  
31 improvements, technology enhancements, or equipping buildings



1 which may not exceed 5 percent of tuition for resident  
2 students or 5 percent of tuition and out-of-state fees for  
3 nonresident students. Funds collected by community colleges  
4 through these fees may be bonded only for the purpose of  
5 financing or refinancing new construction and equipment,  
6 renovation, or remodeling of educational facilities. The fee  
7 shall be collected as a component part of the tuition and  
8 fees, paid into a separate account, and expended only to  
9 construct and equip, maintain, improve, or enhance the  
10 certificate career education or adult education facilities of  
11 the school district or community college. Projects funded  
12 through the use of the capital improvement fee must meet the  
13 survey and construction requirements of chapter 1013. Pursuant  
14 to s. 216.0158, each district school board and community  
15 college board of trustees shall identify each project,  
16 including maintenance projects, proposed to be funded in whole  
17 or in part by such fee. Capital improvement fee revenues may  
18 be pledged by a board of trustees as a dedicated revenue  
19 source to the repayment of debt, including lease-purchase  
20 agreements and revenue bonds, with a term not to exceed 20  
21 years, and not to exceed the useful life of the asset being  
22 financed, only for the new construction and equipment,  
23 renovation, or remodeling of educational facilities. Community  
24 colleges may use the services of the Division of Bond Finance  
25 of the State Board of Administration to issue any bonds  
26 authorized through the provisions of this subsection. Any such  
27 bonds issued by the Division of Bond Finance shall be in  
28 compliance with the provisions of the State Bond Act. Bonds  
29 issued pursuant to the State Bond Act shall be validated in  
30 the manner provided by chapter 75. The complaint for such  
31 validation shall be filed in the circuit court of the county

1 where the seat of state government is situated, the notice  
2 required to be published by s. 75.06 shall be published only  
3 in the county where the complaint is filed, and the complaint  
4 and order of the circuit court shall be served only on the  
5 state attorney of the circuit in which the action is pending.  
6 A maximum of 15 cents per credit hour may be allocated from  
7 the capital improvement fee for child care centers conducted  
8 by the district school board or community college board of  
9 trustees.

10 (7) Each district school board and community college  
11 board of trustees is authorized to establish a separate fee  
12 for technology, not to exceed \$1.80 per credit hour or  
13 credit-hour equivalent for resident students and not more than  
14 \$5.40 per credit hour or credit-hour equivalent for  
15 nonresident students, or the equivalent, to be expended in  
16 accordance with technology improvement plans. The technology  
17 fee may apply only to associate degree programs and courses.  
18 Fifty percent of technology fee revenues may be pledged by a  
19 community college board of trustees as a dedicated revenue  
20 source for the repayment of debt, including lease-purchase  
21 agreements, not to exceed the useful life of the asset being  
22 financed. Revenues generated from the technology fee may not  
23 be bonded.

24 (8) Each district school board and community college  
25 board of trustees is authorized to establish specific fees for  
26 workforce development instruction not reported for state  
27 funding purposes or for workforce development instruction not  
28 reported as state funded full-time equivalent students.  
29 District school boards and community college boards of  
30 trustees are not required to charge any other fee specified in  
31 this section for this type of instruction.

1       (9) Community college boards of trustees and district  
2 school boards are not authorized to charge students enrolled  
3 in workforce development programs any fee that is not  
4 specifically authorized by statute. In addition to tuition,  
5 out-of-state, financial aid, capital improvement, and  
6 technology fees, as authorized in this section, community  
7 college boards of trustees and district school boards are  
8 authorized to establish fee schedules for the following user  
9 fees and fines: laboratory fees; parking fees and fines;  
10 library fees and fines; fees and fines relating to facilities  
11 and equipment use or damage; access or identification card  
12 fees; duplicating, photocopying, binding, or microfilming  
13 fees; standardized testing fees; diploma replacement fees;  
14 transcript fees; application fees; graduation fees; and late  
15 fees related to registration and payment. Such user fees and  
16 fees shall not exceed the cost of the services provided and  
17 shall only be charged to persons receiving the service.  
18 Parking fee revenues may be pledged by a community college  
19 board of trustees as a dedicated revenue source for the  
20 repayment of debt, including lease-purchase agreements and  
21 revenue bonds with terms not exceeding 20 years and not  
22 exceeding the useful life of the asset being financed.  
23 Community colleges shall use the services of the Division of  
24 Bond Finance of the State Board of Administration to issue any  
25 revenue bonds authorized by the provisions of this subsection.  
26 Any such bonds issued by the Division of Bond Finance shall be  
27 in 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 established in 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

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 (10) Each year the State Board of Education shall  
6 review and evaluate the percentage of the cost of adult  
7 programs and certificate career education programs supported  
8 through student fees. For students who are residents for  
9 tuition purposes, the schedule adopted pursuant to subsection  
10 (3) must produce revenues equal to 25 percent of the prior  
11 year's average program cost for college-preparatory and  
12 certificate-level workforce development programs. Fees for  
13 continuing workforce education shall be locally determined by  
14 the district school board or community college board. However,  
15 at least 50 percent of the expenditures for the continuing  
16 workforce education program provided by the community college  
17 or school district must be derived from fees. Except as  
18 otherwise provided by law, fees for students who are not  
19 residents for tuition purposes must offset the full cost of  
20 instruction.

21 (11) Each school district and community college may  
22 assess a service charge for the payment of tuition and fees in  
23 installments. Such service charge must be approved by the  
24 district school board or community college board of trustees.

25 (12) Any school district or community college that  
26 reports students who have not paid fees in an approved manner  
27 in calculations of full-time equivalent enrollments for state  
28 funding purposes shall be penalized at a rate equal to 2 times  
29 the value of such enrollments. Such penalty shall be charged  
30 against the following year's allocation from the Florida  
31 Workforce Development Education Fund or the Community College

1 Program Fund and shall revert to the General Revenue Fund.  
2 The State Board of Education shall specify, in rule, approved  
3 methods of student fee payment. Such methods must include,  
4 but need not be limited to, student fee payment; payment  
5 through federal, state, or institutional financial aid; and  
6 employer fee payments.

7 (13) Each school district and community college shall  
8 report only those students who have actually enrolled in  
9 instruction provided or supervised by instructional personnel  
10 under contract with the district or community college in  
11 calculations of actual full-time enrollments for state funding  
12 purposes. A student who has been exempted from taking a  
13 course or who has been granted academic or vocational credit  
14 through means other than actual coursework completed at the  
15 granting institution may not be calculated for enrollment in  
16 the course from which the student has been exempted or for  
17 which the student has been granted credit. School districts  
18 and community colleges that report enrollments in violation of  
19 this subsection shall be penalized at a rate equal to 2 times  
20 the value of such enrollments. Such penalty shall be charged  
21 against the following year's allocation from the Workforce  
22 Development Education Fund and shall revert to the General  
23 Revenue Fund.

24 Section 397. Section 1009.23, Florida Statutes, is  
25 created to read:

26 1009.23 Community college student fees.--

27 (1) Unless otherwise provided, the provisions of this  
28 section apply only to fees charged for college credit  
29 instruction leading to an associate in arts degree, an  
30 associate in applied science degree, or an associate in  
31

1 science degree and noncollege credit college-preparatory  
2 courses defined in s. 1004.02.

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

5 (3) The State Board of Education shall adopt by  
6 December 31 of each year a resident fee schedule for the  
7 following fall for advanced and professional, associate in  
8 science degree, and college-preparatory programs that produce  
9 revenues in the amount of 25 percent of the full prior year's  
10 cost of these programs. Fees for courses in  
11 college-preparatory programs and associate in arts and  
12 associate in science degree programs may be established at the  
13 same level. In the absence of a provision to the contrary in  
14 an appropriations act, the fee schedule shall take effect and  
15 the colleges shall expend the funds on instruction. If the  
16 Legislature provides for an alternative fee schedule in an  
17 appropriations act, the fee schedule shall take effect the  
18 subsequent fall semester.

19 (4) Each community college board of trustees shall  
20 establish tuition and out-of-state fees, which may vary no  
21 more than 10 percent below and 15 percent above the combined  
22 total of the fee schedule adopted by the State Board of  
23 Education and the technology fee adopted by a board of  
24 trustees, provided that any amount from 10 to 15 percent above  
25 the fee schedule is used only to support safety and security  
26 purposes. In order to assess an additional amount for safety  
27 and security purposes, a community college board of trustees  
28 must provide written justification to the State Board of  
29 Education based on criteria approved by the local board of  
30 trustees, including but not limited to criteria such as local  
31 crime data and information, and strategies for the

1 implementation of local safety plans. Should a college decide  
2 to increase the tuition fee, the funds raised by increasing  
3 the tuition fee must be expended solely for additional safety  
4 and security purposes and shall not supplant funding expended  
5 in the 1998-1999 budget for safety and security purposes.

6 (5) Except as otherwise provided in law, the sum of  
7 nonresident student tuition and out-of-state fees must be  
8 sufficient to defray the full cost of each program.

9 (6) A community college that has a service area that  
10 borders another state may implement a plan for a differential  
11 out-of-state fee.

12 (7) Each community college board of trustees may  
13 establish a separate activity and service fee not to exceed 10  
14 percent of the tuition fee, according to rules of the State  
15 Board of Education. The student activity and service fee shall  
16 be collected as a component part of the tuition and fees. The  
17 student activity and service fees shall be paid into a student  
18 activity and service fund at the community college and shall  
19 be expended for lawful purposes to benefit the student body in  
20 general. These purposes include, but are not limited to,  
21 student publications and grants to duly recognized student  
22 organizations, the membership of which is open to all students  
23 at the community college without regard to race, sex, or  
24 religion.

25 (8)(a) Each community college board of trustees is  
26 authorized to establish a separate fee for financial aid  
27 purposes in an additional amount up to, but not to exceed, 5  
28 percent of the total student tuition or out-of-state fees  
29 collected. Each community college may collect up to an  
30 additional 2 percent if the amount generated by the total  
31 financial aid fee is less than \$250,000. If the amount

1 generated is less than \$250,000, a community college that  
2 charges tuition and out-of-state fees at least equal to the  
3 average fees established by rule may transfer from the general  
4 current fund to the scholarship fund an amount equal to the  
5 difference between \$250,000 and the amount generated by the  
6 total financial aid fee assessment. No other transfer from the  
7 general current fund to the loan, endowment, or scholarship  
8 fund, by whatever name known, is authorized.

9 (b) All funds collected under this program shall be  
10 placed in the loan and endowment fund or scholarship fund of  
11 the college, by whatever name known. Such funds shall be  
12 disbursed to students as quickly as possible. An amount not  
13 greater than 40 percent of the fees collected in a fiscal year  
14 may be carried forward unexpended to the following fiscal  
15 year. However, funds collected prior to July 1, 1989, and  
16 placed in an endowment fund may not be considered part of the  
17 balance of funds carried forward unexpended to the following  
18 fiscal year.

19 (c) Up to 25 percent or \$300,000, whichever is  
20 greater, of the financial aid fees collected may be used to  
21 assist students who demonstrate academic merit; who  
22 participate in athletics, public service, cultural arts, and  
23 other extracurricular programs as determined by the  
24 institution; or who are identified as members of a targeted  
25 gender or ethnic minority population. The financial aid fee  
26 revenues allocated for athletic scholarships and fee  
27 exemptions provided pursuant to s. 1009.25(3) for athletes  
28 shall be distributed equitably as required by s.  
29 1000.05(3)(d). A minimum of 75 percent of the balance of these  
30 funds for new awards shall be used to provide financial aid  
31 based on absolute need, and the remainder of the funds shall



1 be used for academic merit purposes and other purposes  
2 approved by the boards of trustees. Such other purposes shall  
3 include the payment of child care fees for students with  
4 financial need. The State Board of Education shall develop  
5 criteria for making financial aid awards. Each college shall  
6 report annually to the Department of Education on the revenue  
7 collected pursuant to this paragraph, the amount carried  
8 forward, the criteria used to make awards, the amount and  
9 number of awards for each criterion, and a delineation of the  
10 distribution of such awards. The report shall include an  
11 assessment by category of the financial need of every student  
12 who receives an award, regardless of the purpose for which the  
13 award is received. Awards which are based on financial need  
14 shall be distributed in accordance with a nationally  
15 recognized system of need analysis approved by the State Board  
16 of Education. An award for academic merit shall require a  
17 minimum overall grade point average of 3.0 on a 4.0 scale or  
18 the equivalent for both initial receipt of the award and  
19 renewal of the award.

20 (d) These funds may not be used for direct or indirect  
21 administrative purposes or salaries.

22 (9) Any community college that reports students who  
23 have not paid fees in an approved manner in calculations of  
24 full-time equivalent enrollments for state funding purposes  
25 shall be penalized at a rate equal to two times the value of  
26 such enrollments. Such penalty shall be charged against the  
27 following year's allocation from the Community College Program  
28 Fund and shall revert to the General Revenue Fund.

29 (10) Each community college board of trustees is  
30 authorized to establish a separate fee for technology, which  
31 may not exceed \$1.80 per credit hour or credit-hour equivalent

1 for resident students and not more than \$5.40 per credit hour  
2 or credit-hour equivalent for nonresident students, to be  
3 expended according to technology improvement plans. The  
4 technology fee may apply to both college credit and  
5 college-preparatory instruction. Fifty percent of technology  
6 fee revenues may be pledged by a community college board of  
7 trustees as a dedicated revenue source for the repayment of  
8 debt, including lease-purchase agreements, not to exceed the  
9 useful life of the asset being financed. Revenues generated  
10 from the technology fee may not be bonded.

11 (11) Each community college board of trustees may  
12 establish a separate fee for capital improvements, technology  
13 enhancements, or equipping student buildings which may not  
14 exceed \$1 per credit hour or credit-hour equivalent for  
15 residents and which equals or exceeds \$3 per credit hour for  
16 nonresidents. Funds collected by community colleges through  
17 these fees may be bonded only for the purpose of financing or  
18 refinancing new construction and equipment, renovation, or  
19 remodeling of educational facilities. The fee shall be  
20 collected as a component part of the tuition and fees, paid  
21 into a separate account, and expended only to construct and  
22 equip, maintain, improve, or enhance the educational  
23 facilities of the community college. Projects funded through  
24 the use of the capital improvement fee shall meet the survey  
25 and construction requirements of chapter 1013. Pursuant to s.  
26 216.0158, each community college shall identify each project,  
27 including maintenance projects, proposed to be funded in whole  
28 or in part by such fee. Capital improvement fee revenues may  
29 be pledged by a board of trustees as a dedicated revenue  
30 source to the repayment of debt, including lease-purchase  
31 agreements and revenue bonds, with a term not to exceed 20

1 years, and not to exceed the useful life of the asset being  
2 financed, only for the new construction and equipment,  
3 renovation, or remodeling of educational facilities. Community  
4 colleges may use the services of the Division of Bond Finance  
5 of the State Board of Administration to issue any bonds  
6 authorized through the provisions of this subsection. Any such  
7 bonds issued by the Division of Bond Finance shall be in  
8 compliance with the provisions of the State Bond Act. Bonds  
9 issued pursuant to the State Bond Act shall be validated in  
10 the manner provided by chapter 75. The complaint for such  
11 validation shall be filed in the circuit court of the county  
12 where the seat of state government is situated, the notice  
13 required to be published by s. 75.06 shall be published only  
14 in the county where the complaint is filed, and the complaint  
15 and order of the circuit court shall be served only on the  
16 state attorney of the circuit in which the action is pending.  
17 A maximum of 15 cents per credit hour may be allocated from  
18 the capital improvement fee for child care centers conducted  
19 by the community college.

20 (12) In addition to tuition, out-of-state, financial  
21 aid, capital improvement, student activity and service, and  
22 technology fees authorized in this section, each board of  
23 trustees is authorized to establish fee schedules for the  
24 following user fees and fines: laboratory fees; parking fees  
25 and fines; library fees and fines; fees and fines relating to  
26 facilities and equipment use or damage; access or  
27 identification card fees; duplicating, photocopying, binding,  
28 or microfilming fees; standardized testing fees; diploma  
29 replacement fees; transcript fees; application fees;  
30 graduation fees; and late fees related to registration and  
31 payment. Such user fees and fines shall not exceed the cost of

1 the services provided and shall only be charged to persons  
2 receiving the service. A community college may not charge any  
3 fee except as authorized by law or rules of the State Board of  
4 Education. Parking fee revenues may be pledged by a community  
5 college board of trustees as a dedicated revenue source for  
6 the repayment of debt, including lease-purchase agreements and  
7 revenue bonds with terms not exceeding 20 years and not  
8 exceeding the useful life of the asset being financed.  
9 Community colleges shall use the services of the Division of  
10 Bond Finance of the State Board of Administration to issue any  
11 revenue bonds authorized by the provisions of this subsection.  
12 Any such bonds issued by the Division of Bond Finance shall be  
13 in compliance with the provisions of the State Bond Act. Bonds  
14 issued pursuant to the State Bond Act shall be validated in  
15 the manner established in chapter 75. The complaint for such  
16 validation shall be filed in the circuit court of the county  
17 where the seat of state government is situated, the notice  
18 required to be published by s. 75.06 shall be published only  
19 in the county where the complaint is filed, and the complaint  
20 and order of the circuit court shall be served only on the  
21 state attorney of the circuit in which the action is pending.

22 (13) The State Board of Education shall specify, as  
23 necessary, by rule, approved methods of student fee payment.  
24 Such methods shall include, but not be limited to, student fee  
25 payment; payment through federal, state, or institutional  
26 financial aid; and employer fee payments.

27 (14) Each community college shall report only those  
28 students who have actually enrolled in instruction provided or  
29 supervised by instructional personnel under contract with the  
30 community college in calculations of actual full-time  
31 equivalent enrollments for state funding purposes. No student

1 who has been exempted from taking a course or who has been  
2 granted academic or vocational credit through means other than  
3 actual coursework completed at the granting institution shall  
4 be calculated for enrollment in the course from which he or  
5 she has been exempted or granted credit. Community colleges  
6 that report enrollments in violation of this subsection shall  
7 be penalized at a rate equal to two times the value of such  
8 enrollments. Such penalty shall be charged against the  
9 following year's allocation from the Community College Program  
10 Fund and shall revert to the General Revenue Fund.

11 (15) Each community college may assess a service  
12 charge for the payment of tuition and fees in installments.  
13 Such service charge must be approved by the community college  
14 board of trustees.

15 (16) The State Board of Education shall adopt a rule  
16 specifying the definitions and procedures to be used in the  
17 calculation of the percentage of cost paid by students. The  
18 rule must provide for the calculation of the full cost of  
19 educational programs based on the allocation of all funds  
20 provided through the general current fund to programs of  
21 instruction, and other activities as provided in the annual  
22 expenditure analysis. The rule shall be developed in  
23 consultation with the Legislature.

24 Section 398. Section 1009.24, Florida Statutes, is  
25 created to read:

26 1009.24 State university student fees.--

27 (1) This section applies to students enrolled in  
28 college credit programs at state universities.

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

31

1       (3) Within proviso in the General Appropriations Act  
2 and law, each board of trustees shall set university tuition  
3 and fees. The sum of the activity and service, health, and  
4 athletic fees a student is required to pay to register for a  
5 course shall not exceed 40 percent of the tuition established  
6 in law or in the General Appropriations Act. No university  
7 shall be required to lower any fee in effect on the effective  
8 date of this act in order to comply with this subsection.  
9 Within the 40 percent cap, universities may not increase the  
10 aggregate sum of activity and service, health, and athletic  
11 fees more than 5 percent per year unless specifically  
12 authorized in law or in the General Appropriations Act. This  
13 subsection does not prohibit a university from increasing or  
14 assessing optional fees related to specific activities if  
15 payment of such fees is not required as a part of registration  
16 for courses.

17       (4) A university that has a service area that borders  
18 another state may implement a plan for a differential  
19 out-of-state fee.

20       (5) Students who are enrolled in Programs in Medical  
21 Sciences are considered graduate students for the purpose of  
22 enrollment and student fees.

23       (6) A university board of trustees is authorized to  
24 collect for financial aid purposes an amount not to exceed 5  
25 percent of the tuition and out-of-state fee. The revenues from  
26 fees are to remain at each campus and replace existing  
27 financial aid fees. Such funds shall be disbursed to students  
28 as quickly as possible. A minimum of 75 percent of funds from  
29 the student financial aid fee for new financial aid awards  
30 shall be used to provide financial aid based on absolute need.  
31 A student who has received an award prior to July 1, 1984,

1 shall have his or her eligibility assessed on the same  
2 criteria that were used at the time of his or her original  
3 award. The State Board of Education shall develop criteria for  
4 making financial aid awards. Each university shall report  
5 annually to the Department of Education on the revenue  
6 collected pursuant to this subsection, the amount carried  
7 forward, the criteria used to make awards, the amount and  
8 number of awards for each criterion, and a delineation of the  
9 distribution of such awards. The report shall include an  
10 assessment by category of the financial need of every student  
11 who receives an award, regardless of the purpose for which the  
12 award is received. Awards which are based on financial need  
13 shall be distributed in accordance with a nationally  
14 recognized system of need analysis approved by the State Board  
15 of Education. An award for academic merit shall require a  
16 minimum overall grade point average of 3.0 on a 4.0 scale or  
17 the equivalent for both initial receipt of the award and  
18 renewal of the award.

19 (7) The Capital Improvement Trust Fund fee is  
20 established as \$2.44 per credit hour per semester. The  
21 building fee is established as \$2.32 per credit hour per  
22 semester.

23 (8) Each university board of trustees is authorized to  
24 establish separate activity and service, health, and athletic  
25 fees. When duly established, the fees shall be collected as  
26 component parts of tuition and fees and shall be retained by  
27 the university and paid into the separate activity and  
28 service, health, and athletic funds.

29 (9)(a) Each university board of trustees shall  
30 establish a student activity and service fee on the main  
31 campus of the university. The university board may also

1 establish a student activity and service fee on any branch  
2 campus or center. Any subsequent increase in the activity and  
3 service fee must be recommended by an activity and service fee  
4 committee, at least one-half of whom are students appointed by  
5 the student body president. The remainder of the committee  
6 shall be appointed by the university president. A chairperson,  
7 appointed jointly by the university president and the student  
8 body president, shall vote only in the case of a tie. The  
9 recommendations of the committee shall take effect only after  
10 approval by the university president, after consultation with  
11 the student body president, with final approval by the  
12 university board of trustees. An increase in the activity and  
13 service fee may occur only once each fiscal year and must be  
14 implemented beginning with the fall term. The State Board of  
15 Education is responsible for promulgating the rules and  
16 timetables necessary to implement this fee.

17 (b) The student activity and service fees shall be  
18 expended for lawful purposes to benefit the student body in  
19 general. This shall include, but shall not be limited to,  
20 student publications and grants to duly recognized student  
21 organizations, the membership of which is open to all students  
22 at the university without regard to race, sex, or religion.  
23 The fund may not benefit activities for which an admission fee  
24 is charged to students, except for  
25 student-government-association-sponsored concerts. The  
26 allocation and expenditure of the fund shall be determined by  
27 the student government association of the university, except  
28 that the president of the university may veto any line item or  
29 portion thereof within the budget when submitted by the  
30 student government association legislative body. The  
31 university president shall have 15 school days from the date



1 of presentation of the budget to act on the allocation and  
2 expenditure recommendations, which shall be deemed approved if  
3 no action is taken within the 15 school days. If any line item  
4 or portion thereof within the budget is vetoed, the student  
5 government association legislative body shall within 15 school  
6 days make new budget recommendations for expenditure of the  
7 vetoed portion of the fund. If the university president vetoes  
8 any line item or portion thereof within the new budget  
9 revisions, the university president may reallocate by line  
10 item that vetoed portion to bond obligations guaranteed by  
11 activity and service fees. Unexpended funds and undisbursed  
12 funds remaining at the end of a fiscal year shall be carried  
13 over and remain in the student activity and service fund and  
14 be available for allocation and expenditure during the next  
15 fiscal year.

16 (10) Each university board of trustees shall establish  
17 a student health fee on the main campus of the university. The  
18 university board of trustees may also establish a student  
19 health fee on any branch campus or center. Any subsequent  
20 increase in the health fee must be recommended by a health  
21 committee, at least one-half of whom are students appointed by  
22 the student body president. The remainder of the committee  
23 shall be appointed by the university president. A chairperson,  
24 appointed jointly by the university president and the student  
25 body president, shall vote only in the case of a tie. The  
26 recommendations of the committee shall take effect only after  
27 approval by the university president, after consultation with  
28 the student body president, with final approval by the  
29 university board of trustees. An increase in the health fee  
30 may occur only once each fiscal year and must be implemented  
31 beginning with the fall term. The State Board of Education is

1 responsible for promulgating the rules and timetables  
2 necessary to implement this fee.

3 (11) Each university board of trustees shall establish  
4 a separate athletic fee on the main campus of the university.  
5 The university board may also establish a separate athletic  
6 fee on any branch campus or center. Any subsequent increase in  
7 the athletic fee must be recommended by an athletic fee  
8 committee, at least one-half of whom are students appointed by  
9 the student body president. The remainder of the committee  
10 shall be appointed by the university president. A chairperson,  
11 appointed jointly by the university president and the student  
12 body president, shall vote only in the case of a tie. The  
13 recommendations of the committee shall take effect only after  
14 approval by the university president, after consultation with  
15 the student body president, with final approval by the  
16 university board of trustees. An increase in the athletic fee  
17 may occur only once each fiscal year and must be implemented  
18 beginning with the fall term. The State Board of Education is  
19 responsible for promulgating the rules and timetables  
20 necessary to implement this fee.

21 (12) Each university board of trustees is authorized  
22 to establish the following fees:

23 (a) A nonrefundable application fee in an amount not  
24 to exceed \$30.

25 (b) An orientation fee in an amount not to exceed \$35.

26 (c) A fee for security, access, or identification  
27 cards. The annual fee for such a card may not exceed \$10 per  
28 card. The maximum amount charged for a replacement card may  
29 not exceed \$15.

30 (d) Registration fees for audit and zero-hours  
31 registration; a service charge, which may not exceed \$15, for

1 the payment of tuition in installments; and a  
2 late-registration fee in an amount not less than \$50 nor more  
3 than \$100 to be imposed on students who fail to initiate  
4 registration during the regular registration period.

5 (e) A late-payment fee in an amount not less than \$50  
6 nor more than \$100 to be imposed on students who fail to pay  
7 or fail to make appropriate arrangements to pay (by means of  
8 installment payment, deferment, or third-party billing)  
9 tuition by the deadline set by each university. Each  
10 university may adopt specific procedures or policies for  
11 waiving the late-payment fee for minor underpayments.

12 (f) A fee for miscellaneous health-related charges for  
13 services provided at cost by the university health center  
14 which are not covered by the health fee set under subsection  
15 (10).

16 (g) Materials and supplies fees to offset the cost of  
17 materials or supplies that are consumed in the course of the  
18 student's instructional activities, excluding the cost of  
19 equipment replacement, repairs, and maintenance.

20 (h) Housing rental rates and miscellaneous housing  
21 charges for services provided by the university at the request  
22 of the student.

23 (i) A charge representing the reasonable cost of  
24 efforts to collect payment of overdue accounts.

25 (j) A service charge on university loans in lieu of  
26 interest and administrative handling charges.

27 (k) A fee for off-campus course offerings when the  
28 location results in specific, identifiable increased costs to  
29 the university.

30  
31

1           (l) Library fees and fines, including charges for  
2 damaged and lost library materials, overdue reserve library  
3 books, interlibrary loans, and literature searches.

4           (m) Fees relating to duplicating, photocopying,  
5 binding, and microfilming; copyright services; and  
6 standardized testing. These fees may be charged only to those  
7 who receive the services.

8           (n) Fees and fines relating to the use, late return,  
9 and loss and damage of facilities and equipment.

10           (o) A returned-check fee as authorized by s. 832.07(1)  
11 for unpaid checks returned to the university.

12           (p) Traffic and parking fines, charges for parking  
13 decals, and transportation access fees.

14           (q) An Educational Research Center for Child  
15 Development fee for child care and services offered by the  
16 center.

17           (r) Fees for transcripts and diploma replacement, not  
18 to exceed \$10 per item.

19           (13) The board of trustees of the University of  
20 Florida is authorized to establish an admissions deposit fee  
21 for the University of Florida College of Dentistry in an  
22 amount not to exceed \$200.

23           (14) Each university may assess a service charge for  
24 the payment of tuition and fees in installments. Such service  
25 charge must be approved by the university board of trustees.

26           Section 399. Section 1009.25, Florida Statutes, is  
27 created to read:

28           1009.25 Fee exemptions.--

29           (1) The following students are exempt from any  
30 requirement for the payment of fees, including lab fees, for  
31

1 adult basic, adult secondary, or vocational-preparatory  
2 instruction:

3 (a) A student who does not have a high school diploma  
4 or its equivalent.

5 (b) A student who has a high school diploma or its  
6 equivalent and who has academic skills at or below the eighth  
7 grade level pursuant to state board rule. A student is  
8 eligible for this exemption from fees if the student's skills  
9 are at or below the eighth grade level as measured by a test  
10 administered in the English language and approved by the  
11 Department of Education, even if the student has skills above  
12 that level when tested in the student's native language.

13 (2) The following students are exempt from the payment  
14 of tuition fees, including lab fees, at a school district that  
15 provides postsecondary career and technical programs,  
16 community college, or state university:

17 (a) A student enrolled in a dual enrollment or early  
18 admission program pursuant to s. 1007.27 or s. 1007.271.

19 (b) A student enrolled in an approved apprenticeship  
20 program, as defined in s. 446.021.

21 (c) A student for whom the state is paying a foster  
22 care board payment pursuant to s. 409.145(3) or pursuant to  
23 parts II and III of chapter 39, for whom the permanency  
24 planning goal pursuant to part III of chapter 39 is long-term  
25 foster care or independent living, or who is adopted from the  
26 Department of Children and Family Services after May 5, 1997.  
27 Such exemption includes fees associated with enrollment in  
28 vocational-preparatory instruction and completion of the  
29 college-level communication and computation skills testing  
30 program. Such exemption shall be available to any student  
31 adopted from the Department of Children and Family Services

1 after May 5, 1997; however, the exemption shall be valid for  
2 no more than 4 years after the date of graduation from high  
3 school.

4 (d) A student enrolled in an employment and training  
5 program under the welfare transition program. The regional  
6 workforce board shall pay the state university, community  
7 college, or school district for costs incurred for welfare  
8 transition program participants.

9 (e) A student who lacks a fixed, regular, and adequate  
10 nighttime residence or whose primary nighttime residence is a  
11 public or private shelter designed to provide temporary  
12 residence for individuals intended to be institutionalized, or  
13 a public or private place not designed for, or ordinarily used  
14 as, a regular sleeping accommodation for human beings.

15 (f) A student who is a proprietor, owner, or worker of  
16 a company whose business has been at least 50 percent  
17 negatively financially impacted by the buy-out of property  
18 around Lake Apopka by the State of Florida. Such a student may  
19 receive a fee exemption only if the student has not received  
20 compensation because of the buy-out, the student is designated  
21 a Florida resident for tuition purposes, pursuant to s.  
22 1009.21, and the student has applied for and been denied  
23 financial aid, pursuant to s. 1009.40, which would have  
24 provided, at a minimum, payment of all student fees. The  
25 student is responsible for providing evidence to the  
26 postsecondary education institution verifying that the  
27 conditions of this paragraph have been met, including support  
28 documentation provided by the Department of Revenue. The  
29 student must be currently enrolled in, or begin coursework  
30 within, a program area by fall semester 2000. The exemption  
31 is valid for a period of 4 years from the date that the

1 postsecondary education institution confirms that the  
2 conditions of this paragraph have been met.

3 (3) Each community college is authorized to grant  
4 student fee exemptions from all fees adopted by the State  
5 Board of Education and the community college board of trustees  
6 for up to 40 full-time equivalent students at each  
7 institution.

8 Section 400. Section 1009.26, Florida Statutes, is  
9 created to read:

10 1009.26 Fee waivers.--

11 (1) School districts and community colleges may waive  
12 fees for any fee-nonexempt student. The total value of fee  
13 waivers granted by the school district or community college  
14 may not exceed the amount established annually in the General  
15 Appropriations Act. Any student whose fees are waived in  
16 excess of the authorized amount may not be reported for state  
17 funding purposes. Any school district or community college  
18 that waives fees and requests state funding for a student in  
19 violation of the provisions of this section shall be penalized  
20 at a rate equal to 2 times the value of the full-time student  
21 enrollment reported.

22 (2) A state university may waive any or all  
23 application, course registration, and related fees for persons  
24 who supervise student interns for a state university.

25 (3) A university board of trustees is authorized to  
26 permit full-time university employees who meet academic  
27 requirements to enroll for up to 6 credit hours of  
28 tuition-free courses per term on a space-available basis.

29 (4) A state university may waive any or all  
30 application, course registration, and related fees for persons  
31 60 years of age or older who are residents of this state and

1 who attend classes for credit. No academic credit shall be  
2 awarded for attendance in classes for which fees are waived  
3 under this subsection. This privilege may be granted only on a  
4 space-available basis, if such classes are not filled as of  
5 the close of registration. A university may limit or deny the  
6 privilege for courses which are in programs for which the  
7 State Board of Education has established selective admissions  
8 criteria. Persons paying full fees and state employees taking  
9 courses on a space-available basis shall have priority over  
10 those persons whose fees are waived in all cases where  
11 classroom spaces are limited.

12 (5) Any graduate student enrolled in a state-approved  
13 school psychology training program shall be entitled to a  
14 waiver of registration fees for internship credit hours  
15 applicable to an internship in the public school system under  
16 the supervision of a Department of Education certified school  
17 psychologist employed by the school system.

18 (6) The State Board of Education may establish rules  
19 to allow for the waiver of out-of-state fees for  
20 nondegree-seeking students enrolled at a state university if  
21 the earned student credit hours generated by such students are  
22 nonfundable and the direct cost for the program of study is  
23 recovered from the fees charged to all students.

24 (7) The spouse of a deceased state employee is  
25 entitled, when eligible for the payment of student fees by the  
26 state as employer pursuant to s. 440.16, in lieu of such  
27 payment, to a full waiver of student fees for up to 80  
28 semester hours in any community college.

29 (8) Fees shall be waived for certain members of the  
30 active Florida National Guard pursuant to s. 250.10(8).  
31



1           Section 401. Section 1009.27, Florida Statutes, is  
2 created to read:

3           1009.27 Deferral of fees.--

4           (1) The State Board of Education shall adopt rules to  
5 allow the deferral of registration and tuition fees for  
6 students receiving financial aid from a federal or state  
7 assistance program when such aid is delayed in being  
8 transmitted to the student through circumstances beyond the  
9 control of the student. The failure to make timely application  
10 for such aid is an insufficient reason to receive a deferral  
11 of fees. The rules must provide for the enforcement and  
12 collection or other settlement of delinquent accounts.

13           (2) Any veteran or other eligible student who receives  
14 benefits under chapter 30, chapter 31, chapter 32, chapter 34,  
15 or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10,  
16 U.S.C., is entitled to one deferment each academic year and an  
17 additional deferment each time there is a delay in the receipt  
18 of benefits.

19           (3) Each school district, community college, and state  
20 university shall be responsible for collecting all deferred  
21 fees. If a school district, community college, or state  
22 university has not collected a deferred fee, the student may  
23 not earn state funding for any course for which the student  
24 subsequently registers until the fee has been paid.

25           Section 402. Section 1009.28, Florida Statutes, is  
26 created to read:

27           1009.28 Fees for repeated enrollment in

28 college-preparatory classes.--A student enrolled in the same  
29 college-preparatory class more than twice shall pay 100  
30 percent of the full cost of instruction to support continuous  
31 enrollment of that student in the same class, and such student

1 shall not be included in calculations of full-time equivalent  
2 enrollments for state funding purposes; however, students who  
3 withdraw or fail a class due to extenuating circumstances may  
4 be granted an exception only once for each class, provided  
5 approval is granted according to policy established by the  
6 board of trustees. Each community college shall have the  
7 authority to review and reduce fees paid by students due to  
8 continued enrollment in a college-preparatory class on an  
9 individual basis contingent upon the student's financial  
10 hardship, pursuant to definitions and fee levels established  
11 by the State Board of Education.

12           Section 403. Section 1009.285, Florida Statutes, is  
13 created to read:

14           1009.285 Fees for repeated enrollment in  
15 college-credit courses.--A student enrolled in the same  
16 undergraduate college-credit course more than twice shall pay  
17 tuition at 100 percent of the full cost of instruction and  
18 shall not be included in calculations of full-time equivalent  
19 enrollments for state funding purposes. However, students who  
20 withdraw or fail a class due to extenuating circumstances may  
21 be granted an exception only once for each class, provided  
22 that approval is granted according to policy established by  
23 the community college board of trustees or the university  
24 board of trustees. Each community college and state university  
25 shall have the authority to review and reduce fees paid by  
26 students due to continued enrollment in a college-credit class  
27 on an individual basis contingent upon the student's financial  
28 hardship, pursuant to definitions and fee levels established  
29 by the State Board of Education. For purposes of this section,  
30 first-time enrollment in a class shall mean enrollment in a  
31 class beginning fall semester 1997, and calculations of the

1 full cost of instruction shall be based on the systemwide  
2 average of the prior year's cost of undergraduate programs for  
3 the Community College System and the State University System.  
4 Boards of trustees may make exceptions to this section for  
5 individualized study, elective coursework, courses that are  
6 repeated as a requirement of a major, and courses that are  
7 intended as continuing over multiple semesters, excluding the  
8 repeat of coursework more than two times to increase grade  
9 point average or meet minimum course grade requirements.

10 Section 404. Section 1009.29, Florida Statutes, is  
11 created to read:

12 1009.29 Increased fees for funding financial aid  
13 program.--

14 (1) Student registration or tuition fees at each state  
15 university and community college shall include up to \$4.68 per  
16 quarter, or \$7.02 per semester, per full-time student, or the  
17 per-student credit hour equivalents of such amounts. The fees  
18 provided for by this section shall be adjusted from time to  
19 time, as necessary, to comply with the debt service coverage  
20 requirements of the student loan revenue bonds issued pursuant  
21 to s. 1009.79. If the Division of Bond Finance of the State  
22 Board of Education and the Commissioner of Education determine  
23 that such fees are no longer required as security for revenue  
24 bonds issued pursuant to ss. 1009.78-1009.88, moneys  
25 previously collected pursuant to this section which are held  
26 in escrow, after administrative expenses have been met and up  
27 to \$150,000 has been used to establish a financial aid data  
28 processing system for the State University System  
29 incorporating the necessary features to meet the needs of all  
30 nine universities for application through disbursement  
31 processing, shall be reallocated to the generating

1 institutions to be used for student financial aid programs,  
2 including, but not limited to, scholarships and grants for  
3 educational purposes. Upon such determination, such fees shall  
4 no longer be assessed and collected.

5 (2) The Department of Education is authorized, in  
6 accordance with rules established by the State Board of  
7 Administration, to receive and administer grants and donations  
8 from any source and in its discretion to establish criteria,  
9 select recipients, and award scholarships and loans from the  
10 fees provided for by this section and to fix the interest  
11 rates and terms of repayment thereof.

12 Section 405. Part III of chapter 1009 shall be  
13 entitled "Financial Assistance" and shall consist of ss.  
14 1009.40-1009.96.

15 Section 406. Part III.a. of chapter 1009 shall be  
16 entitled "General Provisions" and shall consist of ss.  
17 1009.40-1009.44.

18 Section 407. Section 1009.40, Florida Statutes, is  
19 created to read:

20 1009.40 General requirements for student eligibility  
21 for state financial aid.--

22 (1)(a) The general requirements for eligibility of  
23 students for state financial aid awards consist of the  
24 following:

25 1. Achievement of the academic requirements of and  
26 acceptance at a state university or community college; a  
27 nursing diploma school approved by the Florida Board of  
28 Nursing; a Florida college, university, or community college  
29 which is accredited by an accrediting agency recognized by the  
30 State Board of Education; any Florida institution the credits  
31 of which are acceptable for transfer to state universities;

1 any area technical center; or any private vocational-technical  
2 institution accredited by an accrediting agency recognized by  
3 the State Board of Education.

4 2. Residency in this state for no less than 1 year  
5 preceding the award of aid for a program established pursuant  
6 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.56, s. 1009.53,  
7 s. 1009.54, s. 1009.57, s. 1009.60, s. 1009.60, s. 1009.62, s.  
8 1009.63, s. 1009.76, s. 1009.72, s. 1009.73, s. 1009.77, or s.  
9 1009.89. Residency in this state must be for purposes other  
10 than to obtain an education. Resident status for purposes of  
11 receiving state financial aid awards shall be determined in  
12 the same manner as resident status for tuition purposes  
13 pursuant to s. 1009.21 and rules of the State Board of  
14 Education.

15 3. Submission of certification attesting to the  
16 accuracy, completeness, and correctness of information  
17 provided to demonstrate a student's eligibility to receive  
18 state financial aid awards. Falsification of such information  
19 shall result in the denial of any pending application and  
20 revocation of any award currently held to the extent that no  
21 further payments shall be made. Additionally, students who  
22 knowingly make false statements in order to receive state  
23 financial aid awards shall be guilty of a misdemeanor of the  
24 second degree subject to the provisions of s. 837.06 and shall  
25 be required to return all state financial aid awards  
26 wrongfully obtained.

27 (b)1. Eligibility for the renewal of undergraduate  
28 financial aid awards shall be evaluated at the end of the  
29 second semester or third quarter of each academic year. As a  
30 condition for renewal, a student shall:  
31

1           a. Have earned a minimum cumulative grade point  
2 average of 2.0 on a 4.0 scale; and

3           b. Have earned, for full-time study, 12 credits per  
4 term or the equivalent for the number of terms for which aid  
5 was received.

6           2. A student who earns the minimum number of credits  
7 required for renewal, but who fails to meet the minimum 2.0  
8 cumulative grade point average, may be granted a probationary  
9 award for up to the equivalent of 1 academic year and shall be  
10 required to earn a cumulative grade point average of 2.0 on a  
11 4.0 scale by the end of the probationary period to be eligible  
12 for subsequent renewal. A student who receives a probationary  
13 award and who fails to meet the conditions for renewal by the  
14 end of his or her probationary period shall be ineligible to  
15 receive additional awards for the equivalent of 1 academic  
16 year following his or her probationary period. Each such  
17 student may, however, reapply for assistance during a  
18 subsequent application period and may be eligible for an award  
19 if he or she has earned a cumulative grade point average of  
20 2.0 on a 4.0 scale.

21           3. A student who fails to earn the minimum number of  
22 credits required for renewal shall lose his or her eligibility  
23 for renewal for a period equivalent to 1 academic year.  
24 However, the student may reapply during a subsequent  
25 application period and may be eligible for an award if he or  
26 she has earned a minimum cumulative grade point average of 2.0  
27 on a 4.0 scale.

28           4. Students who receive state student aid and  
29 subsequently fail to meet state academic progress requirements  
30 due to verifiable illness or other emergencies may be granted  
31 an exception from the academic requirements. Such students

1 shall make a written appeal to the institution. The appeal  
2 shall include a description and verification of the  
3 circumstances. Verification of illness or other emergencies  
4 may include but not be limited to a physician's statement or  
5 written statement of a parent or college official. The  
6 institution shall recommend exceptions with necessary  
7 documentation to the department. The department may accept or  
8 deny such recommendations for exception from the institution.

9 (2) These requirements do not preclude higher  
10 standards specified in other sections of this part, in rules  
11 of the state board, or in rules of a participating  
12 institution.

13 (3) Undergraduate students shall be eligible to  
14 receive financial aid for a maximum of 8 semesters or 12  
15 quarters. However, undergraduate students participating in  
16 college-preparatory instruction, students requiring additional  
17 time to complete the college-level communication and  
18 computation skills testing programs, or students enrolled in a  
19 5-year undergraduate degree program shall be eligible to  
20 receive financial aid for a maximum of 10 semesters or 15  
21 quarters.

22 (4) No student shall be eligible to receive more than  
23 one state scholarship that is based on academic merit.  
24 Students who qualify for more than one such scholarship shall  
25 be notified of all awards for which they qualify and shall be  
26 provided the opportunity to accept one of their choosing.

27 Section 408. Section 1009.41, Florida Statutes, is  
28 created to read:

29 1009.41 State financial aid; students with a  
30 disability.--Notwithstanding the provisions of s.  
31 1009.40(1)(b)1.b. regarding the number of credits earned per

1 term, or other financial aid eligibility requirements related  
2 to the number of required credits earned per term, a student  
3 with a documented disability, as defined by the Americans with  
4 Disabilities Act, shall be eligible to be considered for state  
5 financial aid while attending an eligible postsecondary  
6 institution on a part-time basis. The State Board of Education  
7 shall establish the necessary criteria for documentation of  
8 the student's disability and the postsecondary institution  
9 shall make the determination as to whether or not the  
10 disability is such that part-time status is a necessary  
11 accommodation. For the purposes of this section, financial aid  
12 funds may be prorated based on the number of credit hours  
13 taken.

14 Section 409. Section 1009.42, Florida Statutes, is  
15 created to read:

16 1009.42 Financial aid appeal process.--

17 (1) The State Board of Education shall adopt, by rule,  
18 a procedure for the appeal of errors in eligibility  
19 determinations, or failure to transfer awards between eligible  
20 institutions, made by the Office of Student Financial  
21 Assistance, Department of Education, regarding applicants'  
22 eligibility for receiving state student financial aid awards.  
23 The procedure must provide for establishment of a committee to  
24 consider appeals that are not resolved by other administrative  
25 action. Each committee must be comprised of four members  
26 appointed by the Commissioner of Education, including one  
27 representative of the Office of Student Financial Assistance;  
28 two practicing financial aid administrators from public or  
29 private postsecondary institutions in this state, one of whom  
30 must be from an institution other than one to which the  
31 applicant is seeking admission; and one student enrolled in a



1 public postsecondary institution in this state, nominated by  
2 the Florida Student Association. An applicant for state  
3 student financial aid who believes an error has been made in  
4 determining eligibility for student financial assistance or  
5 who believes the department has failed to transfer an award  
6 between eligible institutions may appeal the decision in  
7 writing to the Office of Student Financial Assistance. The  
8 Office of Student Financial Assistance shall investigate the  
9 complaint and take appropriate action within 30 days after its  
10 receipt of the appeal. If the student wishes further review of  
11 the appeal, the Office of Student Financial Assistance shall  
12 forward the appeal to the committee. Within 30 days after the  
13 receipt of a request for a hearing, a final decision shall be  
14 rendered by the committee established under this section, and  
15 a copy of the decision shall be provided to the applicant. The  
16 decision rendered by the committee constitutes final agency  
17 action. A description of the financial aid appeals process  
18 shall be included in the application form for each state  
19 student financial aid program.

20 (2) The president of each state university and each  
21 community college shall establish a procedure for appeal, by  
22 students, of grievances related to the award or administration  
23 of financial aid at the institution.

24 (3) A student involved in a financial aid appeal  
25 proceeding is eligible for a deferral of registration and fee  
26 payments pursuant to s. 1009.27.

27 Section 410. Section 1009.43, Florida Statutes, is  
28 created to read:

29 1009.43 State student financial assistance;  
30 authorization for use in program of study in another state or  
31 foreign country.--A student who is enrolled in a public or

1 private postsecondary educational institution in this state  
2 may apply state student financial assistance towards the cost  
3 of a program of study in another state or a foreign country  
4 for a period of up to 1 year, if the program of study is  
5 offered or promoted by the Florida institution as an integral  
6 part of the academic studies of that degree-seeking student or  
7 as a program that would enhance the student's academic  
8 experience. This program must be approved by the president of  
9 the institution in this state or by his or her designee;  
10 however, private, postsecondary Florida institutions with  
11 out-of-state subsidiary institutions are not authorized to  
12 make Florida residents attending their out-of-state subsidiary  
13 institutions eligible for Florida financial assistance.

14 Section 411. Section 1009.44, Florida Statutes, is  
15 created to read:

16 1009.44 Need-based financial aid; no preference to  
17 students receiving other aid.--From the funds collected by  
18 state universities and community colleges as a financial aid  
19 fee and from other funds appropriated by the Legislature for  
20 financial aid from the Educational Enhancement Trust Fund,  
21 institutions shall expend those moneys designated as  
22 need-based financial aid with no preference given to students  
23 who also qualify for merit-based or other financial aid  
24 awards.

25 Section 412. Part III.b. of chapter 1009 shall be  
26 entitled "Scholarships, Grants, and Other Aid" and shall  
27 consist of ss. 1009.50-1009.89.

28 Section 413. Section 1009.50, Florida Statutes, is  
29 created to read:

30 1009.50 Florida Public Student Assistance Grant  
31 Program; eligibility for grants.--

1       (1) There is hereby created a Florida Public Student  
2 Assistance Grant Program. The program shall be administered by  
3 the participating institutions in accordance with rules of the  
4 state board.

5       (2)(a) State student assistance grants through the  
6 program may be made only to full-time degree-seeking students  
7 who meet the general requirements for student eligibility as  
8 provided in s. 1009.40, except as otherwise provided in this  
9 section. Such grants shall be awarded annually for the amount  
10 of demonstrated unmet need for the cost of education and may  
11 not exceed an amount equal to the average prior academic year  
12 cost of tuition fees and other registration fees for 30 credit  
13 hours at state universities or such other amount as specified  
14 in the General Appropriations Act, to any recipient. A  
15 demonstrated unmet need of less than \$200 shall render the  
16 applicant ineligible for a state student assistance grant.  
17 Recipients of such grants must have been accepted at a state  
18 university or community college authorized by Florida law. No  
19 student may receive an award for more than the equivalent of 9  
20 semesters or 14 quarters of full-time enrollment, except as  
21 otherwise provided in s. 1009.40(3).

22       (b) A student applying for a Florida public student  
23 assistance grant shall be required to apply for the Pell  
24 Grant. The Pell Grant entitlement shall be considered when  
25 conducting an assessment of the financial resources available  
26 to each student.

27       (c) Priority in the distribution of grant moneys shall  
28 be given to students with the lowest total family resources,  
29 in accordance with a nationally recognized system of need  
30 analysis. Using the system of need analysis, the department  
31 shall establish a maximum expected family contribution. An

1 institution may not make a grant from this program to a  
2 student whose expected family contribution exceeds the level  
3 established by the department. An institution may not impose  
4 additional criteria to determine a student's eligibility to  
5 receive a grant award.

6 (d) Each participating institution shall report, to  
7 the department by the established date, the eligible students  
8 to whom grant moneys are disbursed each academic term. Each  
9 institution shall also report to the department necessary  
10 demographic and eligibility data for such students.

11 (3) Based on the unmet financial need of an eligible  
12 applicant, the amount of a Florida public student assistance  
13 grant must be between \$200 and the weighted average of the  
14 cost of tuition and other registration fees for 30 credit  
15 hours at state universities per academic year or the amount  
16 specified in the General Appropriations Act.

17 (4)(a) The funds appropriated for the Florida Public  
18 Student Assistance Grant shall be distributed to eligible  
19 institutions in accordance with a formula approved by the  
20 State Board of Education. The formula shall consider at least  
21 the prior year's distribution of funds, the number of  
22 full-time eligible applicants who did not receive awards, the  
23 standardization of the expected family contribution, and  
24 provisions for unused funds.

25 (b) Payment of Florida public student assistance  
26 grants shall be transmitted to the president of the state  
27 university or community college, or to his or her  
28 representative, in advance of the registration period.  
29 Institutions shall notify students of the amount of their  
30 awards.

31

1       (c) The eligibility status of each student to receive  
2 a disbursement shall be determined by each institution as of  
3 the end of its regular registration period, inclusive of a  
4 drop-add period. Institutions shall not be required to  
5 reevaluate a student's eligibility status after this date for  
6 purposes of changing eligibility determinations previously  
7 made.

8       (d) Institutions shall certify to the department the  
9 amount of funds disbursed to each student and shall remit to  
10 the department any undisbursed advances by June 1 of each  
11 year.

12       (5) Funds appropriated by the Legislature for state  
13 student assistance grants shall be deposited in the State  
14 Student Financial Assistance Trust Fund. Notwithstanding the  
15 provisions of s. 216.301 and pursuant to s. 216.351, any  
16 balance in the trust fund at the end of any fiscal year that  
17 has been allocated to the Florida Public Student Assistance  
18 Grant Program shall remain therein and shall be available for  
19 carrying out the purposes of this section.

20       (6) The State Board of Education shall establish rules  
21 necessary to implement this section.

22       Section 414. Section 1009.51, Florida Statutes, is  
23 created to read:

24       1009.51 Florida Private Student Assistance Grant  
25 Program; eligibility for grants.--

26       (1) There is hereby created a Florida Private Student  
27 Assistance Grant Program. The program shall be administered by  
28 the participating institutions in accordance with rules of the  
29 state board.

30       (2)(a) Florida private student assistance grants from  
31 the State Student Financial Assistance Trust Fund may be made

1 only to full-time degree-seeking students who meet the general  
2 requirements for student eligibility as provided in s.  
3 1009.40, except as otherwise provided in this section. Such  
4 grants shall be awarded for the amount of demonstrated unmet  
5 need for tuition and fees and may not exceed an amount equal  
6 to the average tuition and other registration fees for 30  
7 credit hours at state universities plus \$1,000 per academic  
8 year, or as specified in the General Appropriations Act, to  
9 any applicant. A demonstrated unmet need of less than \$200  
10 shall render the applicant ineligible for a Florida private  
11 student assistance grant. Recipients of such grants must have  
12 been accepted at a baccalaureate-degree-granting independent  
13 nonprofit college or university, which is accredited by the  
14 Commission on Colleges of the Southern Association of Colleges  
15 and Schools and which is located in and chartered as a  
16 domestic corporation by the state. No student may receive an  
17 award for more than the equivalent of 9 semesters or 14  
18 quarters of full-time enrollment, except as otherwise provided  
19 in s. 1009.40(3).

20 (b) A student applying for a Florida private student  
21 assistance grant shall be required to apply for the Pell  
22 Grant. The Pell Grant entitlement shall be considered when  
23 conducting an assessment of the financial resources available  
24 to each student.

25 (c) Priority in the distribution of grant moneys shall  
26 be given to students with the lowest total family resources,  
27 in accordance with a nationally recognized system of need  
28 analysis. Using the system of need analysis, the department  
29 shall establish a maximum expected family contribution. An  
30 institution may not make a grant from this program to a  
31 student whose expected family contribution exceeds the level

1 established by the department. An institution may not impose  
2 additional criteria to determine a student's eligibility to  
3 receive a grant award.

4 (d) Each participating institution shall report, to  
5 the department by the established date, the eligible students  
6 to whom grant moneys are disbursed each academic term. Each  
7 institution shall also report to the department necessary  
8 demographic and eligibility data for such students.

9 (3) Based on the unmet financial need of an eligible  
10 applicant, the amount of a Florida private student assistance  
11 grant must be between \$200 and the average cost of tuition and  
12 other registration fees for 30 credit hours at state  
13 universities plus \$1,000 per academic year or the amount  
14 specified in the General Appropriations Act.

15 (4)(a) The funds appropriated for the Florida Private  
16 Student Assistance Grant shall be distributed to eligible  
17 institutions in accordance with a formula approved by the  
18 State Board of Education. The formula shall consider at least  
19 the prior year's distribution of funds, the number of  
20 full-time eligible applicants who did not receive awards, the  
21 standardization of the expected family contribution, and  
22 provisions for unused funds.

23 (b) Payment of Florida private student assistance  
24 grants shall be transmitted to the president of the college or  
25 university, or to his or her representative, in advance of the  
26 registration period. Institutions shall notify students of the  
27 amount of their awards.

28 (c) The eligibility status of each student to receive  
29 a disbursement shall be determined by each institution as of  
30 the end of its regular registration period, inclusive of a  
31 drop-add period. Institutions shall not be required to

1 reevaluate a student's eligibility status after this date for  
2 purposes of changing eligibility determinations previously  
3 made.

4 (d) Institutions shall certify to the department the  
5 amount of funds disbursed to each student and shall remit to  
6 the department any undisbursed advances by June 1 of each  
7 year.

8 (e) Each institution that receives moneys through the  
9 Florida Private Student Assistance Grant Program shall cause  
10 to be prepared a biennial report that includes an independent  
11 external audit of the institution's administration of the  
12 program and a complete accounting of moneys in the State  
13 Student Financial Assistance Trust Fund allocated to the  
14 institution for the program. Such report shall be submitted to  
15 the department on or before March 1 every other year. The  
16 department may conduct its own annual or biennial audit of an  
17 institution's administration of the program and its allocated  
18 funds in lieu of the required biennial report and independent  
19 external audit. The department may suspend or revoke an  
20 institution's eligibility to receive future moneys from the  
21 trust fund for the program or request a refund of any moneys  
22 overpaid to the institution through the trust fund for the  
23 program if the department finds that an institution has not  
24 complied with the provisions of this section. Any refund  
25 requested pursuant to this paragraph shall be remitted within  
26 60 days.

27 (5) Funds appropriated by the Legislature for Florida  
28 private student assistance grants shall be deposited in the  
29 State Student Financial Assistance Trust Fund. Notwithstanding  
30 the provisions of s. 216.301 and pursuant to s. 216.351, any  
31 balance in the trust fund at the end of any fiscal year that



1 has been allocated to the Florida Private Student Assistance  
2 Grant Program shall remain therein and shall be available for  
3 carrying out the purposes of this section and as otherwise  
4 provided by law.

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

7 Section 415. Section 1009.52, Florida Statutes, is  
8 created to read:

9 1009.52 Florida Postsecondary Student Assistance Grant  
10 Program; eligibility for grants.--

11 (1) There is hereby created a Florida Postsecondary  
12 Student Assistance Grant Program. The program shall be  
13 administered by the participating institutions in accordance  
14 with rules of the state board.

15 (2)(a) Florida postsecondary student assistance grants  
16 through the State Student Financial Assistance Trust Fund may  
17 be made only to full-time degree-seeking students who meet the  
18 general requirements for student eligibility as provided in s.  
19 1009.40, except as otherwise provided in this section. Such  
20 grants shall be awarded for the amount of demonstrated unmet  
21 need for tuition and fees and may not exceed an amount equal  
22 to the average prior academic year cost of tuition and other  
23 registration fees for 30 credit hours at state universities  
24 plus \$1,000 per academic year, or as specified in the General  
25 Appropriations Act, to any applicant. A demonstrated unmet  
26 need of less than \$200 shall render the applicant ineligible  
27 for a Florida postsecondary student assistance grant.  
28 Recipients of such grants must have been accepted at a  
29 postsecondary institution that is located in the state and  
30 that is:

1           1. A private nursing diploma school approved by the  
2 Florida Board of Nursing; or

3           2. A college or university licensed by the Commission  
4 for Independent Education, excluding those institutions the  
5 students of which are eligible to receive a Florida private  
6 student assistance grant pursuant to s. 1009.51.

7  
8 No student may receive an award for more than the equivalent  
9 of 9 semesters or 14 quarters of full-time enrollment, except  
10 as otherwise provided in s. 1009.40(3).

11           (b) A student applying for a Florida postsecondary  
12 student assistance grant shall be required to apply for the  
13 Pell Grant. The Pell Grant entitlement shall be considered  
14 when conducting an assessment of the financial resources  
15 available to each student.

16           (c) Priority in the distribution of grant moneys shall  
17 be given to students with the lowest total family resources,  
18 in accordance with a nationally recognized system of need  
19 analysis. Using the system of need analysis, the department  
20 shall establish a maximum expected family contribution. An  
21 institution may not make a grant from this program to a  
22 student whose expected family contribution exceeds the level  
23 established by the department. An institution may not impose  
24 additional criteria to determine a student's eligibility to  
25 receive a grant award.

26           (d) Each participating institution shall report, to  
27 the department by the established date, the eligible students  
28 to whom grant moneys are disbursed each academic term. Each  
29 institution shall also report to the department necessary  
30 demographic and eligibility data for such students.

31

1       (3) Based on the unmet financial need of an eligible  
2 applicant, the amount of a Florida postsecondary student  
3 assistance grant must be between \$200 and the average cost of  
4 tuition and other registration fees for 30 credit hours at  
5 state universities plus \$1,000 per academic year or the amount  
6 specified in the General Appropriations Act.

7       (4)(a) The funds appropriated for the Florida  
8 Postsecondary Student Assistance Grant shall be distributed to  
9 eligible institutions in accordance with a formula approved by  
10 the State Board of Education. The formula shall consider at  
11 least the prior year's distribution of funds, the number of  
12 full-time eligible applicants who did not receive awards, the  
13 standardization of the expected family contribution, and  
14 provisions for unused funds.

15       (b) Payment of Florida postsecondary student  
16 assistance grants shall be transmitted to the president of the  
17 eligible institution, or to his or her representative, in  
18 advance of the registration period. Institutions shall notify  
19 students of the amount of their awards.

20       (c) The eligibility status of each student to receive  
21 a disbursement shall be determined by each institution as of  
22 the end of its regular registration period, inclusive of a  
23 drop-add period. Institutions shall not be required to  
24 reevaluate a student's eligibility status after this date for  
25 purposes of changing eligibility determinations previously  
26 made.

27       (d) Institutions shall certify to the department the  
28 amount of funds disbursed to each student and shall remit to  
29 the department any undisbursed advances by June 1 of each  
30 year.

31

1       (e) Each institution that receives moneys through the  
2 Florida Postsecondary Student Assistance Grant Program shall  
3 cause to be prepared a biennial report that includes an  
4 independent external audit of the institution's administration  
5 of the program and a complete accounting of moneys in the  
6 State Student Financial Assistance Trust Fund allocated to the  
7 institution for the program. Such report shall be submitted  
8 to the department on or before March 1 every other year. The  
9 department may conduct its own annual or biennial audit of an  
10 institution's administration of the program and its allocated  
11 funds in lieu of the required biennial report and independent  
12 external audit. The department may suspend or revoke an  
13 institution's eligibility to receive future moneys from the  
14 trust fund for the program or request a refund of any moneys  
15 overpaid to the institution through the trust fund for the  
16 program if the department finds that an institution has not  
17 complied with the provisions of this section. Any refund  
18 requested pursuant to this paragraph shall be remitted within  
19 60 days.

20       (5) Any institution that was eligible to receive state  
21 student assistance grants on January 1, 1989, and that is not  
22 eligible to receive grants pursuant to s. 1009.51 is eligible  
23 to receive grants pursuant to this section.

24       (6) Funds appropriated by the Legislature for Florida  
25 postsecondary student assistance grants shall be deposited in  
26 the State Student Financial Assistance Trust Fund.  
27 Notwithstanding the provisions of s. 216.301 and pursuant to  
28 s. 216.351, any balance in the trust fund at the end of any  
29 fiscal year that has been allocated to the Florida  
30 Postsecondary Student Assistance Grant Program shall remain  
31

1 therein and shall be available for carrying out the purposes  
2 of this section and as otherwise provided by law.

3 (7) The State Board of Education shall adopt rules  
4 necessary to implement this section.

5 Section 416. Section 1009.53, Florida Statutes, is  
6 created to read:

7 1009.53 Florida Bright Futures Scholarship Program.--

8 (1) The Florida Bright Futures Scholarship Program is  
9 created to establish a lottery-funded scholarship program to  
10 reward any Florida high school graduate who merits recognition  
11 of high academic achievement and who enrolls in a degree  
12 program, certificate program, or applied technology program at  
13 an eligible Florida public or private postsecondary education  
14 institution within 3 years of graduation from high school.

15 (2) The Bright Futures Scholarship Program consists of  
16 three types of awards: the Florida Academic Scholarship, the  
17 Florida Medallion Scholarship, and the Florida Gold Seal  
18 Vocational Scholarship.

19 (3) The Department of Education shall administer the  
20 Bright Futures Scholarship Program according to rules and  
21 procedures established by the State Board of Education. A  
22 single application must be sufficient for a student to apply  
23 for any of the three types of awards. The department must  
24 advertise the availability of the scholarship program and must  
25 notify students, teachers, parents, guidance counselors, and  
26 principals or other relevant school administrators of the  
27 criteria and application procedures. The department must begin  
28 this process of notification no later than January 1 of each  
29 year.

30 (4) Funding for the Bright Futures Scholarship Program  
31 must be allocated from the Education Enhancement Trust Fund

1 and must be provided before allocations from that fund are  
2 calculated for disbursement to other educational entities.

3 (a) If funds appropriated are not adequate to provide  
4 the maximum allowable award to each eligible applicant, awards  
5 in all three components of the program must be prorated using  
6 the same percentage reduction.

7 (b) Notwithstanding s. 216.301, if all funds allocated  
8 to the Bright Futures Scholarship Program are not used in any  
9 fiscal year, up to 10 percent of the total allocation may be  
10 carried forward and used for awards in the following year.

11 (5) The department shall issue awards from the  
12 scholarship program annually. Annual awards may be for up to  
13 45 semester credit hours or the equivalent. Before the  
14 registration period each semester, the department shall  
15 transmit payment for each award to the president or director  
16 of the postsecondary education institution, or his or her  
17 representative, except that the department may withhold  
18 payment if the receiving institution fails to report or to  
19 make refunds to the department as required in this act.

20 (a) Within 30 days after the end of regular  
21 registration each semester, the educational institution shall  
22 certify to the department the eligibility status of each  
23 student who receives an award. After the end of the drop and  
24 add period, an institution is not required to reevaluate or  
25 revise a student's eligibility status, but must make a refund  
26 to the department if a student who receives an award  
27 disbursement terminates enrollment for any reason during an  
28 academic term and a refund is permitted by the institution's  
29 refund policy.

30 (b) An institution that receives funds from the  
31 program shall certify to the department the amount of funds

1 disbursed to each student and shall remit to the department  
2 any undisbursed advances within 60 days after the end of  
3 regular registration.

4 (c) Each institution that receives moneys through this  
5 program shall prepare an annual report that includes an  
6 independent external audit or an audit prepared by the Office  
7 of the Auditor General. The report shall include an audit of  
8 the institution's administration of the program and a complete  
9 accounting of the moneys for the program. This report must be  
10 submitted to the department annually by March 1. The  
11 department may conduct its own annual audit of an  
12 institution's administration of the program. The department  
13 may request a refund of any moneys overpaid to the institution  
14 for the program. The department may suspend or revoke an  
15 institution's eligibility to receive future moneys for the  
16 program if the department finds that an institution has not  
17 complied with this section. The institution must remit within  
18 60 days any refund requested in accordance with this  
19 subsection.

20 (6) A student enrolled in 6 to 8 semester credit hours  
21 may receive up to one-half of the maximum award; a student  
22 enrolled in 9 to 11 credit hours may receive up to  
23 three-fourths of the maximum award; and a student enrolled in  
24 12 or more credit hours may receive up to the full award.

25 (7) A student may receive only one type of award from  
26 the Florida Bright Futures Scholarship Program at a time, but  
27 may transfer from one type of award to another through the  
28 renewal application process, if the student's eligibility  
29 status changes. However, a student is not eligible to transfer  
30 from a Florida Medallion Scholarship or a Florida Gold Seal  
31 Vocational Scholarship to a Florida Academic Scholarship. A

1 student who receives an award from the program may also  
2 receive a federal family education loan or a federal direct  
3 loan, and the value of the award must be considered in the  
4 certification or calculation of the student's loan  
5 eligibility.

6 (8) If a recipient transfers from one eligible  
7 institution to another and continues to meet eligibility  
8 requirements, the award must be transferred with the student.

9 (9) A student may use an award for summer term  
10 enrollment if funds are available.

11 (10) Funds from any scholarship within the Florida  
12 Bright Futures Scholarship Program may not be used to pay for  
13 remedial or college-preparatory coursework.

14 Section 417. Section 1009.531, Florida Statutes, is  
15 created to read:

16 1009.531 Florida Bright Futures Scholarship Program;  
17 student eligibility requirements for initial awards.--

18 (1) To be eligible for an initial award from any of  
19 the three types of scholarships under the Florida Bright  
20 Futures Scholarship Program, a student must:

21 (a) Be a Florida resident as defined in s. 1009.40 and  
22 rules of the State Board of Education.

23 (b) Earn a standard Florida high school diploma or its  
24 equivalent as described in s. 1003.43 or s. 1003.45 unless:

25 1. The student is enrolled full time in the early  
26 admission program of an eligible postsecondary education  
27 institution or completes a home education program according to  
28 s. 1002.41; or

29 2. The student earns a high school diploma from a  
30 non-Florida school while living with a parent or guardian who  
31 is on military or public service assignment away from Florida.



1           (c) Be accepted by and enroll in an eligible Florida  
2 public or independent postsecondary education institution.

3           (d) Be enrolled for at least 6 semester credit hours  
4 or the equivalent in quarter hours or clock hours.

5           (e) Not have been found guilty of, or plead nolo  
6 contendere to, a felony charge, unless the student has been  
7 granted clemency by the Governor and Cabinet sitting as the  
8 Executive Office of Clemency.

9           (f) Apply for a scholarship from the program by high  
10 school graduation.

11           (2) A student is eligible to accept an initial award  
12 for 3 years following high school graduation and to accept a  
13 renewal award for 7 years following high school graduation. A  
14 student who applies for an award by high school graduation and  
15 who meets all other eligibility requirements, but who does not  
16 accept his or her award, may reapply during subsequent  
17 application periods up to 3 years after high school  
18 graduation.

19           (3) For purposes of calculating the grade point  
20 average to be used in determining initial eligibility for a  
21 Florida Bright Futures scholarship, the department shall  
22 assign additional weights to grades earned in the following  
23 courses:

24           (a) Courses identified in the course code directory as  
25 Advanced Placement, pre-International Baccalaureate, or  
26 International Baccalaureate.

27           (b) Courses designated as academic dual enrollment  
28 courses in the statewide course numbering system.

29  
30 The department may assign additional weights to courses, other  
31 than those described in paragraphs (a) and (b), that are

1 identified by the Department of Education as containing  
2 rigorous academic curriculum and performance standards. The  
3 additional weight assigned to a course pursuant to this  
4 subsection shall not exceed 0.5 per course. The weighted  
5 system shall be developed and distributed to all high schools  
6 in the state prior to January 1, 1998. The department may  
7 determine a student's eligibility status during the senior  
8 year before graduation and may inform the student of the award  
9 at that time.

10 (4) A student who wishes to qualify for a particular  
11 award within the Florida Bright Futures Scholarship Program,  
12 but who does not meet all of the requirements for that level  
13 of award, may, nevertheless, receive the award if the  
14 principal of the student's school or the district  
15 superintendent verifies that the deficiency is caused by the  
16 fact that school district personnel provided inaccurate or  
17 incomplete information to the student. The school district  
18 must provide a means for the student to correct the  
19 deficiencies and the student must correct them, either by  
20 completing comparable work at the postsecondary institution or  
21 by completing a directed individualized study program  
22 developed and administered by the school district. If the  
23 student does not complete the requirements by December 31  
24 immediately following high school graduation, the student is  
25 ineligible to participate in the program.

26 Section 418. Section 1009.532, Florida Statutes, is  
27 created to read:

28 1009.532 Florida Bright Futures Scholarship Program;  
29 student eligibility requirements for renewal awards.--  
30  
31

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.

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 419. 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:

- 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 420. Section 1009.534, Florida Statutes, is  
29 created to read:  
30           1009.534 Florida Academic Scholars award.--  
31

1           (1) A student is eligible for a Florida Academic  
2 Scholars award if the student meets the general eligibility  
3 requirements for the Florida Bright Futures Scholarship  
4 Program and the student:

5           (a) Has achieved a 3.5 weighted grade point average as  
6 calculated pursuant to s. 1009.531, or its equivalent, in high  
7 school courses that are designated by the State Board of  
8 Education as college-preparatory academic courses; and has  
9 attained at least the score identified by rules of the State  
10 Board of Education on the combined verbal and quantitative  
11 parts of the Scholastic Aptitude Test, the Scholastic  
12 Assessment Test, or the recentered Scholastic Assessment Test  
13 of the College Entrance Examination, or an equivalent score on  
14 the American College Testing Program; or

15           (b) Has attended a home education program according to  
16 s. 1002.41 during grades 11 and 12 or has completed the  
17 International Baccalaureate curriculum but failed to earn the  
18 International Baccalaureate Diploma, and has attained at least  
19 the score identified by rules of the Department of Education  
20 on the combined verbal and quantitative parts of the  
21 Scholastic Aptitude Test, the Scholastic Assessment Test, or  
22 the recentered Scholastic Assessment Test of the College  
23 Entrance Examination, or an equivalent score on the American  
24 College Testing Program; or

25           (c) Has been awarded an International Baccalaureate  
26 Diploma from the International Baccalaureate Office; or

27           (d) Has been recognized by the merit or achievement  
28 programs of the National Merit Scholarship Corporation as a  
29 scholar or finalist; or

30           (e) Has been recognized by the National Hispanic  
31 Recognition Program as a scholar recipient.

1  
2 A student must complete a program of community service work,  
3 as approved by the district school board or the administrators  
4 of a nonpublic school, which shall include a minimum of 75  
5 hours of service work and require the student to identify a  
6 social problem that interests him or her, develop a plan for  
7 his or her personal involvement in addressing the problem,  
8 and, through papers or other presentations, evaluate and  
9 reflect upon his or her experience.

10 (2) A Florida Academic Scholar who is enrolled in a  
11 public postsecondary education institution is eligible for an  
12 award equal to the amount required to pay tuition, fees, and  
13 \$600 for college-related expenses annually. A student who is  
14 enrolled in a nonpublic postsecondary education institution is  
15 eligible for an award equal to the amount that would be  
16 required to pay for the average tuition and fees of a public  
17 postsecondary education institution at the comparable level,  
18 plus the annual \$600.

19 (3) To be eligible for a renewal award as a Florida  
20 Academic Scholar, a student must maintain the equivalent of a  
21 cumulative grade point average of 3.0 on a 4.0 scale with an  
22 opportunity for one reinstatement as provided in this act.

23 (4) In each school district, the Florida Academic  
24 Scholar with the highest academic ranking shall receive an  
25 additional award of \$1,500 for college-related expenses. This  
26 award must be funded from the Florida Bright Futures  
27 Scholarship Program.

28 Section 421. Section 1009.535, Florida Statutes, is  
29 created to read:

30 1009.535 Florida Medallion Scholars award.--  
31

1       (1) A student is eligible for a Florida Medallion  
2 Scholars award if the student meets the general eligibility  
3 requirements for the Florida Bright Futures Scholarship  
4 Program and the student:

5       (a) Has achieved a weighted grade point average of 3.0  
6 as calculated pursuant to s. 1009.531, or the equivalent, in  
7 high school courses that are designated by the State Board of  
8 Education as college-preparatory academic courses; and has  
9 attained at least the score identified by rules of the State  
10 Board of Education on the combined verbal and quantitative  
11 parts of the Scholastic Aptitude Test, the Scholastic  
12 Assessment Test, or the recentered Scholastic Assessment Test  
13 of the College Entrance Examination, or an equivalent score on  
14 the American College Testing Program; or

15       (b) Has attended a home education program according to  
16 s. 1002.41 during grades 11 and 12 or has completed the  
17 International Baccalaureate curriculum but failed to earn the  
18 International Baccalaureate Diploma, and has attained at least  
19 the score identified by rules of the Department of Education  
20 on the combined verbal and quantitative parts of the  
21 Scholastic Aptitude Test, the Scholastic Assessment Test, or  
22 the recentered Scholastic Assessment Test of the College  
23 Entrance Examination, or an equivalent score on the American  
24 College Testing Program.

25       (c) Has been recognized by the merit or achievement  
26 program of the National Merit Scholarship Corporation as a  
27 scholar or finalist but has not completed a program of  
28 community service as provided in s. 1009.534; or

29       (d) Has been recognized by the National Hispanic  
30 Recognition Program as a scholar, but has not completed a  
31 program of community service as provided in s. 1009.534.



1       (2) A Florida Medallion Scholar is eligible for an  
2 award equal to the amount required to pay 75 percent of  
3 tuition and fees, if the student is enrolled in a public  
4 postsecondary education institution. A student who is enrolled  
5 in a nonpublic postsecondary education institution is eligible  
6 for an award equal to the amount that would be required to pay  
7 75 percent of the tuition and fees of a public postsecondary  
8 education institution at the comparable level.

9       (3) To be eligible for a renewal award as a Florida  
10 Medallion Scholar, a student must maintain the equivalent of a  
11 cumulative grade point average of 2.75 on a 4.0 scale with an  
12 opportunity for reinstatement one time as provided in this  
13 chapter.

14       Section 422. Section 1009.536, Florida Statutes, is  
15 created to read:

16       1009.536 Florida Gold Seal Vocational Scholars  
17 award.--The Florida Gold Seal Vocational Scholars award is  
18 created within the Florida Bright Futures Scholarship Program  
19 to recognize and reward academic achievement and vocational  
20 preparation by high school students who wish to continue their  
21 education.

22       (1) A student is eligible for a Florida Gold Seal  
23 Vocational Scholars award if the student meets the general  
24 eligibility requirements for the Florida Bright Futures  
25 Scholarship Program and the student:

26       (a) Completes the secondary school portion of a  
27 sequential program of studies that requires at least three  
28 secondary school vocational credits taken over at least 2  
29 academic years, and is continued in a planned, related  
30 postsecondary education program. If the student's school does  
31 not offer such a two-plus-two or tech-prep program, the

1 student must complete a job-preparatory career education  
2 program selected by the Workforce Estimating Conference or  
3 Workforce Florida, Inc., for its ability to provide high-wage  
4 employment in an occupation with high potential for employment  
5 opportunities. On-the-job training may not be substituted for  
6 any of the three required vocational credits.

7 (b) Demonstrates readiness for postsecondary education  
8 by earning a passing score on the Florida College Entry Level  
9 Placement Test or its equivalent as identified by the  
10 Department of Education.

11 (c) Earns a minimum cumulative weighted grade point  
12 average of 3.0, as calculated pursuant to s. 1009.531, on all  
13 subjects required for a standard high school diploma,  
14 excluding elective courses.

15 (d) Earns a minimum unweighted grade point average of  
16 3.5 on a 4.0 scale for secondary vocational courses comprising  
17 the vocational program.

18 (2) A Florida Gold Seal Vocational Scholar is eligible  
19 for an award equal to the amount required to pay 75 percent of  
20 tuition and fees, if the student is enrolled in a public  
21 postsecondary education institution. A student who is enrolled  
22 in a nonpublic postsecondary education institution is eligible  
23 for an award equal to the amount that would be required to pay  
24 75 percent of the tuition and mandatory fees of a public  
25 postsecondary education institution at the comparable level.

26 (3) To be eligible for a renewal award as a Florida  
27 Gold Seal Vocational Scholar, a student must maintain the  
28 equivalent of a cumulative grade point average of 2.75 on a  
29 4.0 scale with an opportunity for reinstatement one time as  
30 provided in this chapter.

31

1           (4) A student may earn a Florida Gold Seal Vocational  
2 Scholarship for 110 percent of the number of credit hours  
3 required to complete the program, up to 90 credit hours or the  
4 equivalent. A Florida Gold Seal Scholar who has a cumulative  
5 grade point average of 2.75 in all postsecondary education  
6 work attempted may apply for a Florida Medallion Scholars  
7 award at any renewal period. All other provisions of that  
8 program apply, and the credit-hour limitation must be  
9 calculated by subtracting from the student's total eligibility  
10 the number of credit hours the student attempted while earning  
11 the Gold Seal Vocational Scholarship.

12           Section 423. Section 1009.537, Florida Statutes, is  
13 created to read:

14           1009.537 Eligibility for the Florida Bright Futures  
15 Scholarship Program; transition.--

16           (1) A student who graduates from high school in 1997  
17 or earlier and who is eligible for the Florida Undergraduate  
18 Scholar's Program pursuant to former s. 240.402 is eligible  
19 for the Florida Academic Scholars award as provided in this  
20 act. A student who graduates from high school in 1998 or 1999  
21 is eligible for the Florida Academic Scholars award if the  
22 student meets the criteria in s. 1009.534. However, in lieu of  
23 satisfying the requirements set forth in s. 1009.534(1)(a), a  
24 student may meet the following criteria:

25           (a) Complete a program of at least 24 credits in  
26 advanced-level studies as prescribed by the State Board of  
27 Education, including as a minimum:

28           1. Four years of progressively advanced instruction in  
29 language arts, including courses in English composition and  
30 literature.

31

1           2. Four years of progressively advanced instruction in  
2 science, including laboratory courses in biology, chemistry,  
3 and physics where laboratory facilities are available.

4           3. Four years of progressively advanced instruction in  
5 mathematics, including courses in algebra, geometry, and  
6 calculus or trigonometry.

7           4. Two years of sequential foreign language.

8           5. One year of instruction in art and music or in  
9 either art or music.

10          6. Three years of instruction in social studies,  
11 including courses in American history and government, world  
12 history, and comparative political and economic systems.

13          7. One year of instruction in health and physical  
14 education to include assessment, improvement, and maintenance  
15 of personal fitness.

16          (b) Obtain at least the equivalent of an unweighted  
17 grade point average of 3.0 on a 4.0 scale for all courses  
18 taken for which high school credit may be granted.

19          (c) Achieve a score of 1180 on the combined verbal and  
20 quantitative parts of the Scholastic Aptitude Test, the  
21 Scholastic Assessment Test, or the recentered Scholastic  
22 Assessment Test of the College Entrance Examination, or an  
23 equivalent score on the American College Testing Program or an  
24 equivalent program.

25          (d) Complete a program of community service work, as  
26 approved by the district school board or the administrators of  
27 a nonpublic school, which shall include a minimum of 75 hours  
28 of service work and require the student to identify a social  
29 problem that interests him or her, develop a plan for his or  
30 her personal involvement in addressing the problem, and,

31

1 through papers or other presentations, evaluate and reflect  
2 upon his or her experience.

3  
4 Students who graduate from high school after 1999 must meet  
5 the eligibility criteria pursuant to s. 1009.534.

6 (2) A student who graduates from high school in 1997  
7 or earlier and who is eligible for the Florida Vocational Gold  
8 Seal Endorsement Scholarship award pursuant to former s.  
9 240.4021 is eligible for the Florida Gold Seal Vocational  
10 Scholars award as provided in this act. A student who  
11 graduates from high school in 1998 or 1999 is eligible for the  
12 Florida Gold Seal Vocational Scholars award if the student  
13 meets the criteria in s. 1009.536. However, in lieu of  
14 satisfying the grade point average requirement set forth in s.  
15 1009.536(1)(c), a student may earn a minimum cumulative  
16 unweighted grade point average of 3.0 on a 4.0 scale on all  
17 subjects required for a standard high school diploma. Students  
18 who graduate from high school after 1999 must meet the  
19 eligibility criteria pursuant to s. 1009.536.

20 (3) Effective for the 1997-1998 academic year, a  
21 student is eligible for an initial award of a Florida Merit  
22 Scholarship if the student:

23 (a)1. Is scheduled to graduate from high school in  
24 1997;

25 2. Completes, or is enrolled in all courses required  
26 to complete, the high school college-preparatory coursework  
27 required in this act;

28 3. Achieves an unweighted grade point average of 3.0  
29 on a 4.0 scale, or the equivalent, in high school courses that  
30 are adopted by the Board of Regents and recommended by the  
31

1 State Board of Community Colleges as college-preparatory  
2 academic courses; and

3 4. Earns a score of 970 or above on the combined  
4 verbal and quantitative parts of the recentered Scholastic  
5 Assessment Test of the College Entrance Examination, or an  
6 equivalent score on the American College Testing Program; or

7 (b) Has completed a college-preparatory curriculum in  
8 1997 through an approved home school program and has attained  
9 a score of 970 on the combined verbal and quantitative parts  
10 of the recentered Scholastic Assessment Test of the College  
11 Entrance Examination, or an equivalent score on the American  
12 College Testing Program. Eligibility shall be determined in  
13 the same manner as for public school students. For students  
14 whose parents are unable to document a college-preparatory  
15 curriculum, a score of 1070 on the SAT, or equivalent score on  
16 the ACT, shall be required for award eligibility.

17 Section 424. Section 1009.538, Florida Statutes, is  
18 created to read:

19 1009.538 Bright Futures Scholarship recipients  
20 attending nonpublic institutions; calculation of  
21 awards.--Notwithstanding ss. 1009.53, 1009.534, 1009.535, and  
22 1009.536, a student who receives any award under the Florida  
23 Bright Futures Scholarship Program, who is enrolled in a  
24 nonpublic postsecondary education institution, and who is  
25 assessed tuition and fees that are the same as those of a  
26 full-time student at that institution, shall receive a fixed  
27 award calculated by using the average matriculation and fee  
28 calculation as prescribed by the Department of Education for  
29 full-time attendance at a public postsecondary education  
30 institution at the comparable level. If the student is  
31 enrolled part-time and is assessed tuition and fees at a

1 reduced level, the award shall be either one-half of the  
2 maximum award or three-fourths of the maximum award, depending  
3 on the level of fees assessed.

4 Section 1009.5385, Florida Statutes, is created to  
5 read:

6 1009.5385 Use of certain scholarship funds by children  
7 of deceased or disabled veterans.--The criteria for the use of  
8 scholarship funds which apply to students under the Florida  
9 Bright Futures Scholarship Program shall also apply to the  
10 children of deceased or disabled veterans who receive  
11 scholarships under chapter 295.

12 Section 425. Section 1009.539, Florida Statutes, is  
13 created to read:

14 1009.539 Florida Bright Futures Scholarship Testing  
15 Program.--

16 (1) The State Board of Education shall identify the  
17 minimum scores, maximum credit, and course or courses for  
18 which credit is to be awarded for each College Level  
19 Examination Program (CLEP) general examination, CLEP subject  
20 examination, College Board Advanced Placement Program  
21 examination, and International Baccalaureate examination. In  
22 addition, the State Board of Education shall identify such  
23 courses in the general education core curriculum of each state  
24 university and community college.

25 (2) Each community college and state university must  
26 award credit for specific courses for which competency has  
27 been demonstrated by successful passage of one of these  
28 examinations unless the award of credit duplicates credit  
29 already awarded. Community colleges and universities may not  
30 exempt students from courses without the award of credit if  
31 competencies have been so demonstrated.

1       (3) Students eligible for a Florida Academic Scholars  
2 award or a Florida Medallion Scholars award who are admitted  
3 to and enroll in a community college or state university  
4 shall, prior to registering for courses that may be earned  
5 through a CLEP examination and no later than registration for  
6 their second term, complete at least five examinations from  
7 those specified in subsection (1) in the following areas:  
8 English; humanities; mathematics; natural sciences; and social  
9 sciences. Successful completion of dual enrollment courses,  
10 Advanced Placement examinations, and International  
11 Baccalaureate examinations taken prior to high school  
12 graduation satisfy this requirement. The State Board of  
13 Education shall identify the examinations that satisfy each  
14 component of this requirement.

15       (4) Each community college and state university shall  
16 pay for the CLEP examinations required pursuant to this  
17 section from the funds appropriated from the Educational  
18 Enhancement Trust Fund. Institutions shall pay no more than  
19 \$46 per examination for the program, which shall include  
20 access to a student guide to prepare for the test. The  
21 Department of Education shall negotiate with the College Board  
22 for a reduced rate for the examinations. The institution shall  
23 not charge the student for preparation and administration of  
24 the test, access to a student guide to prepare for the test,  
25 or recordkeeping and reporting of each student's test results  
26 to the department.

27       (5) The credit awarded pursuant to this section shall  
28 apply toward the 120 hours of college credit required pursuant  
29 to s. 1007.25(7).

30       (6) The Department of Education shall track and  
31 annually report on the effectiveness of the program, and



1 include information on the number of students participating in  
2 the program; the CLEP examinations taken and the passage rate  
3 of Florida Academic Scholars and Florida Medallion Scholars  
4 award recipients; the use of Advanced Placement and  
5 International Baccalaureate examinations and dual enrollment  
6 courses to satisfy the requirements of the program; and the  
7 course credit provided.

8 Section 426. Section 1009.54, Florida Statutes, is  
9 created to read:

10 1009.54 Critical Teacher Shortage Program.--There is  
11 created the Critical Teacher Shortage Program. Funds  
12 appropriated by the Legislature for the program shall be  
13 deposited in the State Student Financial Assistance Trust  
14 Fund. The Comptroller shall authorize expenditures from the  
15 trust fund upon receipt of vouchers approved by the Department  
16 of Education for the critical teacher shortage programs  
17 established in s. 1009.57, s. 1009.58, or s. 1009.59. The  
18 Comptroller shall also authorize expenditures from the trust  
19 fund for the "Chappie" James Most Promising Teacher  
20 Scholarship Loan Program and the Critical Teacher Shortage  
21 Scholarship Loan Program recipients who participated in these  
22 programs prior to July 1, 1993, provided that such students  
23 continue to meet the renewal eligibility requirements that  
24 were in effect at the time that their original awards were  
25 made. Students who participated in the "Chappie" James Most  
26 Promising Teacher Scholarship Loan Program prior to July 1,  
27 1993, shall not have their awards reduced as a result of the  
28 addition of new students to the program. All scholarship loan  
29 repayments pursuant to s. 1009.57 shall be deposited into the  
30 State Student Financial Assistance Trust Fund. Any remaining  
31 balance at the end of any fiscal year that has been allocated

1 to the program shall remain in the trust fund and be available  
2 for the individual programs in future years.

3 Section 427. Section 1009.55, Florida Statutes, is  
4 created to read:

5 1009.55 Rosewood Family Scholarship Program.--

6 (1) There is created a Rosewood Family Scholarship  
7 Program for minority persons with preference given to the  
8 direct descendants of the Rosewood families, not to exceed 25  
9 scholarships per year. Funds appropriated by the Legislature  
10 for the program shall be deposited in the State Student  
11 Financial Assistance Trust Fund.

12 (2) The Rosewood Family Scholarship Program shall be  
13 administered by the Department of Education. The State Board  
14 of Education shall adopt rules for administering this program  
15 which shall at a minimum provide for the following:

16 (a) The annual award to a student shall be up to  
17 \$4,000 but should not exceed an amount in excess of tuition  
18 and registration fees.

19 (b) If funds are insufficient to provide a full  
20 scholarship to each eligible applicant, the department may  
21 prorate available funds and make a partial award to each  
22 eligible applicant.

23 (c) The department shall rank eligible initial  
24 applicants for the purposes of awarding scholarships with  
25 preference being given to the direct descendants of the  
26 Rosewood families. The remaining applicants shall be ranked  
27 based on need as determined by the Department of Education.

28 (d) Payment of an award shall be transmitted in  
29 advance of the registration period each semester on behalf of  
30 the student to the president of the university or community  
31 college, or his or her representative, or to the director of

1 the area vocational-technical school which the recipient is  
2 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 public university, community college, or area  
13 vocational-technical school authorized by law.

14 Section 428. 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

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

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 429. 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

1 program and shall annually identify critical teacher shortage  
2 areas.

3 (2) Within the Florida Teacher Scholarship and  
4 Forgivable Loan Program shall be established the "Chappie"  
5 James Most Promising Teacher Scholarship which shall be  
6 offered to a top graduating senior from each public secondary  
7 school in the state. An additional number of "Chappie" James  
8 Most Promising Teacher Scholarship awards shall be offered  
9 annually to graduating seniors from private secondary schools  
10 in the state which are listed with the Department of Education  
11 and accredited by the Southern Association of Colleges and  
12 Schools or any other private statewide accrediting agency  
13 which makes public its standards, procedures, and member  
14 schools. The private secondary schools shall be in compliance  
15 with regulations of the Office for Civil Rights. The number  
16 of awards to private secondary school students shall be  
17 proportional to the number of awards available to public  
18 secondary school students and shall be calculated as the ratio  
19 of the number of private to public secondary school seniors in  
20 the state multiplied by the number of public secondary schools  
21 in the state.

22 (a) The scholarship may be used for attendance at a  
23 state university, a community college, or an independent  
24 institution as defined in s. 1009.89.

25 (b) The amount of the scholarship is \$1,500 and may be  
26 renewed for 1 year if the student earns a 2.5 cumulative grade  
27 point average and 12 credit hours per term and meets the  
28 eligibility requirements for renewal of the award.

29 (c) To be eligible for the scholarship, a student  
30 shall: be ranked within the top quartile of the senior class;  
31 have been an active member of a high school future teacher

1 organization, if such organization exists in the student's  
2 school; have earned a minimum unweighted cumulative grade  
3 point average of 3.0 on a 4.0 scale; file an application  
4 within the application period; meet the general requirements  
5 for student eligibility as provided in s. 1009.40, except as  
6 otherwise provided in this section; and have the intent to  
7 enter the public teaching profession in Florida.

8 (d) Three candidates from each public secondary school  
9 and one candidate from each nonpublic secondary school in the  
10 state shall be nominated by the principal and a committee of  
11 teachers, based on criteria which shall include, but need not  
12 be limited to, rank in class, standardized test scores,  
13 cumulative grade point average, extracurricular activities,  
14 letters of recommendation, an essay, and a declaration of  
15 intention to teach in a public school in the state.

16 (e) From public secondary school nominees, the  
17 Commissioner of Education shall select a graduating senior  
18 from each public high school to receive a scholarship.  
19 Selection of recipients from nonpublic secondary schools shall  
20 be made by a committee appointed by the Commissioner of  
21 Education comprised of representatives from nonpublic  
22 secondary schools and the Department of Education.

23 (f) Fifteen percent of scholarships awarded shall be  
24 to minority students. However, in the event that fewer than  
25 15 percent of the total eligible nominees are minority  
26 students, the commissioner may allocate all award funds as  
27 long as a scholarship is reserved for each eligible minority  
28 nominee.

29 (3)(a) Within the Florida Teacher Scholarship and  
30 Forgivable Loan Program shall be established the Florida  
31 Critical Teacher Shortage Forgivable Loan Program which shall

1 make undergraduate and graduate forgivable loans available to  
2 eligible students entering programs of study that lead to a  
3 degree in a teaching program in a critical teacher shortage  
4 area. To be eligible for a program loan, a candidate shall:  
5       1. Be a full-time student at the upper-division  
6 undergraduate or graduate level in a teacher training program  
7 approved by the department pursuant to s. 1004.04 leading to  
8 certification in a critical teacher shortage subject area.  
9       2. Have declared an intent to teach, for at least the  
10 number of years for which a forgivable loan is received, in  
11 publicly funded elementary or secondary schools of Florida in  
12 a critical teacher shortage area identified by the State Board  
13 of Education. For purposes of this subsection, a school is  
14 publicly funded if it receives at least 75 percent of its  
15 operating costs from governmental agencies and operates its  
16 educational program under contract with a public school  
17 district or the Department of Education.  
18       3. Meet the general requirements for student  
19 eligibility as provided in s. 1009.40, except as otherwise  
20 provided in this section.  
21       4. If applying for an undergraduate forgivable loan,  
22 have maintained a minimum cumulative grade point average of  
23 2.5 on a 4.0 scale for all undergraduate work. Renewal  
24 applicants for undergraduate loans shall maintain a minimum  
25 cumulative grade point average of at least a 2.5 on a 4.0  
26 scale for all undergraduate work and have earned at least 12  
27 semester credits per term, or the equivalent.  
28       5. If applying for a graduate forgivable loan, have  
29 maintained an undergraduate cumulative grade point average of  
30 at least a 3.0 on a 4.0 scale or have attained a Graduate  
31 Record Examination score of at least 1,000. Renewal applicants



1 for graduate loans shall maintain a minimum cumulative grade  
2 point average of at least a 3.0 on a 4.0 scale for all  
3 graduate work and have earned at least 9 semester credits per  
4 term, or the equivalent.

5 (b) An undergraduate forgivable loan may be awarded  
6 for 2 undergraduate years, not to exceed \$4,000 per year, or  
7 for a maximum of 3 years for programs requiring a fifth year  
8 of instruction to obtain initial teaching certification.

9 (c) A graduate forgivable loan may be awarded for 2  
10 graduate years, not to exceed \$8,000 per year. In addition to  
11 meeting criteria specified in paragraph (a), a loan recipient  
12 at the graduate level shall:

13 1. Hold a bachelor's degree from any college or  
14 university accredited by a regional accrediting association as  
15 defined by State Board of Education rule.

16 2. Not already hold a teaching certificate resulting  
17 from an undergraduate degree in education in an area of  
18 critical teacher shortage as designated by the State Board of  
19 Education.

20 3. Not have received an undergraduate forgivable loan  
21 as provided for in paragraph (b).

22 (d) Recipients of the Paul Douglas Teacher Scholarship  
23 Loan Program as authorized under title IV, part D, subpart 1  
24 of the Higher Education Act of 1965, as amended, shall not be  
25 eligible to participate in the Florida Critical Teacher  
26 Shortage Forgivable Loan Program.

27 (e) The State Board of Education shall adopt by rule  
28 repayment schedules and applicable interest rates under ss.  
29 1009.82 and 1009.95. A forgivable loan must be repaid within  
30 10 years of completion of a program of studies.

31

1           1. Credit for repayment of an undergraduate or  
2 graduate forgivable loan shall be in an amount not to exceed  
3 \$4,000 in loan principal plus applicable accrued interest for  
4 each full year of eligible teaching service. However, credit  
5 in an amount not to exceed \$8,000 in loan principal plus  
6 applicable accrued interest shall be given for each full year  
7 of eligible teaching service completed at a high-density,  
8 low-economic urban school or at a low-density, low-economic  
9 rural school, as identified by the State Board of Education.  
10           2. Any forgivable loan recipient who fails to teach in  
11 a publicly funded elementary or secondary school in this state  
12 as specified in this subsection is responsible for repaying  
13 the loan plus accrued interest at 8 percent annually.  
14           3. Forgivable loan recipients may receive loan  
15 repayment credit for teaching service rendered at any time  
16 during the scheduled repayment period. However, such repayment  
17 credit shall be applicable only to the current principal and  
18 accrued interest balance that remains at the time the  
19 repayment credit is earned. No loan recipient shall be  
20 reimbursed for previous cash payments of principal and  
21 interest.  
22           (f) Funds appropriated by the Legislature for the  
23 program shall be deposited in the State Student Financial  
24 Assistance Trust Fund.  
25           Section 430. Section 1009.58, Florida Statutes, is  
26 created to read:  
27           1009.58 Critical teacher shortage tuition  
28 reimbursement program.--  
29           (1) A critical teacher shortage tuition reimbursement  
30 program shall be established for the purpose of improving the  
31

1 skills and knowledge of current teachers or persons preparing  
2 to teach in critical teacher shortage areas.

3 (2) The State Board of Education shall adopt rules to  
4 implement the critical teacher shortage tuition reimbursement  
5 program. Any full-time public school employee or  
6 developmental research school employee certified to teach in  
7 this state is eligible for the program. For the purposes of  
8 this program, tuition reimbursement shall be limited to  
9 courses in critical teacher shortage areas as determined by  
10 the State Board of Education. Such courses shall be:

11 (a) Graduate-level courses leading to a master's,  
12 specialist, or doctoral degree;

13 (b) Graduate-level courses leading to a new  
14 certification area; or

15 (c) State-approved undergraduate courses leading to an  
16 advanced degree or new certification area.

17 (3) Participants may receive tuition reimbursement  
18 payments for up to 9 semester hours, or the equivalent in  
19 quarter hours, per year, at a rate not to exceed \$78 per  
20 semester hour, up to a total of 36 semester hours. All tuition  
21 reimbursements shall be contingent on passing an approved  
22 course with a minimum grade of 3.0 or its equivalent.

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

25 Section 431. Section 1009.59, Florida Statutes, is  
26 created to read:

27 1009.59 Critical Teacher Shortage Student Loan  
28 Forgiveness Program.--

29 (1) The Critical Teacher Shortage Student Loan  
30 Forgiveness Program is established to encourage qualified  
31 personnel to seek employment in subject areas in which

1 critical teacher shortages exist, as identified annually by  
2 the State Board of Education. The primary function of the  
3 program is to make repayments towards loans received by  
4 students from federal programs or commercial lending  
5 institutions for the support of postsecondary education study.  
6 Repayments are intended to be made to qualified applicants who  
7 begin teaching for the first time in designated subject areas,  
8 and who apply during their first year of teaching as certified  
9 teachers in these subject areas.

10 (2) From the funds available, the Department of  
11 Education may make loan principal repayments as follows:

12 (a) Up to \$2,500 a year for up to 4 years on behalf of  
13 selected graduates of state-approved undergraduate  
14 postsecondary teacher preparation programs, persons certified  
15 to teach pursuant to any applicable teacher certification  
16 requirements, or selected teacher preparation graduates from  
17 any state participating in the Interstate Agreement on the  
18 Qualification of Educational Personnel.

19 (b) Up to \$5,000 a year for up to 2 years on behalf of  
20 selected graduates of state-approved graduate postsecondary  
21 teacher preparation programs, persons with graduate degrees  
22 certified to teach pursuant to any applicable teacher  
23 certification requirements, or selected teacher preparation  
24 graduates from any state participating in the Interstate  
25 Agreement on the Qualification of Educational Personnel.

26 (c) All repayments shall be contingent on continued  
27 proof of employment in the designated subject areas in this  
28 state and shall be made directly to the holder of the loan.  
29 The state shall not bear responsibility for the collection of  
30 any interest charges or other remaining balance. In the event  
31 that designated critical teacher shortage subject areas are

1 changed by the State Board of Education, a teacher shall  
2 continue to be eligible for loan forgiveness as long as he or  
3 she continues to teach in the subject area for which the  
4 original loan repayment was made and otherwise meets all  
5 conditions of eligibility.

6 (3) Students receiving a scholarship loan or a  
7 fellowship loan are not eligible to participate in the  
8 Critical Teacher Shortage Student Loan Forgiveness Program.

9 (4) The State Board of Education may adopt rules  
10 pursuant to ss. 120.536(1) and 120.54, necessary for the  
11 administration of this program.

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

14 Section 432. Section 1009.60, Florida Statutes, is  
15 created to read:

16 1009.60 Minority teacher education scholars  
17 program.--There is created the minority teacher education  
18 scholars program, which is a collaborative performance-based  
19 scholarship program for African-American, Hispanic-American,  
20 Asian-American, and Native American students. The participants  
21 in the program include Florida's community colleges and its  
22 public and private universities that have teacher education  
23 programs.

24 (1) The minority teacher education scholars program  
25 shall provide an annual scholarship of \$4,000 for each  
26 approved minority teacher education scholar who is enrolled in  
27 one of Florida's public or private universities in the junior  
28 year and is admitted into a teacher education program.

29 (2) To assist each participating education institution  
30 in the recruitment and retention of minority teacher scholars,  
31 the administrators of the Florida Fund for Minority Teachers,

1 Inc., shall implement a systemwide training program. The  
2 training program must include an annual conference or series  
3 of conferences for students who are in the program or who are  
4 identified by a high school or a community college as likely  
5 candidates for the program. The training program must also  
6 include research about and dissemination concerning successful  
7 activities or programs that recruit minority students for  
8 teacher education and retain them through graduation,  
9 certification, and employment. Staff employed by the  
10 corporation may work with each participating education  
11 institution to assure that local faculty and administrators  
12 receive the benefit of all available research and resources to  
13 increase retention of their minority teacher education  
14 scholars.

15 (3) The total amount appropriated annually for new  
16 scholarships in the program must be divided by \$4,000 and by  
17 the number of participating colleges and universities. Each  
18 participating institution has access to the same number of  
19 scholarships and may award all of them to eligible minority  
20 students. If a college or university does not award all of its  
21 scholarships by the date set by the program administration at  
22 the Florida Fund for Minority Teachers, Inc., the remaining  
23 scholarships must be transferred to another institution that  
24 has eligible students.

25 (4) A student may receive a scholarship from the  
26 program for 3 consecutive years if the student remains  
27 enrolled full-time in the program and makes satisfactory  
28 progress toward a baccalaureate degree with a major in  
29 education.

30 (5) If a minority teacher education scholar graduates  
31 and is employed as a teacher by a Florida district school

1 board, the scholar is not required to repay the scholarship  
2 amount so long as the scholar teaches in a Florida public  
3 school. A scholar may repay the entire scholarship amount by  
4 remaining employed as a Florida public school teacher for 1  
5 year for each year he or she received the scholarship.

6 (6) If a minority teacher education scholar does not  
7 graduate within 3 years, or if the scholar graduates but does  
8 not teach in a Florida public school, the scholar must repay  
9 the total amount awarded, plus annual interest of 8 percent.

10 (a) Interest begins accruing the first day of the 13th  
11 month after the month in which the recipient completes an  
12 approved teacher education program or after the month in which  
13 enrollment as a full-time student is terminated. Interest does  
14 not accrue during any period of deferment or eligible teaching  
15 service.

16 (b) The repayment period begins the first day of the  
17 13th month after the month in which the recipient completes an  
18 approved teacher education program or after the month in which  
19 enrollment as a full-time student is terminated.

20 (c) The terms and conditions of the scholarship  
21 repayment must be contained in a promissory note and a  
22 repayment schedule. The loan must be paid within 10 years  
23 after the date of graduation or termination of full-time  
24 enrollment, including any periods of deferment. A shorter  
25 repayment period may be granted. The minimum monthly repayment  
26 is \$50 or the unpaid balance, unless otherwise approved,  
27 except that the monthly payment may not be less than the  
28 accruing interest. The recipient may prepay any part of the  
29 scholarship without penalty.

30 (d) The holder of the promissory note may grant a  
31 deferment of repayment for a recipient who is a full-time

1 student, who is unable to secure a teaching position that  
2 would qualify as repayment, who becomes disabled, or who  
3 experiences other hardships. Such a deferment may be granted  
4 for a total of 24 months.

5 (e) If a student defaults on the scholarship, the  
6 entire unpaid balance, including interest accrued, becomes due  
7 and payable at the option of the holder of the promissory  
8 note, or when the recipient is no longer able to pay or no  
9 longer intends to pay. The recipient is responsible for paying  
10 all reasonable attorney's fees and other costs and charges  
11 necessary for administration of the collection process.

12 Section 433. Section 1009.605, Florida Statutes, is  
13 created to read:

14 1009.605 Florida Fund for Minority Teachers, Inc.--

15 (1) There is created the Florida Fund for Minority  
16 Teachers, Inc., which is a not-for-profit statutory  
17 corporation housed in the College of Education at the  
18 University of Florida. The corporation shall administer and  
19 manage the minority teacher education scholars program.

20 (2) The corporation shall submit an annual budget  
21 projection to the Department of Education to be included in  
22 the annual legislative budget request. The projection must be  
23 based on a 7-year plan that would be capable of awarding the  
24 following schedule of scholarships:

25 (a) In the initial year, 700 scholarships of \$4,000  
26 each to scholars in the junior year of college.

27 (b) In the second year, 350 scholarships to new  
28 scholars in their junior year and 700 renewal scholarships to  
29 the rising seniors.

30  
31



1        (c) In each succeeding year, 350 scholarships to new  
2 scholars in the junior year and renewal scholarships to the  
3 350 rising seniors.

4        (3) A board of directors shall administer the  
5 corporation. The Governor shall appoint to the board at least  
6 15 but not more than 25 members, who shall serve terms of 3  
7 years, except that 4 of the initial members shall serve 1-year  
8 terms and 4 shall serve 2-year terms. At least 4 members must  
9 be employed by public community colleges and at least 11  
10 members must be employed by public or private postsecondary  
11 institutions that operate colleges of education. At least one  
12 member must be a financial aid officer employed by a  
13 postsecondary education institution operating in Florida.  
14 Administrative costs for support of the Board of Directors and  
15 the Florida Fund for Minority Teachers may not exceed 5  
16 percent of funds allocated for the program. The board shall:

17            (a) Hold meetings to implement this section.

18            (b) Select a chairperson annually.

19            (c) Make rules for its own government.

20            (d) Appoint an executive director to serve at its  
21 pleasure. The executive director shall be the chief  
22 administrative officer and agent of the board.

23            (e) Maintain a record of its proceedings.

24            (f) Delegate to the chairperson the responsibility for  
25 signing final orders.

26            (g) Carry out the training program as required for the  
27 minority teacher education scholars program. No more than 5  
28 percent of the funds appropriated for the minority teacher  
29 education scholars program may be expended for administration,  
30 including administration of the required training program.

31

1           Section 434. Section 1009.61, Florida Statutes, is  
2 created to read:

3           1009.61 Teacher/Quest Scholarship Program.--The  
4 Teacher/Quest Scholarship Program is created for the purpose  
5 of providing teachers with the opportunity to enhance their  
6 knowledge of science, mathematics, and computer applications  
7 in business, industry, and government. A school district or  
8 developmental research school may propose that one or more  
9 teachers be granted a Teacher/Quest Scholarship by submitting  
10 to the Department of Education:

11           (1) A project proposal specifying activities a teacher  
12 will carry out to improve his or her:

13           (a) Understanding of mathematical, scientific, or  
14 computing concepts;

15           (b) Ability to apply and demonstrate such concepts  
16 through instruction;

17           (c) Knowledge of vocational requirements for  
18 competency in mathematics, science, and computing; and

19           (d) Ability to integrate and apply technological  
20 concepts from all three fields; and

21           (2) A contractual agreement with a private corporation  
22 or governmental agency that implements the project proposal  
23 and guarantees employment to the teacher during a summer or  
24 other period when schools are out of session. The agreement  
25 must stipulate a salary rate that does not exceed regular  
26 rates of pay and a gross salary amount consistent with  
27 applicable statutory and contractual provisions for the  
28 teacher's employment. The teacher's compensation shall be  
29 provided for on an equally matched basis by funds from the  
30 employing corporation or agency.

31

1           Section 435. Section 1009.62, Florida Statutes, is  
2 created to read:

3           1009.62 Grants for teachers for special training in  
4 exceptional student education.--

5           (1) The Department of Education is authorized to make  
6 grants to teachers for special training in exceptional student  
7 education to meet professional requirements with respect  
8 thereto, and the department is responsible for the  
9 administration of such program.

10           (2) These grants are limited to teachers who:

11           (a) Hold a full-time contract to teach in a district  
12 school system, a state-operated or state-supported program, or  
13 an agency or organization under contract with the Department  
14 of Education;

15           (b) Hold a valid Florida educator's certificate that  
16 does not reflect an exceptional-student-education coverage or  
17 endorsement that is appropriate for the teacher's assignment;  
18 and

19           (c) Satisfactorily complete the eligible courses.

20           (3) Grant amounts are to be determined on the basis of  
21 rates established by the Department of Education.

22           (4) The Department of Education shall administer this  
23 program under rules established by the state board.

24           Section 436. Section 1009.63, Florida Statutes, is  
25 created to read:

26           1009.63 Occupational therapist or physical therapist  
27 critical shortage program; definitions.--For the purposes of  
28 ss. 1009.63-1009.634:

29           (1) "Critical shortage area" applies to licensed  
30 occupational therapists and physical therapists and  
31

1 occupational therapy assistants and physical therapist  
2 assistants employed by the public schools of this state.

3 (2) "Therapist" means occupational therapist or  
4 physical therapist.

5 Section 437. Section 1009.631, Florida Statutes, is  
6 created to read:

7 1009.631 Occupational therapist or physical therapist  
8 critical shortage program; establishment.--

9 (1) The occupational therapist or physical therapist  
10 critical shortage program is established in the Department of  
11 Education for the purpose of attracting capable and promising  
12 applicants in the occupational therapy or physical therapy  
13 profession to employment in the public schools of this state.  
14 The program shall include the Critical Occupational Therapist  
15 or Physical Therapist Shortage Student Loan Forgiveness  
16 Program, the Critical Occupational Therapist or Physical  
17 Therapist Shortage Scholarship Loan Program, and the Critical  
18 Occupational Therapist or Physical Therapist Shortage Tuition  
19 Reimbursement Program.

20 (2) Funds appropriated by the Legislature for the  
21 program shall be deposited in the State Student Financial  
22 Assistance Trust Fund. Any balance in the trust fund at the  
23 end of any fiscal year that has been allocated to the program  
24 shall remain therein and shall be available for carrying out  
25 the purposes of this section. Funds contained in the trust  
26 fund for the program shall be used for the programs specified  
27 in subsection (1) for those licensed therapists and therapy  
28 assistants employed by the public schools of this state.

29 (3) The State Board of Education shall annually review  
30 the designation of critical shortage areas and shall adopt  
31 rules necessary for the implementation of the program.

1           Section 438. Section 1009.632, Florida Statutes, is  
2 created to read:

3           1009.632 Critical Occupational Therapist or Physical  
4 Therapist Shortage Student Loan Forgiveness Program.--

5           (1) There is established the Critical Occupational  
6 Therapist or Physical Therapist Shortage Student Loan  
7 Forgiveness Program. The primary function of the program is  
8 to make repayments toward loans received by students from  
9 institutions for the support of postsecondary study of  
10 occupational therapy or physical therapy. Repayments shall be  
11 made to qualified applicants who initiate employment in the  
12 public schools of this state and who apply during their first  
13 year of employment in a public school setting.

14           (2) From the funds available, the Department of  
15 Education is authorized to make loan principal repayments as  
16 follows:

17           (a) Up to \$2,500 a year for up to 4 years on behalf of  
18 selected graduates of accredited undergraduate postsecondary  
19 occupational therapist or physical therapist preparation  
20 programs.

21           (b) Up to \$2,500 a year for up to 2 years on behalf of  
22 selected graduates of accredited undergraduate postsecondary  
23 occupational therapy or physical therapist assistant  
24 preparation programs.

25           (c) Up to \$5,000 a year for up to 2 years on behalf of  
26 selected graduates of accredited postbaccalaureate entry level  
27 occupational therapist or physical therapist preparation  
28 programs.

29           (d) All repayments shall be contingent on continued  
30 proof of employment for 3 years as a therapist or therapy  
31 assistant by the public schools in this state and shall be

1 made directly to the holder of the loan. The state shall not  
2 bear the responsibility for the collection of any interest  
3 charges or other remaining balance. In the event that a  
4 critical shortage is no longer verified, a therapist or  
5 therapy assistant shall continue to be eligible for loan  
6 forgiveness as long as the therapist or therapy assistant  
7 continues to be employed by the public schools of this state  
8 and otherwise meets all conditions of eligibility.

9 (3) Recipients under this program shall not be  
10 eligible to participate in the Critical Occupational Therapist  
11 or Physical Therapist Shortage Scholarship Loan Program or the  
12 Critical Occupational Therapist or Physical Therapist Shortage  
13 Tuition Reimbursement Program.

14 (4) This section shall be implemented only to the  
15 extent as specifically funded by law.

16 Section 439. Section 1009.633, Florida Statutes, is  
17 created to read:

18 1009.633 Critical Occupational Therapist or Physical  
19 Therapist Shortage Scholarship Loan Program.--

20 (1) There is established the Critical Occupational  
21 Therapist or Physical Therapist Shortage Scholarship Loan  
22 Program.

23 (2) To be eligible, a candidate shall:

24 (a) Be a full-time student in a therapy assistant  
25 program or in the upper division or higher level in an  
26 occupational therapist or physical therapist educational  
27 program. Occupational therapist and occupational therapy  
28 assistant programs must be accredited by the American Medical  
29 Association in collaboration with the American Occupational  
30 Therapy Association. Physical therapist and physical therapist  
31

1 assistant programs must be accredited by the American Physical  
2 Therapy Association.

3 (b) Have declared an intention to be employed by the  
4 public schools of this state for 3 years following completion  
5 of the requirements. In the event critical shortage areas are  
6 changed by the State Board of Education, a student shall  
7 continue to be eligible for an award as long as the student  
8 continues in the therapist educational program for which the  
9 initial award was made and the student otherwise meets all  
10 other conditions of eligibility.

11 (c) Meet the general requirements for student  
12 eligibility as provided in s. 1009.40, except as otherwise  
13 provided in this section.

14 (d) Maintain a grade point average of 2.0 on a 4.0  
15 scale for undergraduate college work or a grade point average  
16 of 3.0 on a 4.0 scale for graduate college work.

17 (3) A scholarship loan may be awarded for no more than  
18 2 years and may not exceed \$4,000 a year.

19 (4) The State Board of Education shall adopt by rule  
20 repayment schedules and applicable interest rates under ss.  
21 1009.82 and 1009.95. A scholarship loan must be paid back  
22 within 10 years of completion of a program of studies.

23 (a) Credit for repayment of a scholarship loan shall  
24 be in an amount not to exceed \$2,000 plus applicable accrued  
25 interest for each full year of employment by the public  
26 schools of this state.

27 (b) Any therapist or therapy assistant who fails to be  
28 employed by a public school in this state as specified in this  
29 subsection is responsible for repaying the loan plus interest.  
30 Repayment schedules and applicable interest rates shall be  
31

1 determined by the rules of the State Board of Education under  
2 ss. 1009.82 and 1009.95.

3 (5) Recipients under this program shall not be  
4 eligible to participate in the Critical Occupational Therapist  
5 or Physical Therapist Shortage Student Loan Forgiveness  
6 Program or the Critical Occupational Therapist or Physical  
7 Therapist Shortage Tuition Reimbursement Program.

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

10 Section 440. Section 1009.634, Florida Statutes, is  
11 created to read:

12 1009.634 Critical Occupational Therapist or Physical  
13 Therapist Shortage Tuition Reimbursement Program.--

14 (1) There is established the Critical Occupational  
15 Therapist or Physical Therapist Shortage Tuition Reimbursement  
16 Program to improve the skills and knowledge of current  
17 therapists and therapy assistants who are employed by the  
18 public school system.

19 (2) Any full-time public school employee licensed to  
20 practice occupational therapy or physical therapy in this  
21 state is eligible for the program.

22 (3) Participants may receive tuition reimbursement  
23 payments for up to 9 semester hours, or the equivalent in  
24 quarter hours, per year, at a rate not to exceed \$78 per  
25 semester hour, up to a total of 36 semester hours. All tuition  
26 reimbursements shall be contingent on the participant passing  
27 an approved course with a minimum grade of 3.0 or its  
28 equivalent.

29 (4) The participant shall be employed by the public  
30 schools of this state for 3 years following completion of the  
31 requirements.



1           (5) Recipients under this program shall not be  
2 eligible to participate in the Critical Occupational Therapist  
3 or Physical Therapist Shortage Student Loan Forgiveness  
4 Program or the Critical Occupational Therapist or Physical  
5 Therapist Shortage Scholarship Loan Program.

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

8           Section 441. Section 1009.64, Florida Statutes, is  
9 created to read:

10           1009.64 Certified Education Paraprofessional Welfare  
11 Transition Program.--

12           (1) There is created the Certified Education  
13 Paraprofessional Welfare Transition Program to provide  
14 education and employment for recipients of public assistance  
15 who are certified to work in schools that, because of the high  
16 proportion of economically disadvantaged children enrolled,  
17 are at risk of poor performance on traditional measures of  
18 achievement. The program is designed to enable such schools  
19 to increase the number of adults working with the school  
20 children. However, the increase in personnel working at  
21 certain schools is intended to supplement and not to supplant  
22 the school staff and should not affect current school board  
23 employment and staffing policies, including those contained in  
24 collective bargaining agreements. The program is intended to  
25 be supported by local, state, and federal program funds for  
26 which the participants may be eligible. Further, the program  
27 is designed to provide its participants not only with  
28 entry-level employment but also with a marketable credential,  
29 a career option, and encouragement to advance.

30           (2) The Commissioner of Education, the secretary of  
31 the Department of Children and Family Services, and the

1 director of the Agency for Workforce Innovation have joint  
2 responsibility for planning and conducting the program.

3 (3) The agencies responsible may make recommendations  
4 to the State Board of Education and the Legislature if they  
5 find that implementation or operation of the program would  
6 benefit from the adoption or waiver of state or federal  
7 policy, rule, or law, including recommendations regarding  
8 program budgeting.

9 (4) The agencies shall complete an implementation plan  
10 that addresses at least the following recommended components  
11 of the program:

12 (a) A method of selecting participants. The method  
13 must not duplicate services provided by those assigned to  
14 screen participants of the welfare transition program, but  
15 must assure that screening personnel are trained to identify  
16 recipients of public assistance whose personal aptitudes and  
17 motivation make them most likely to succeed in the program and  
18 advance in a career related to the school community.

19 (b) A budget for use of incentive funding to provide  
20 motivation to participants to succeed and excel. The budget  
21 for incentive funding includes:

22 1. Funds allocated by the Legislature directly for the  
23 program.

24 2. Funds that may be made available from the federal  
25 Workforce Investment Act based on client eligibility or  
26 requested waivers to make the clients eligible.

27 3. Funds made available by implementation strategies  
28 that would make maximum use of work supplementation funds  
29 authorized by federal law.

30  
31

1           4. Funds authorized by strategies to lengthen  
2 participants' eligibility for federal programs such as  
3 Medicaid, subsidized child care, and transportation.

4  
5 Incentives may include a stipend during periods of college  
6 classroom training, a bonus and recognition for a high  
7 grade-point average, child care and prekindergarten services  
8 for children of participants, and services to increase a  
9 participant's ability to advance to higher levels of  
10 employment. Nonfinancial incentives should include providing a  
11 mentor or tutor, and service incentives should continue and  
12 increase for any participant who plans to complete the  
13 baccalaureate degree and become a certified teacher. Services  
14 may be provided in accordance with family choice by community  
15 colleges and school district technical centers, through family  
16 service centers and full-service schools, or under contract  
17 with providers through central agencies.

18           (5) The agencies shall select Department of Children  
19 and Family Services districts to participate in the program. A  
20 district that wishes to participate must demonstrate that a  
21 district school board, a community college board of trustees,  
22 an economic services program administrator, and a regional  
23 workforce board are willing to coordinate to provide the  
24 educational program, support services, employment  
25 opportunities, and incentives required to fulfill the intent  
26 of this section.

27           (6)(a) A community college or school district  
28 technical center is eligible to participate if it provides a  
29 technical certificate program in Child Development Early  
30 Intervention as approved by Workforce Florida, Inc. Priority  
31 programs provide an option and incentives to articulate with

1 an associate in science degree program or a baccalaureate  
2 degree program.

3 (b) A participating educational agency may earn funds  
4 appropriated for performance-based incentive funding for  
5 successful outcomes of enrollment and placement of recipients  
6 of public assistance who are in the program. In addition, an  
7 educational agency is eligible for an incentive award  
8 determined by Workforce Florida, Inc., for each recipient of  
9 public assistance who successfully completes a program leading  
10 to the award of a General Education Development credential.

11 (c) Historically black colleges or universities that  
12 have established programs that serve participants in the  
13 welfare transition program are eligible to participate in the  
14 Performance Based Incentive Funding Program and may earn an  
15 incentive award determined by Workforce Florida, Inc., for  
16 successful placement of program completers in jobs as  
17 education paraprofessionals in at-risk schools.

18 (7)(a) A participating school district shall identify  
19 at-risk schools in which the program participants will work  
20 during the practicum part of their education. For purposes of  
21 this act, an at-risk school is a school with grades K-3 in  
22 which 50 percent or more of the students enrolled at the  
23 school are eligible for free lunches or reduced-price lunches.  
24 Priority schools are schools whose service zones include the  
25 participants' own communities.

26 (b) A participating school district may use funds  
27 appropriated by the Legislature from Agency for Workforce  
28 Innovation regional workforce board allotments to provide at  
29 least 6 months of on-the-job training to participants in the  
30 Certified Education Paraprofessional Welfare Transition  
31 Program. Participating school districts may also use funds

1 provided by grant diversion of funds from the welfare  
2 transition program for the participants during the practicum  
3 portion of their training to earn the certificate required for  
4 their employment.

5 (8) The agencies shall give priority for funding to  
6 those programs that provide maximum security for the  
7 long-range employment and career opportunities of the program  
8 participants. Security is enhanced if employment is provided  
9 through a governmental or nongovernmental agency other than  
10 the school board, or if the plans assure in another way that  
11 the participants will supplement, rather than supplant, the  
12 workforce available to the school board. It is the intent of  
13 the Legislature that, when a program participant succeeds in  
14 becoming a certified education paraprofessional after working  
15 successfully in a school during the practicum or on-the-job  
16 training supported by the program, the participant shall have  
17 the opportunity to continue in full-time employment at the  
18 school that provided the training or at another school in the  
19 district.

20 Section 442. Section 1009.65, Florida Statutes, is  
21 created to read:

22 1009.65 Medical Education Reimbursement and Loan  
23 Repayment Program.--

24 (1) To encourage qualified medical professionals to  
25 practice in underserved locations where there are shortages of  
26 such personnel, there is established the Medical Education  
27 Reimbursement and Loan Repayment Program. The function of the  
28 program is to make payments that offset loans and educational  
29 expenses incurred by students for studies leading to a medical  
30 or nursing degree, medical or nursing licensure, or advanced  
31 registered nurse practitioner certification or physician

1 assistant licensure. The following licensed or certified  
2 health care professionals are eligible to participate in this  
3 program: medical doctors with primary care specialties,  
4 doctors of osteopathic medicine with primary care specialties,  
5 physician's assistants, licensed practical nurses and  
6 registered nurses, and advanced registered nurse practitioners  
7 with primary care specialties such as certified nurse  
8 midwives. Primary care medical specialties for physicians  
9 include obstetrics, gynecology, general and family practice,  
10 internal medicine, pediatrics, and other specialties which may  
11 be identified by the Department of Health.

12 (2) From the funds available, the Department of Health  
13 shall make payments to selected medical professionals as  
14 follows:

15 (a) Up to \$4,000 per year for licensed practical  
16 nurses and registered nurses, up to \$10,000 per year for  
17 advanced registered nurse practitioners and physician's  
18 assistants, and up to \$20,000 per year for physicians.  
19 Penalties for noncompliance shall be the same as those in the  
20 National Health Services Corps Loan Repayment Program.  
21 Educational expenses include costs for tuition, matriculation,  
22 registration, books, laboratory and other fees, other  
23 educational costs, and reasonable living expenses as  
24 determined by the Department of Health.

25 (b) All payments shall be contingent on continued  
26 proof of primary care practice in an area defined in s.  
27 395.602(2)(e), or an underserved area designated by the  
28 Department of Health, provided the practitioner accepts  
29 Medicaid reimbursement if eligible for such reimbursement.  
30 Correctional facilities, state hospitals, and other state  
31 institutions that employ medical personnel shall be designated

1 by the Department of Health as underserved locations.  
2 Locations with high incidences of infant mortality, high  
3 morbidity, or low Medicaid participation by health care  
4 professionals may be designated as underserved.

5 (c) The Department of Health may use funds  
6 appropriated for the Medical Education Reimbursement and Loan  
7 Repayment Program as matching funds for federal loan repayment  
8 programs such as the National Health Service Corps State Loan  
9 Repayment Program.

10 (3) The Department of Health may adopt any rules  
11 necessary for the administration of the Medical Education  
12 Reimbursement and Loan Repayment Program. The department may  
13 also solicit technical advice regarding conduct of the program  
14 from the Department of Education and Florida universities and  
15 community colleges. The Department of Health shall submit a  
16 budget request for an amount sufficient to fund medical  
17 education reimbursement, loan repayments, and program  
18 administration.

19 Section 443. Section 1009.66, Florida Statutes, is  
20 created to read:

21 1009.66 Nursing Student Loan Forgiveness Program.--

22 (1) To encourage qualified personnel to seek  
23 employment in areas of this state in which critical nursing  
24 shortages exist, there is established the Nursing Student Loan  
25 Forgiveness Program. The primary function of the program is  
26 to increase employment and retention of registered nurses and  
27 licensed practical nurses in nursing homes and hospitals in  
28 the state and in state-operated medical and health care  
29 facilities, public schools, birth centers, federally sponsored  
30 community health centers, family practice teaching hospitals,  
31 and specialty children's hospitals by making repayments toward

1 loans received by students from federal or state programs or  
2 commercial lending institutions for the support of  
3 postsecondary study in accredited or approved nursing  
4 programs.

5 (2) To be eligible, a candidate must have graduated  
6 from an accredited or approved nursing program and have  
7 received a Florida license as a licensed practical nurse or a  
8 registered nurse or a Florida certificate as an advanced  
9 registered nurse practitioner.

10 (3) Only loans to pay the costs of tuition, books, and  
11 living expenses shall be covered, at an amount not to exceed  
12 \$4,000 for each year of education towards the degree obtained.

13 (4) Receipt of funds pursuant to this program shall be  
14 contingent upon continued proof of employment in the  
15 designated facilities in this state. Loan principal payments  
16 shall be made by the Department of Health directly to the  
17 federal or state programs or commercial lending institutions  
18 holding the loan as follows:

19 (a) Twenty-five percent of the loan principal and  
20 accrued interest shall be retired after the first year of  
21 nursing;

22 (b) Fifty percent of the loan principal and accrued  
23 interest shall be retired after the second year of nursing;

24 (c) Seventy-five percent of the loan principal and  
25 accrued interest shall be retired after the third year of  
26 nursing; and

27 (d) The remaining loan principal and accrued interest  
28 shall be retired after the fourth year of nursing.

29  
30 In no case may payment for any nurse exceed \$4,000 in any  
31 12-month period.



1           (5) There is created the Nursing Student Loan  
2 Forgiveness Trust Fund to be administered by the Department of  
3 Health pursuant to this section and s. 1009.67 and department  
4 rules. The Comptroller shall authorize expenditures from the  
5 trust fund upon receipt of vouchers approved by the Department  
6 of Health. All moneys collected from the private health care  
7 industry and other private sources for the purposes of this  
8 section shall be deposited into the Nursing Student Loan  
9 Forgiveness Trust Fund. Any balance in the trust fund at the  
10 end of any fiscal year shall remain therein and shall be  
11 available for carrying out the purposes of this section and s.  
12 1009.67.

13           (6) In addition to licensing fees imposed under part I  
14 of chapter 464, there is hereby levied and imposed an  
15 additional fee of \$5, which fee shall be paid upon licensure  
16 or renewal of nursing licensure. Revenues collected from the  
17 fee imposed in this subsection shall be deposited in the  
18 Nursing Student Loan Forgiveness Trust Fund of the Department  
19 of Health and will be used solely for the purpose of carrying  
20 out the provisions of this section and s. 1009.67. Up to 50  
21 percent of the revenues appropriated to implement this  
22 subsection may be used for the nursing scholarship program  
23 established pursuant to s. 1009.67.

24           (7)(a) Funds contained in the Nursing Student Loan  
25 Forgiveness Trust Fund which are to be used for loan  
26 forgiveness for those nurses employed by hospitals, birth  
27 centers, and nursing homes must be matched on a  
28 dollar-for-dollar basis by contributions from the employing  
29 institutions, except that this provision shall not apply to  
30 state-operated medical and health care facilities, public  
31 schools, county health departments, federally sponsored

1 community health centers, teaching hospitals as defined in s.  
2 408.07, family practice teaching hospitals as defined in s.  
3 395.805, or specialty hospitals for children as used in s.  
4 409.9119. If in any given fiscal quarter there are  
5 insufficient funds in the trust fund to grant all eligible  
6 applicant requests, awards shall be based on the following  
7 priority of employer: county health departments; federally  
8 sponsored community health centers; state-operated medical and  
9 health care facilities; public schools; teaching hospitals as  
10 defined in s. 408.07; family practice teaching hospitals as  
11 defined in s. 395.805; specialty hospitals for children as  
12 used in s. 409.9119; and other hospitals, birth centers, and  
13 nursing homes.

14 (b) All Nursing Student Loan Forgiveness Trust Fund  
15 moneys shall be invested pursuant to s. 18.125. Interest  
16 income accruing to that portion of the trust fund not matched  
17 shall increase the total funds available for loan forgiveness  
18 and scholarships. Pledged contributions shall not be eligible  
19 for matching prior to the actual collection of the total  
20 private contribution for the year.

21 (8) The Department of Health may solicit technical  
22 assistance relating to the conduct of this program from the  
23 Department of Education.

24 (9) The Department of Health is authorized to recover  
25 from the Nursing Student Loan Forgiveness Trust Fund its costs  
26 for administering the Nursing Student Loan Forgiveness  
27 Program.

28 (10) The Department of Health may adopt rules  
29 necessary to administer this program.

30 (11) This section shall be implemented only as  
31 specifically funded.

1 Section 444. Section 1009.67, Florida Statutes, is  
2 created to read:

3 1009.67 Nursing scholarship program.--

4 (1) There is established within the Department of  
5 Health a scholarship program for the purpose of attracting  
6 capable and promising students to the nursing profession.

7 (2) A scholarship applicant shall be enrolled as a  
8 full-time or part-time student in the upper division of an  
9 approved nursing program leading to the award of a  
10 baccalaureate degree or graduate degree to qualify for a  
11 nursing faculty position or as an advanced registered nurse  
12 practitioner or be enrolled as a full-time or part-time  
13 student in an approved program leading to the award of an  
14 associate degree in nursing.

15 (3) A scholarship may be awarded for no more than 2  
16 years, in an amount not to exceed \$8,000 per year. However,  
17 registered nurses pursuing a graduate degree for a faculty  
18 position or to practice as an advanced registered nurse  
19 practitioner may receive up to \$12,000 per year. Beginning  
20 July 1, 1998, these amounts shall be adjusted by the amount of  
21 increase or decrease in the consumer price index for urban  
22 consumers published by the United States Department of  
23 Commerce.

24 (4) Credit for repayment of a scholarship shall be as  
25 follows:

26 (a) For each full year of scholarship assistance, the  
27 recipient agrees to work for 12 months in a faculty position  
28 in a college of nursing or community college nursing program  
29 in this state or at a health care facility in a medically  
30 underserved area as approved by the Department of Health.  
31 Scholarship recipients who attend school on a part-time basis

1 shall have their employment service obligation prorated in  
2 proportion to the amount of scholarship payments received.

3 (b) Eligible health care facilities include nursing  
4 homes and hospitals in this state, state-operated medical or  
5 health care facilities, public schools, county health  
6 departments, federally sponsored community health centers,  
7 colleges of nursing in universities in this state, and  
8 community college nursing programs in this state, family  
9 practice teaching hospitals as defined in s. 395.805, or  
10 specialty children's hospitals as described in s. 409.9119.  
11 The recipient shall be encouraged to complete the service  
12 obligation at a single employment site. If continuous  
13 employment at the same site is not feasible, the recipient may  
14 apply to the department for a transfer to another approved  
15 health care facility.

16 (c) Any recipient who does not complete an appropriate  
17 program of studies or who does not become licensed shall repay  
18 to the Department of Health, on a schedule to be determined by  
19 the department, the entire amount of the scholarship plus 18  
20 percent interest accruing from the date of the scholarship  
21 payment. Moneys repaid shall be deposited into the Nursing  
22 Student Loan Forgiveness Trust Fund established in s. 1009.66.  
23 However, the department may provide additional time for  
24 repayment if the department finds that circumstances beyond  
25 the control of the recipient caused or contributed to the  
26 default.

27 (d) Any recipient who does not accept employment as a  
28 nurse at an approved health care facility or who does not  
29 complete 12 months of approved employment for each year of  
30 scholarship assistance received shall repay to the Department  
31 of Health an amount equal to two times the entire amount of

1 the scholarship plus interest accruing from the date of the  
2 scholarship payment at the maximum allowable interest rate  
3 permitted by law. Repayment shall be made within 1 year of  
4 notice that the recipient is considered to be in default.  
5 However, the department may provide additional time for  
6 repayment if the department finds that circumstances beyond  
7 the control of the recipient caused or contributed to the  
8 default.

9 (5) Scholarship payments shall be transmitted to the  
10 recipient upon receipt of documentation that the recipient is  
11 enrolled in an approved nursing program. The Department of  
12 Health shall develop a formula to prorate payments to  
13 scholarship recipients so as not to exceed the maximum amount  
14 per academic year.

15 (6) The Department of Health shall adopt rules,  
16 including rules to address extraordinary circumstances that  
17 may cause a recipient to default on either the school  
18 enrollment or employment contractual agreement, to implement  
19 this section and may solicit technical assistance relating to  
20 the conduct of this program from the Department of Health.

21 (7) The Department of Health is authorized to recover  
22 from the Nursing Student Loan Forgiveness Trust Fund its costs  
23 for administering the nursing scholarship program.

24 Section 445. Section 1009.68, Florida Statutes, is  
25 created to read:

26 1009.68 Florida Minority Medical Education Program.--

27 (1) There is created a Florida Minority Medical  
28 Education Program to be administered by the Department of  
29 Education in accordance with rules established by the State  
30 Board of Education. The program shall provide scholarships to  
31 enable minority students to pursue a medical education at the

1 University of Florida, the University of South Florida,  
2 Florida State University, the University of Miami, or  
3 Southeastern University of the Health Sciences, for the  
4 purpose of addressing the primary health care needs of  
5 underserved groups.

6 (2) In order to be eligible to receive a scholarship  
7 pursuant to this section, an applicant shall:

8 (a) Be a racial or ethnic minority student.

9 (b) Be a citizen of the United States and meet the  
10 general eligibility requirements as provided in s. 1009.40,  
11 except as otherwise provided in this section.

12 (c) Have maintained residency in this state for no  
13 less than 1 year preceding the award.

14 (d) Be accepted by, and enroll as a full-time student  
15 in, a Florida medical school.

16 (e) Have an undergraduate grade point average  
17 established by rule.

18 (f) Have received scores on selected examinations  
19 established by rule.

20 (g) Meet financial need requirements established by  
21 rule.

22 (h) Agree to serve in a medical corps for a period of  
23 not less than 2 years for the purpose of providing health care  
24 to underserved individuals in the State of Florida.

25 (3) In order to renew a scholarship awarded pursuant  
26 to this section, a student shall maintain full-time student  
27 status and a cumulative grade point average established by  
28 rule.

29 (4) The number of scholarships annually awarded shall  
30 be three per school. Priority in the distribution of  
31

1 scholarships shall be given to students with the lowest total  
2 family resources.

3 (5) Funds appropriated by the Legislature for the  
4 program shall be deposited in the State Student Financial  
5 Assistance Trust Fund. Interest income accruing to the program  
6 from funds of the program in the trust fund not allocated  
7 shall increase the funds available for scholarships. Any  
8 balance in the trust fund at the end of any fiscal year that  
9 has been allocated to the program shall remain in the trust  
10 fund and shall be available for carrying out the purposes of  
11 this section.

12 (6) A scholarship recipient who, upon graduation,  
13 defaults on the commitment to serve in the medical corps for  
14 the full 2 years shall be required to repay all scholarship  
15 money plus interest.

16 (7) The State Board of Education shall adopt rules  
17 necessary to implement the provisions of this section.

18 Section 446. Section 1009.69, Florida Statutes, is  
19 created to read:

20 1009.69 Virgil Hawkins Fellows Assistance Program.--

21 (1) The Virgil Hawkins Fellows Assistance Program  
22 shall provide financial assistance for study in law to  
23 minority students in the colleges of law at the Florida State  
24 University, the University of Florida, the Florida  
25 Agricultural and Mechanical University, and the Florida  
26 International University. For the purposes of this section, a  
27 minority student qualified to receive assistance from the  
28 Virgil Hawkins Fellows Assistance Program shall be identified  
29 pursuant to policies adopted by the State Board of Education.

30 (2) Each student who is awarded a fellowship shall be  
31 entitled to receive an award under this act for each academic

1 term that the student is in good standing as approved by the  
2 law school pursuant to guidelines of the State Board of  
3 Education.

4 (3) If a fellowship vacancy occurs, that slot shall be  
5 reassigned and funded as a continuing fellowship for the  
6 remainder of the period for which the award was originally  
7 designated.

8 (4) The State Board of Education shall adopt policies,  
9 and the Department of Education shall administer the Virgil  
10 Hawkins Fellows Assistance Program.

11 Section 447. Section 1009.70, Florida Statutes, is  
12 created to read:

13 1009.70 Florida Education Fund.--

14 (1) This section shall be known and may be cited as  
15 the "Florida Education Fund Act."

16 (2)(a) The Florida Education Fund, a not-for-profit  
17 statutory corporation, is created from a challenge endowment  
18 grant from the McKnight Foundation and operates on income  
19 derived from the investment of endowment gifts and other gifts  
20 as provided by state statute and appropriate matching funds as  
21 provided by the state.

22 (b) The amount appropriated to the fund shall be on  
23 the basis of \$1 for each \$2 contributed by private sources.  
24 The Florida Education Fund shall certify to the Legislature  
25 the amount of donations contributed between July 1, 1990, and  
26 June 30, 1991. Only the new donations above the certified base  
27 shall be calculated for state matching funds during the first  
28 year of the program. In subsequent years, only the new  
29 donations above the certified prior year base shall be  
30 calculated for state matching funds.

31



1           (3) The Florida Education Fund shall use the income of  
2 the fund to provide for programs which seek to:

3           (a) Enhance the quality of higher educational  
4 opportunity in this state;

5           (b) Enhance equality by providing access to effective  
6 higher education programs by minority and economically  
7 deprived individuals in this state, with particular  
8 consideration to be given to the needs of both blacks and  
9 women; and

10           (c) Increase the representation of minorities in  
11 faculty and administrative positions in higher education in  
12 this state and to provide more highly educated minority  
13 leadership in business and professional enterprises in this  
14 state.

15           (4) The Florida Education Fund shall be administered  
16 by a board of directors, which is hereby established.

17           (a) The board of directors shall consist of 12  
18 members, to be appointed as follows:

19           1. Two laypersons appointed by the Governor;

20           2. Two laypersons appointed by the President of the  
21 Senate;

22           3. Two laypersons appointed by the Speaker of the  
23 House of Representatives; and

24           4. Two representatives of state universities, two  
25 representatives of public community colleges, and two  
26 representatives of independent colleges or universities  
27 appointed by the State Board of Education.

28  
29 The board of directors may appoint to the board an additional  
30 five members from the private sector for the purpose of  
31

1 assisting in the procurement of private contributions. Such  
2 members shall serve as voting members of the board.

3 (b) Each of the educational sectors in paragraph (a)  
4 shall be represented by a president and a faculty member of  
5 the corresponding institutions.

6 (c) Each director shall hold office for a term of 3  
7 years or until resignation or removal for cause. A director  
8 may resign at any time by filing his or her written  
9 resignation with the executive secretary for the board. The  
10 terms of the directors shall be staggered so that the terms of  
11 one-third of the directors will expire annually.

12 (d) In the event of a vacancy on the board caused by  
13 other than the expiration of a term, a new member shall be  
14 appointed by the appointing entity in the sector of which the  
15 vacancy occurs.

16 (e) Each member is accountable to the Governor for the  
17 proper performance of the duties of his or her office. The  
18 Governor shall cause any complaint or unfavorable report  
19 received concerning an action of the board or any of its  
20 members to be investigated and shall take appropriate action  
21 thereon. The Governor may remove any member from office for  
22 malfeasance, misfeasance, neglect of duty, incompetence, or  
23 permanent inability to perform his or her official duties or  
24 for pleading nolo contendere to, or being found guilty of, a  
25 crime.

26 (5) The Board of Directors of the Florida Education  
27 Fund shall review and evaluate initial programs created by the  
28 McKnight Foundation and continue funding the Black Doctorate  
29 Fellowship Program and the Junior Fellowship Program if the  
30 evaluation is positive, and the board shall identify,  
31 initiate, and fund new and creative programs and monitor.

1 review, and evaluate those programs. The purpose of this  
2 commitment is to broaden the participation and funding  
3 potential for further significant support of higher education  
4 in this state. In addition, the board shall:  
5 (a) Hold such meetings as are necessary to implement  
6 the provisions of this section.  
7 (b) Select a chairperson annually.  
8 (c) Adopt and use an official seal in the  
9 authentication of its acts.  
10 (d) Make rules for its own government.  
11 (e) Administer this section.  
12 (f) Appoint an executive director to serve at its  
13 pleasure and perform all duties assigned by the board. The  
14 executive director shall be the chief administrative officer  
15 and agent of the board.  
16 (g) Maintain a record of its proceedings.  
17 (h) Delegate to the chairperson of the board the  
18 responsibility for signing final orders.  
19 (i) Utilize existing higher education organizations,  
20 associations, and agencies to carry out its educational  
21 programs and purposes with minimal staff employment.  
22 (j) Be empowered to enter into contracts with the  
23 Federal Government, state agencies, or individuals.  
24 (k) Receive bequests, gifts, grants, donations, and  
25 other valued goods and services. Such bequests and gifts  
26 shall be used only for the purpose or purposes stated by the  
27 donor.  
28 (6) The board of directors is authorized to establish  
29 a trust fund from the proceeds of the Florida Education Fund.  
30 All funds deposited into the trust fund shall be invested  
31 pursuant to the provisions of s. 215.47. Interest income

1 accruing to the unused portion of the trust fund shall  
2 increase the total funds available for endowments. The  
3 Department of Education may, at the request of the board of  
4 directors, administer the fund for investment purposes.

5 (7) It is the intent of the Legislature that the Board  
6 of Directors of the Florida Education Fund recruit eligible  
7 residents of the state before it extends its search to  
8 eligible nonresidents. However, for the purposes of subsection  
9 (8), the board of directors shall recruit eligible residents  
10 only. It is further the intent of the Legislature that the  
11 board of directors establish service terms, if any, that  
12 accompany the award of moneys from the fund.

13 (8) There is created a legal education component of  
14 the Florida Education Fund to provide the opportunity for  
15 minorities to attain representation within the legal  
16 profession proportionate to their representation within the  
17 general population. The legal education component of the  
18 Florida Education Fund includes a law school program and a  
19 pre-law program.

20 (a) The law school scholarship program of the Florida  
21 Education Fund is to be administered by the Board of Directors  
22 of the Florida Education Fund for the purpose of increasing by  
23 200 the number of minority students enrolled in law schools in  
24 this state. Implementation of this program is to be phased in  
25 over a 3-year period.

26 1. The board of directors shall provide financial,  
27 academic, and other support to students selected for  
28 participation in this program from funds appropriated by the  
29 Legislature.

30 2. Student selection must be made in accordance with  
31 rules adopted by the board of directors for that purpose and

1 must be based, at least in part, on an assessment of potential  
2 for success, merit, and financial need.

3 3. Support must be made available to students who  
4 enroll in private, as well as public, law schools in this  
5 state which are accredited by the American Bar Association.

6 4. Scholarships must be paid directly to the  
7 participating students.

8 5. Students who participate in this program must agree  
9 in writing to sit for The Florida Bar examination and, upon  
10 successful admission to The Florida Bar, to either practice  
11 law in the state for a period of time equal to the amount of  
12 time for which the student received aid, up to 3 years, or  
13 repay the amount of aid received.

14 6. Annually the board of directors shall compile a  
15 report that includes a description of the selection process,  
16 an analysis of the academic progress of all scholarship  
17 recipients, and an analysis of expenditures. This report must  
18 be submitted to the President of the Senate, the Speaker of  
19 the House of Representatives, and the Governor.

20 (b) The minority pre-law scholarship loan program of  
21 the Florida Education Fund is to be administered by the Board  
22 of Directors of the Florida Education Fund for the purpose of  
23 increasing the opportunity of minority students to prepare for  
24 law school.

25 1. From funds appropriated by the Legislature, the  
26 board of directors shall provide for student fees, room,  
27 board, books, supplies, and academic and other support to  
28 selected minority undergraduate students matriculating at  
29 eligible public and independent colleges and universities in  
30 Florida.

31

1           2. Student selection must be made in accordance with  
2 rules adopted by the board of directors for that purpose and  
3 must be based, at least in part, on an assessment of potential  
4 for success, merit, and financial need.

5           3. To be eligible, a student must make a written  
6 agreement to enter or be accepted to enter a law school in  
7 this state within 2 years after graduation or repay the  
8 scholarship loan amount plus interest at the prevailing rate.

9           4. Recipients who fail to gain admission to a law  
10 school within the specified period of time, may, upon  
11 admission to law school, be eligible to have their loans  
12 canceled.

13           5. Minority pre-law scholarship loans shall be  
14 provided to 34 minority students per year for up to 4 years  
15 each, for a total of 136 scholarship loans. To continue  
16 receipt of scholarship loans, recipients must maintain a 2.75  
17 grade point average for the freshman year and a 3.25 grade  
18 point average thereafter. Participants must also take  
19 specialized courses to enhance competencies in English and  
20 logic.

21           6. The board of directors shall maintain records on  
22 all scholarship loan recipients. Participating institutions  
23 shall submit academic progress reports to the board of  
24 directors following each academic term. Annually, the board  
25 of directors shall compile a report that includes a  
26 description of the selection process, an analysis of the  
27 academic progress of all scholarship loan recipients, and an  
28 analysis of expenditures. This report must be submitted to  
29 the President of the Senate, the Speaker of the House of  
30 Representatives, and the Governor.

31

1 Section 448. Section 1009.72, Florida Statutes, is  
2 created to read:

3 1009.72 Jose Marti Scholarship Challenge Grant  
4 Program.--

5 (1) There is hereby established a Jose Marti  
6 Scholarship Challenge Grant Program to be administered by the  
7 Department of Education pursuant to this section and rules of  
8 the State Board of Education. The program shall provide  
9 matching grants for private sources that raise money for  
10 scholarships to be awarded to Hispanic-American students.

11 (2) Funds appropriated by the Legislature for the  
12 program shall be deposited in the State Student Financial  
13 Assistance Trust Fund. The Comptroller shall authorize  
14 expenditures from the trust fund upon receipt of vouchers  
15 approved by the Department of Education. All moneys collected  
16 from private sources for the purposes of this section shall be  
17 deposited into the trust fund. Any balance in the trust fund  
18 at the end of any fiscal year that has been allocated to the  
19 program shall remain therein and shall be available for  
20 carrying out the purposes of the program.

21 (3) The Legislature shall designate funds to be  
22 transferred to the trust fund for the program from the General  
23 Revenue Fund. Such funds shall be divided into challenge  
24 grants to be administered by the Department of Education. All  
25 appropriated funds deposited into the trust fund for the  
26 program shall be invested pursuant to the provisions of s.  
27 18.125. Interest income accruing to that portion of the funds  
28 that are allocated to the program in the trust fund and not  
29 matched shall increase the total funds available for the  
30 program.

31

1           (4) The amount appropriated to the trust fund for the  
2 program shall be allocated by the department on the basis of  
3 one \$5,000 challenge grant for each \$2,500 raised from private  
4 sources. Matching funds shall be generated through  
5 contributions made after July 1, 1986, and pledged for the  
6 purposes of this section. Pledged contributions shall not be  
7 eligible for matching prior to the actual collection of the  
8 total funds.

9           (5)(a) In order to be eligible to receive a  
10 scholarship pursuant to this section, an applicant shall:

11           1. Be a Hispanic-American, or a person of Spanish  
12 culture with origins in Mexico, South America, Central  
13 America, or the Caribbean, regardless of race.

14           2. Be a citizen of the United States and meet the  
15 general requirements for student eligibility as provided in s.  
16 1009.40, except as otherwise provided in this section.

17           3. Be accepted at a state university or community  
18 college or any Florida college or university that is  
19 accredited by an association whose standards are comparable to  
20 the minimum standards required to operate a postsecondary  
21 education institution at that level in Florida.

22           4. Enroll as a full-time undergraduate or graduate  
23 student.

24           5. Earn a 3.0 unweighted grade point average on a 4.0  
25 scale, or the equivalent for high school subjects creditable  
26 toward a diploma. If an applicant applies as a graduate  
27 student, he or she shall have earned a 3.0 cumulative grade  
28 point average for undergraduate college-level courses.

29           (b) In order to renew a scholarship awarded pursuant  
30 to this section, a student must:

31



1           1. Earn a grade point average of at least 3.0 on a 4.0  
2 scale for the previous term, maintain at least a 3.0 average  
3 for college work, or have an average below 3.0 only for the  
4 previous term and be eligible for continued enrollment at the  
5 institution.

6           2. Maintain full-time enrollment.

7           (6) The annual scholarship to each recipient shall be  
8 \$2,000. Priority in the distribution of scholarships shall be  
9 given to students with the lowest total family resources.  
10 Renewal scholarships shall take precedence over new awards in  
11 any year in which funds are not sufficient to meet the total  
12 need. No undergraduate student shall receive an award for  
13 more than the equivalent of 8 semesters or 12 quarters over a  
14 period of no more than 6 consecutive years, except as  
15 otherwise provided in s. 1009.40(3). No graduate student  
16 shall receive an award for more than the equivalent of 4  
17 semesters or 6 quarters.

18           (7) The criteria and procedure for establishing  
19 standards of eligibility shall be determined by the  
20 department. The department is directed to establish a rating  
21 system upon which to base the approval of grants. Such system  
22 shall include a certification of acceptability by the  
23 postsecondary institution of the applicant's choice.

24           (8) Payment of scholarships shall be transmitted to  
25 the president of the postsecondary institution that the  
26 recipient is attending or to the president's designee. Should  
27 a recipient terminate his or her enrollment during the  
28 academic year, the president or his or her designee shall  
29 refund the unused portion of the scholarship to the department  
30 within 60 days. In the event that a recipient transfers from  
31

1 one eligible institution to another, his or her scholarship  
2 shall be transferable upon approval of the department.

3 (9) This section shall be implemented to the extent  
4 funded and authorized by law.

5 Section 449. Section 1009.73, Florida Statutes, is  
6 created to read:

7 1009.73 Mary McLeod Bethune Scholarship Program.--

8 (1) There is established the Mary McLeod Bethune  
9 Scholarship Program to be administered by the Department of  
10 Education pursuant to this section and rules of the State  
11 Board of Education. The program shall provide matching grants  
12 for private sources that raise money for scholarships to be  
13 awarded to students who attend Florida Agricultural and  
14 Mechanical University, Bethune-Cookman College, Edward Waters  
15 College, or Florida Memorial College.

16 (2) Funds appropriated by the Legislature for the  
17 program shall be deposited in the State Student Financial  
18 Assistance Trust Fund. The Comptroller shall authorize  
19 expenditures from the trust fund upon receipt of vouchers  
20 approved by the Department of Education. The Department of  
21 Education shall receive all moneys collected from private  
22 sources for the purposes of this section and shall deposit  
23 such moneys into the trust fund. Notwithstanding the  
24 provisions of s. 216.301 and pursuant to s. 216.351, any  
25 balance in the trust fund at the end of any fiscal year that  
26 has been allocated to the program shall remain in the trust  
27 fund and shall be available for carrying out the purposes of  
28 the program.

29 (3) The Legislature shall appropriate moneys to the  
30 trust fund for the program from the General Revenue Fund. Such  
31 moneys shall be applied to scholarships to be administered by

1 the Department of Education. All moneys deposited into the  
2 trust fund for the program shall be invested pursuant to the  
3 provisions of s. 18.125. Interest income accruing to the  
4 program shall be expended to increase the total moneys  
5 available for scholarships.

6 (4) The moneys in the trust fund for the program shall  
7 be allocated by the department among the institutions of  
8 higher education listed in subsection (1) on the basis of one  
9 \$2,000 challenge grant for each \$1,000 raised from private  
10 sources. Matching funds shall be generated through  
11 contributions made after July 1, 1990, and pledged for the  
12 purposes of this section. Pledged contributions shall not be  
13 eligible for matching prior to the actual collection of the  
14 total funds. The department shall allocate to each of those  
15 institutions a proportionate share of the contributions  
16 received on behalf of those institutions and a share of the  
17 appropriations and matching funds generated by such  
18 institution.

19 (5)(a) In order to be eligible to receive a  
20 scholarship pursuant to this section, an applicant must:

21 1. Meet the general eligibility requirements set forth  
22 in s. 1009.40.

23 2. Be accepted at Florida Agricultural and Mechanical  
24 University, Bethune-Cookman College, Edward Waters College, or  
25 Florida Memorial College.

26 3. Enroll as a full-time undergraduate student.

27 4. Earn a 3.0 grade point average on a 4.0 scale, or  
28 the equivalent, for high school subjects creditable toward a  
29 diploma.

30 (b) In order to renew a scholarship awarded pursuant  
31 to this section, a student must earn a minimum cumulative

1 grade point average of 3.0 on a 4.0 scale and complete 12  
2 credits each term for which the student received the  
3 scholarship.

4 (6) The amount of the scholarship to be granted to  
5 each recipient is \$3,000 annually. Priority in the awarding  
6 of scholarships shall be given to students having financial  
7 need as determined by the institution. If funds are  
8 insufficient to provide the full amount of the scholarship  
9 authorized in this section to each eligible applicant, the  
10 institution may prorate available funds and make a partial  
11 award to each eligible applicant. A student may not receive an  
12 award for more than the equivalent of 8 semesters or 12  
13 quarters over a period of 6 consecutive years, except that a  
14 student who is participating in college-preparatory  
15 instruction or who requires additional time to complete the  
16 college-level communication and computation skills testing  
17 program may continue to receive a scholarship while enrolled  
18 for the purpose of receiving college-preparatory instruction  
19 or while completing the testing program.

20 (7) The criteria and procedure for establishing  
21 standards of eligibility shall be determined by the  
22 department. The department shall establish a rating system  
23 upon which the institutions shall award the scholarships. The  
24 system must require a certification of eligibility issued by  
25 the postsecondary institution selected by the applicant.

26 (8) Scholarship moneys shall be transmitted to the  
27 president or the president's designee of the postsecondary  
28 institution that the recipient is attending. The president or  
29 his or her designee shall submit a report annually to the  
30 Department of Education on the scholarships. If a recipient  
31 terminates his or her enrollment during the academic year, the

1 president or his or her designee shall refund the unused  
2 portion of the scholarship to the department within 60 days.  
3 If a recipient transfers from one of the institutions listed  
4 in subsection (1) to another of those institutions, the  
5 recipient's scholarship is transferable upon approval of the  
6 department.

7 (9) This section shall be implemented in any academic  
8 year to the extent funded and authorized by law.

9 (10) The State Board of Education may adopt any rules  
10 necessary to implement the provisions of this section.

11 Section 450. Section 1009.74, Florida Statutes, is  
12 created to read:

13 1009.74 The Theodore R. and Vivian M. Johnson  
14 Scholarship Program.--

15 (1) There is established the Theodore R. and Vivian M.  
16 Johnson Scholarship Program to be administered by the  
17 Department of Education. The program shall provide  
18 scholarships to students attending a state university. The  
19 program shall be funded by contributions from the Theodore R.  
20 and Vivian M. Johnson Scholarship Foundation and from state  
21 matching funds to be allocated from the Trust Fund for Major  
22 Gifts.

23 (2) The amount to be allocated to the program shall be  
24 on the basis of a 50-percent match of funds from the Trust  
25 Fund for Major Gifts for each contribution received from the  
26 Theodore R. and Vivian M. Johnson Scholarship Foundation. The  
27 funds allocated to the program, including the corpus and  
28 interest income, shall be expended for scholarships to benefit  
29 disabled students attending a state university.

30  
31

1           (3) Students eligible for receipt of scholarship funds  
2 shall provide documentation of a disability and shall have a  
3 demonstrated financial need for the funds.

4           Section 451. Section 1009.76, Florida Statutes, is  
5 created to read:

6           1009.76 Ethics in Business Scholarship Program for  
7 state universities.--The Ethics in Business Scholarship  
8 Program for state universities is hereby created, to be  
9 administered by the Department of Education. Moneys  
10 appropriated and allocated to university foundations for  
11 purposes of the program shall be used to create endowments for  
12 the purpose of providing scholarships to undergraduate college  
13 students enrolled in state institutions of higher learning who  
14 register for one or more credit hours in courses in business  
15 ethics and who have demonstrated a commitment to serving the  
16 interests of their community. First priority for awarding such  
17 scholarships shall be given to students who demonstrate  
18 financial need.

19           Section 452. Section 1009.765, Florida Statutes, is  
20 created to read:

21           1009.765 Ethics in Business scholarships for community  
22 colleges and independent postsecondary educational  
23 institutions.--When the Department of Insurance receives a \$6  
24 million settlement as specified in the Consent Order of the  
25 Treasurer and Insurance Commissioner, case number 18900-96-c,  
26 that portion of the \$6 million not used to satisfy the  
27 requirements of section 18 of the Consent Order must be  
28 transferred from the Insurance Commissioner's Regulatory Trust  
29 Fund to the State Student Financial Assistance Trust Fund is  
30 appropriated from the State Student Financial Assistance Trust  
31 Fund to provide Ethics in Business scholarships to students

1 enrolled in public community colleges and independent  
2 postsecondary educational institutions eligible to participate  
3 in the William L. Boyd, IV, Florida Resident Access Grant  
4 Program under s. 1009.89. The funds shall be allocated to  
5 institutions for scholarships in the following ratio:  
6 Two-thirds for community colleges and one-third for eligible  
7 independent institutions. The Department of Education shall  
8 administer the scholarship program for students attending  
9 community colleges and independent institutions. These funds  
10 must be allocated to institutions that provide an equal amount  
11 of matching funds generated by private donors for the purpose  
12 of providing Ethics in Business scholarships. Public funds may  
13 not be used to provide the match, nor may funds collected for  
14 other purposes. Notwithstanding any other provision of law,  
15 the State Board of Administration shall have the authority to  
16 invest the funds appropriated under this section. The  
17 Department of Education may adopt rules for administration of  
18 the program.

19 Section 453. Section 1009.77, Florida Statutes, is  
20 created to read:

21 1009.77 Florida Work Experience Program.--

22 (1) There is established the Florida Work Experience  
23 Program to be administered by the Department of Education. The  
24 purpose of the program is to introduce eligible students to  
25 work experience that will complement and reinforce their  
26 educational program and career goals and provide a self-help  
27 student aid program. Such program shall be available to:

28 (a) Any student attending a state university or  
29 community college authorized by Florida law; or

30 (b) Any student attending a nonprofit Florida  
31 postsecondary education institution that is eligible to

1 participate in either of the student assistance grant programs  
2 established in ss. 1009.51 and 1009.52.

3 (2)(a) A participating institution may use up to 25  
4 percent of its program allocation for student employment  
5 within the institution.

6 (b) A participating institution may use up to 10  
7 percent of its program allocation for program administration.

8 (3) Each participating institution is authorized to  
9 enter into contractual agreements with private or public  
10 employers for the purpose of establishing a Florida work  
11 experience program.

12 (4) The participating postsecondary educational  
13 institution shall be responsible for reimbursing employers for  
14 student wages from moneys it receives from the trust fund  
15 pursuant to subsection (8). Public elementary or secondary  
16 school employers shall be reimbursed for 100 percent of the  
17 student's wages by the participating institution. All other  
18 employers shall be reimbursed for 70 percent of the student's  
19 wages. When a college or university employs a student on  
20 campus through this program, other student financial aid funds  
21 may not be used to fund the institution's 30-percent portion  
22 of the student's wages.

23 (5) The employer is responsible for furnishing the  
24 full cost of any mandatory benefits. Such benefits may not be  
25 considered part of the 30-percent wage requirement total for  
26 matching purposes.

27 (6) A student is eligible to participate in the  
28 Florida Work Experience Program if the student:

29 (a) Is enrolled at an eligible college or university  
30 as no less than a half-time undergraduate student in good  
31 standing. However, a student may be employed during the break



1 between two consecutive terms or employed, although not  
2 enrolled, during a term if the student was enrolled at least  
3 half time during the preceding term and preregisters as no  
4 less than a half-time student for the subsequent academic  
5 term. A student who attends an institution that does not  
6 provide preregistration shall provide documentation of intent  
7 to enroll as no less than a half-time student for the  
8 subsequent academic term.

9 (b) Meets the general requirements for student  
10 eligibility as provided in s. 1009.40, except as otherwise  
11 provided in this section.

12 (c) Demonstrates financial need.

13 (d) Maintains a 2.0 cumulative grade point average on  
14 a 4.0 scale for all college work.

15 (7) The Department of Education shall prescribe such  
16 rules for the program as are necessary for its administration,  
17 for the determination of eligibility and selection of  
18 institutions to receive funds for students, to ensure the  
19 proper expenditure of funds, and to provide an equitable  
20 distribution of funds between students at public and  
21 independent colleges and universities.

22 (8) Funds appropriated by the Legislature for the  
23 Florida Work Experience Program shall be deposited in the  
24 State Student Financial Assistance Trust Fund. The Comptroller  
25 shall authorize expenditures from the trust fund upon receipt  
26 of vouchers approved by the Department of Education. Any  
27 balance therein at the end of any fiscal year that has been  
28 allocated to the program shall remain therein and shall be  
29 available for carrying out the purposes of the program.

30 Section 454. Section 1009.78, Florida Statutes, is  
31 created to read:

1           1009.78 Student Loan Program.--There is hereby created  
2 a Student Loan Program, referred to in ss. 1009.78-1009.88 as  
3 the program.

4           Section 455. Section 1009.79, Florida Statutes, is  
5 created to read:

6           1009.79 Issuance of revenue bonds pursuant to s. 15,  
7 Art. VII, State Constitution.--

8           (1) The issuance of revenue bonds to finance the  
9 establishment of the program, to be payable primarily from  
10 payments of interest, principal, and handling charges to the  
11 program from the recipients of the loans, and with the other  
12 revenues authorized hereby being pledged as additional  
13 security, is hereby authorized, subject and pursuant to the  
14 provisions of s. 15, Art. VII, State Constitution; the State  
15 Bond Act, ss. 215.57-215.83; and ss. 1009.78-1009.88.

16           (2) The amount of such revenue bonds to be issued  
17 shall be determined by the Division of Bond Finance of the  
18 State Board of Administration. However, the total principal  
19 amount outstanding shall not exceed \$80 million, other than  
20 refunding bonds issued pursuant to s. 215.79.

21           Section 456. Section 1009.80, Florida Statutes, is  
22 created to read:

23           1009.80 Approval of loans; administration of  
24 program.--

25           (1) The loans to be made with the proceeds of the  
26 program shall be determined and approved by the Department of  
27 Education, pursuant to rules promulgated by the State Board of  
28 Education. The program shall be administered by the  
29 Department of Education as provided by law and the proceeds  
30 thereof shall be maintained and secured in the same manner as  
31 other public trust funds.

1           (2) The Department of Education is authorized to  
2 contract for the purchase of federally insured student loans  
3 to be made by other eligible lenders under the guaranteed  
4 student loan program; however, any such loans must comply with  
5 all applicable requirements of s. 15, Art. VII of the State  
6 Constitution, ss. 1009.78-1009.88, the rules of the State  
7 Board of Education relating to the guaranteed student loan  
8 program, and the proceedings authorizing the student loan  
9 revenue bonds, and the loans so purchased shall have been made  
10 during the period specified in the contract.

11           (3) The Department of Education is authorized to sell  
12 loan notes acquired pursuant to ss. 1009.78-1009.88 to the  
13 federally created Student Loan Marketing Association or  
14 another federally authorized holder of such notes. The  
15 department may also repurchase loan notes from authorized  
16 holders of such notes. The department shall comply with  
17 applicable federal law and regulations and the provisions of  
18 any agreement with the Student Loan Marketing Association or  
19 the other authorized holders.

20           Section 457. Section 1009.81, Florida Statutes, is  
21 created to read:

22           1009.81 Loan agreements.--The Department of Education  
23 is hereby authorized to enter into loan agreements between the  
24 department and the recipients of loans from the program for  
25 such periods and under such other terms and conditions as may  
26 be prescribed by the applicable rules and regulations and  
27 mutually agreed upon by the parties thereto in order to carry  
28 out the purposes of s. 15, Art. VII, State Constitution and  
29 ss. 1009.78-1009.88.

30           Section 458. Section 1009.82, Florida Statutes, is  
31 created to read:

1           1009.82 Terms of loans.--The term of all authorized  
2 loans shall be fixed by rules adopted by the state board and  
3 the loan agreements to be entered into with the student  
4 borrowers.

5           Section 459. Section 1009.83, Florida Statutes, is  
6 created to read:

7           1009.83 Rate of interest and other charges.--The  
8 Department of Education shall from time to time fix the  
9 interest and other charges to be paid for any student loan, at  
10 rates sufficient to pay the interest on revenue bonds issued  
11 pursuant to ss. 1009.78-1009.88, plus any costs incident to  
12 issuance, sale, security, and retirement thereof, including  
13 administrative expenses.

14           Section 460. Section 1009.84, Florida Statutes, is  
15 created to read:

16           1009.84 Procurement of insurance as security for  
17 loans.--The Department of Education may contract with any  
18 insurance company or companies licensed to do business in the  
19 state for insurance payable in the event of the death or total  
20 disability of any student borrower in an amount sufficient to  
21 retire the principal and interest owed under a loan made as  
22 provided in ss. 1009.78-1009.88. The cost of any insurance  
23 purchased under this section shall be paid by the student  
24 borrower as a part of the handling charges for the loan or as  
25 a separate item to be paid in connection with the loan.

26           Section 461. Section 1009.85, Florida Statutes, is  
27 created to read:

28           1009.85 Participation in guaranteed student loan  
29 program.--The state board shall adopt rules necessary for  
30 participation in the guaranteed student loan program, as  
31 provided by the Higher Education Act of 1965 (20 U.S.C. ss.

1 1071 et seq.), as amended or as may be amended. The intent of  
2 this act is to authorize student loans when this state,  
3 through the Department of Education, has become an eligible  
4 lender under the provisions of the applicable federal laws  
5 providing for the guarantee of loans to students and the  
6 partial payment of interest on such loans by the United States  
7 Government.

8 Section 462. Section 1009.86, Florida Statutes, is  
9 created to read:

10 1009.86 Student Loan Operating Trust Fund.--

11 (1) The Student Loan Operating Trust Fund is hereby  
12 created, to be administered by the Department of Education.  
13 Funds shall be credited to the trust fund pursuant to the  
14 Higher Education Act of 1965, as amended, from loan processing  
15 and issuance fees, administrative cost allowances, account  
16 maintenance fees, default aversion fees, amounts remaining  
17 from collection of defaulted loans, amounts borrowed from the  
18 Student Loan Guaranty Reserve Fund, and other amounts  
19 specified in federal regulation. The purpose of the trust fund  
20 is to segregate funds used for administration of the  
21 guaranteed student loan program from the reserve funds used to  
22 guarantee student loans contained in the Student Loan Guaranty  
23 Reserve Fund. The fund is exempt from the service charges  
24 imposed by s. 215.20.

25 (2) Notwithstanding the provisions of s. 216.301 and  
26 pursuant to s. 216.351, any balance in the trust fund at the  
27 end of any fiscal year shall remain in the trust fund at the  
28 end of the year and shall be available for carrying out the  
29 purposes of the trust fund.

30 (3) Pursuant to the provisions of s. 19(f)(2), Art.  
31 III of the State Constitution, the trust fund shall, unless

1 terminated sooner, be terminated on July 1, 2003. However,  
2 prior to its scheduled termination, the trust fund shall be  
3 reviewed as provided in s. 215.3206(1) and (2).

4 Section 463. Section 1009.87, Florida Statutes, is  
5 created to read:

6 1009.87 Provisions of ss. 1009.78-1009.88  
7 cumulative.--The provisions of ss. 1009.78-1009.88 shall be in  
8 addition to the other provisions of this chapter and shall not  
9 be construed to be in derogation thereof, except as otherwise  
10 expressly provided hereby.

11 Section 464. Section 1009.88, Florida Statutes, is  
12 created to read:

13 1009.88 Validation of bonds.--Revenue bonds issued  
14 pursuant to ss. 1009.78-1009.88 shall be validated in the  
15 manner provided by chapter 75. In actions to validate such  
16 revenue bonds, the complaint shall be filed in the circuit  
17 court of the county where the seat of state government is  
18 situated, the notice required by s. 75.06 to be published  
19 shall be published only in the county where the complaint is  
20 filed, and the complaint and order of the circuit court shall  
21 be served only on the attorney of the circuit in which the  
22 action is pending.

23 Section 465. Section 1009.89, Florida Statutes, is  
24 created to read:

25 1009.89 The William L. Boyd, IV, Florida resident  
26 access grants.--

27 (1) The Legislature finds and declares that  
28 independent colleges and universities eligible to participate  
29 in the William L. Boyd, IV, Florida Resident Access Grant  
30 Program are an integral part of the higher education system in  
31 this state and that a significant number of state residents

1 choose this form of higher education. The Legislature further  
2 finds that a strong and viable system of independent colleges  
3 and universities reduces the tax burden on the citizens of the  
4 state. Because the William L. Boyd, IV, Florida Resident  
5 Access Grant Program is not related to a student's financial  
6 need or other criteria upon which financial aid programs are  
7 based, it is the intent of the Legislature that the William L.  
8 Boyd, IV, Florida Resident Access Grant Program not be  
9 considered a financial aid program but rather a tuition  
10 assistance program for its citizens.

11 (2) The William L. Boyd, IV, Florida Resident Access  
12 Grant Program shall be administered by the Department of  
13 Education. The State Board of Education shall adopt rules for  
14 the administration of the program.

15 (3) The department shall issue through the program a  
16 William L. Boyd, IV, Florida resident access grant to any  
17 full-time degree-seeking undergraduate student registered at  
18 an independent college or university which is located in and  
19 chartered by the state; which is accredited by the Commission  
20 on Colleges of the Southern Association of Colleges and  
21 Schools; which grants baccalaureate degrees; which is not a  
22 state university or state community college; and which has a  
23 secular purpose, so long as the receipt of state aid by  
24 students at the institution would not have the primary effect  
25 of advancing or impeding religion or result in an excessive  
26 entanglement between the state and any religious sect. Any  
27 independent college or university that was eligible to receive  
28 tuition vouchers on January 1, 1989, and which continues to  
29 meet the criteria under which its eligibility was established,  
30 shall remain eligible to receive William L. Boyd, IV, Florida  
31 resident access grant payments.

1           (4) A person is eligible to receive such William L.  
2 Boyd, IV, Florida resident access grant if:

3           (a) He or she meets the general requirements,  
4 including residency, for student eligibility as provided in s.  
5 1009.40, except as otherwise provided in this section; and

6           (b)1. He or she is enrolled as a full-time  
7 undergraduate student at an eligible college or university;

8           2. He or she is not enrolled in a program of study  
9 leading to a degree in theology or divinity; and

10           3. He or she is making satisfactory academic progress  
11 as defined by the college or university in which he or she is  
12 enrolled.

13           (5)(a) Funding for the William L. Boyd, IV, Florida  
14 Resident Access Grant Program shall be based on a formula  
15 composed of planned enrollment and the state cost of funding  
16 undergraduate enrollment at public institutions pursuant to s.  
17 1011.90. The amount of the William L. Boyd, IV, Florida  
18 resident access grant issued to a full-time student shall be  
19 an amount as specified in the General Appropriations Act. The  
20 William L. Boyd, IV, Florida resident access grant may be paid  
21 on a prorated basis in advance of the registration period. The  
22 department shall make such payments to the college or  
23 university in which the student is enrolled for credit to the  
24 student's account for payment of tuition and fees.

25 Institutions shall certify to the department the amount of  
26 funds disbursed to each student and shall remit to the  
27 department any undisbursed advances or refunds within 60 days  
28 of the end of regular registration. Students shall not be  
29 eligible to receive the award for more than 9 semesters or 14  
30 quarters, except as otherwise provided in s. 1009.40(3).

31



1           (b) If the combined amount of the William L. Boyd, IV,  
2 Florida resident access grant issued pursuant to this act and  
3 all other scholarships and grants for tuition or fees exceeds  
4 the amount charged to the student for tuition and fees, the  
5 department shall reduce the William L. Boyd, IV, Florida  
6 resident access grant issued pursuant to this act by an amount  
7 equal to such excess.

8           (6) Funds appropriated by the Legislature for the  
9 William L. Boyd, IV, Florida Resident Access Grant Program  
10 shall be deposited in the State Student Financial Assistance  
11 Trust Fund. 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 which has been allocated to the William  
14 L. Boyd, IV, Florida Resident Access Grant Program shall  
15 remain therein and shall be available for carrying out the  
16 purposes of this section. If the number of eligible students  
17 exceeds the total authorized in the General Appropriations  
18 Act, an institution may use its own resources to assure that  
19 each eligible student receives the full benefit of the grant  
20 amount authorized.

21           Section 466. Part III.c. of chapter 1009 shall be  
22 entitled "Role of the Department of Education" and shall  
23 consist of ss. 1009.90-1009.96.

24           Section 467. Section 1009.90, Florida Statutes, is  
25 created to read:

26           1009.90 Duties of the Department of Education.--The  
27 duties of the department shall include:

28           (1) Administration of this part and rules adopted by  
29 the State Board of Education.

30  
31

1           (2) Administration of federal funding, insurance, or  
2 reinsurance in full compliance with applicable federal laws  
3 and regulations.

4           (3) Development of written administrative procedures  
5 and controls for the administration of each financial aid  
6 program conducted by the office, maintenance of program  
7 records and documents, timely collection and remittance of  
8 insurance premiums, and timely assignment of defaulted loans  
9 to collection agencies.

10           (4) Annual compilation of sources of financial aid  
11 available to students in this state.

12           (5) Biennial analysis of the amount of available  
13 financial aid moneys and the effect of such moneys on student  
14 access to postsecondary institutions.

15           (6) Biennial internal evaluation of the administrative  
16 efficiency and effectiveness of the office.

17           (7) Annual assessment of the accuracy of eligibility  
18 information from a random sample of award recipients.

19           (8) Annual review of procedures for the distribution  
20 of state financial aid funds.

21           (9) Development and submission of a report, annually,  
22 to the State Board of Education, the President of the Senate,  
23 and the Speaker of the House of Representatives, which shall  
24 include, but not be limited to, recommendations for the  
25 distribution of state financial aid funds.

26           (10) Development and evaluation of a comprehensive,  
27 long-range program of all sources of student financial aid.

28           (11) Dissemination of information on available  
29 financial aid programs to superintendents of schools and other  
30 persons who request such information.

31

1           (12) Calculation of the amount of need-based student  
2 financial aid required to offset fee increases recommended by  
3 the State Board of Education and inclusion of such amount  
4 within the legislative budget request for student assistance  
5 grant programs.

6           Section 468. Section 1009.91, Florida Statutes, is  
7 created to read:

8           1009.91 Assistance programs and activities of the  
9 department.--

10           (1) The department may contract for the administration  
11 of the student financial assistance programs as specifically  
12 provided in ss. 295.01, 1009.29, 1009.56, and 1009.78.

13           (2) The department may contract to provide the  
14 planning and development activities required pursuant to the  
15 provisions of this part.

16           (3) The department shall administer the guarantee of  
17 student loans made by participating commercial financial  
18 institutions in such a manner as to fully comply with  
19 applicable provisions of the Higher Education Act of 1965, as  
20 amended, relating to loan reinsurance.

21           (4) The department shall maintain records on the  
22 student loan default rate of each Florida postsecondary  
23 institution and report that information annually to both the  
24 institution and the State Board of Education.

25           Section 469. Section 1009.92, Florida Statutes, is  
26 created to read:

27           1009.92 Funding for programs administered by the  
28 department.--

29           (1) In the preparation of its annual budget, the  
30 department shall request that the Legislature continue to  
31

1 provide funding for applicable programs from the General  
2 Revenue Fund.

3 (2) The department is authorized to expend moneys from  
4 available trust funds in applicable student financial  
5 assistance programs.

6 (3) There is created a Student Loan Guaranty Reserve  
7 Fund, which shall be administered by the department in  
8 carrying out the provisions of this act.

9 (4) The principal sources of operating funds shall be  
10 from the earnings from the temporary investment of the Student  
11 Loan Guaranty Reserve Fund and from compensation for services  
12 performed under contract for the administration of student  
13 financial assistance programs pursuant to s. 1009.91.

14 (5) The department is authorized to accept grant funds  
15 under the Leveraging Educational Assistance Program and  
16 Supplemental Leveraging Educational Assistance Program of the  
17 Federal Government, as provided by the Higher Education Act of  
18 1965, as amended.

19 (6) The department is authorized to accept federal  
20 advances for the establishment of the Student Loan Guaranty  
21 Reserve Fund pursuant to the Higher Education Act of 1965, as  
22 amended, under agreement with the United States Commissioner  
23 of Education and to maintain such advances until recalled by  
24 the United States Commissioner of Education.

25 (7) The department is authorized to assess a student  
26 loan insurance premium on each loan guaranteed by the  
27 department. The amount of insurance premium will be determined  
28 by the department in the amount sufficient to maintain the  
29 pledged level of reserve funds but in no event may the amount  
30 of the insurance premium exceed the maximum provided by  
31 federal law.

1       (8) The department shall invest, or contract for the  
2 temporary investment of, any unencumbered cash, and the  
3 interest earned therefrom, except as otherwise provided for by  
4 law or covenant, shall accrue to the Student Loan Guaranty  
5 Reserve Fund or for the administration of financial aid  
6 programs.

7           Section 470. Section 1009.93, Florida Statutes, is  
8 created to read:

9           1009.93 Student financial aid planning and  
10 development.--

11           (1) The department shall administer a student  
12 financial aid planning and development program. It is the  
13 intent of the Legislature that a specific sum of funds be  
14 allocated each year for the purpose of sponsoring the design,  
15 development, and implementation of a comprehensive program of  
16 student financial aid and of initiating activities of  
17 inservice training for student financial aid administrators  
18 and activities to encourage maximum lender participation in  
19 guaranteed loans.

20           (2) The objective of a state program is the  
21 maintenance of a state student financial aid program to  
22 supplement a basic national program which will provide equal  
23 access to postsecondary education to citizens of this state  
24 who have the ability and motivation to benefit from a  
25 postsecondary education. In the development of a state program  
26 to achieve this objective, it shall be the policy that:

27           (a) State student financial aid be provided primarily  
28 on the basis of financial need;

29           (b) Students receiving need-based financial aid be  
30 expected to contribute toward their cost of education through  
31 self-help resources such as savings, work, and loans;

1       (c) Student financial aid be available to state  
2 residents for attendance at accredited public or private  
3 institutions of higher education in this state;

4       (d) Student financial aid be provided for all levels  
5 of postsecondary education; and

6       (e) State student financial aid be administered by a  
7 central state agency.

8  
9 Planning and development must be in accordance with the  
10 foregoing objective and policies.

11       (3) The planning and development procedures shall  
12 provide for:

13       (a) The review of public policy;

14       (b) The development of performance objectives;

15       (c) The development of alternate approaches;

16       (d) The evaluation of performance; and

17       (e) The participation and involvement in the planning  
18 process of representatives of the groups affected by a state  
19 program of student financial aid.

20       (4) The state board shall adopt rules providing for  
21 the verification of the independent status of state financial  
22 aid recipients.

23       (5) The department shall encourage industry and  
24 education linkages through the development of temporary  
25 employment opportunities for students attending postsecondary  
26 institutions in this state.

27       Section 471. Section 1009.94, Florida Statutes, is  
28 created to read:

29       1009.94 Student financial assistance database.--

30       (1) The Department of Education shall design and  
31 maintain a student financial assistance database that can be

1 used to support all aspects of the administration and delivery  
2 of state-funded student financial aid. In addition, the  
3 database must have the capability of providing policymakers  
4 with comprehensive information regarding the various financial  
5 assistance programs available to students attending Florida  
6 postsecondary education institutions.

7 (2) For purposes of this section, financial assistance  
8 includes:

9 (a) For all students, any scholarship, grant, loan,  
10 fee waiver, tuition assistance payment, or other form of  
11 compensation provided from state or federal funds.

12 (b) For students attending public institutions, any  
13 scholarship, grant, loan, fee waiver, tuition assistance  
14 payment, or other form of compensation supported by  
15 institutional funds.

16 (3) The database must include records on any student  
17 receiving any form of financial assistance as described in  
18 subsection (2). Institutions participating in any state  
19 financial assistance program shall annually submit such  
20 information to the Department of Education in a format  
21 prescribed by the department and consistent with the  
22 provisions of s. 1002.22.

23 Section 472. Section 1009.95, Florida Statutes, is  
24 created to read:

25 1009.95 Delinquent accounts.--

26 (1) The Department of Education is directed to exert  
27 every lawful and reasonable effort to collect all delinquent  
28 unpaid and uncanceled scholarship loan notes, student loan  
29 notes, and defaulted guaranteed loan notes.

30 (2) The department is authorized to establish a  
31 recovery account into which unpaid and uncanceled scholarship

1 loan note, student loan note, and defaulted guaranteed loan  
2 note accounts may be transferred.

3 (3) The department is authorized to settle any  
4 delinquent unpaid and uncanceled scholarship loan notes,  
5 student loan notes, and defaulted guaranteed loan notes and to  
6 employ the service of a collection agent when deemed advisable  
7 in collecting delinquent or defaulted accounts. However, no  
8 collection agent may be paid a commission in excess of 35  
9 percent of the amount collected. Any expense incurred by the  
10 department in enforcing the collection of a loan note may be  
11 borne by the signer of the note and may be added to the amount  
12 of the principal of such note.

13 (4) The department is authorized to charge off unpaid  
14 and uncanceled scholarship loan notes and student loan notes  
15 which are at least 3 years delinquent and which prove  
16 uncollectible after good faith collection efforts. However, a  
17 delinquent account with a past due balance of \$25 or less may  
18 be charged off as uncollectible when it becomes 6 months past  
19 due and the cost of further collection effort or assignment to  
20 a collection agent would not be warranted.

21 (5) No individual borrower who has been determined to  
22 be in default in making legally required scholarship loan,  
23 student loan, or guaranteed loan repayments shall be furnished  
24 with his or her academic transcripts or other student records  
25 until such time as the loan is paid in full or the default  
26 status has been removed.

27 (6) The department is authorized to charge an  
28 individual borrower who has been determined to be in default  
29 in making legally required loan repayments the maximum  
30 interest rate authorized by law.  
31



1           (7) The State Board of Education shall adopt such  
2 rules as are necessary to regulate the collection, settlement,  
3 and charging off of delinquent unpaid and uncanceled  
4 scholarship loan notes, student loan notes, and defaulted  
5 guaranteed loan notes.

6           Section 473. Section 1009.96, Florida Statutes, is  
7 created to read:

8           1009.96 Annual review of financial assistance  
9 programs.--All new and existing financial assistance programs  
10 authorized under this chapter which are not funded for 3  
11 consecutive years after enactment shall stand repealed.  
12 Financial assistance programs provided under this part on July  
13 1, 1992, which lose funding for 3 consecutive years shall  
14 stand repealed. The Department of Education shall annually  
15 review the legislative appropriation for financial assistance  
16 programs to identify such programs.

17           Section 474. Part IV of chapter 1009 shall be entitled  
18 "Prepaid College Board Programs" and shall consist of ss.  
19 1009.97-1009.984.

20           Section 475. Section 1009.97, Florida Statutes, is  
21 created to read:

22           1009.97 General provisions.--

23           (1) LEGISLATIVE FINDING; EDUCATIONAL OPPORTUNITY.--The  
24 Legislature recognizes that educational opportunity at the  
25 postsecondary level is a critical state interest and is best  
26 ensured through the provision of postsecondary institutions  
27 that are geographically and financially accessible, that  
28 affordability and accessibility of higher education are  
29 essential to the welfare and well-being of the residents of  
30 the state and are a critical state interest, and that  
31

1 promoting and enhancing financial access to postsecondary  
2 institutions serve a legitimate public purpose.

3 (2) LEGISLATIVE INTENT.--It is the intent of the  
4 Legislature that a prepaid program be established through  
5 which many of the costs associated with postsecondary  
6 attendance may be paid in advance and fixed at a guaranteed  
7 level for the duration of undergraduate enrollment and that  
8 this program fosters timely financial planning for  
9 postsecondary attendance and to encourage employer  
10 participation in such planning through program contributions  
11 on behalf of employees and the dependents of employees. It is  
12 further the intent of the Legislature that a savings program  
13 be established as a supplement and alternative to the prepaid  
14 program to allow persons to make contributions to a trust  
15 account to meet some or all of the qualified higher education  
16 expenses of a designated beneficiary, consistent with federal  
17 law authorizing such programs, but without a guarantee by the  
18 state that such contributions, together with the investment  
19 return on such contributions, if any, will be adequate to pay  
20 for qualified higher education expenses, to enable  
21 participants to save for qualified higher education expenses,  
22 and to provide a choice to persons who determine that the  
23 overall educational needs of their families are best suited to  
24 a savings program or who wish to save to meet postsecondary  
25 educational needs beyond the traditional 4-year curriculum.  
26 Finally, the Legislature intends that the prepaid program and  
27 the savings program be conducted in a manner to maximize  
28 program efficiency and effectiveness.

29 (3) DEFINITIONS.--As used in ss. 1009.97-1009.984, the  
30 term:

31

- 1           (a) "Advance payment contract" means a contract  
2 entered into by the board and a purchaser pursuant to s.  
3 1009.98.
- 4           (b) "Board" means the Florida Prepaid College Board.
- 5           (c) "Trust fund" means the Florida Prepaid College  
6 Trust Fund.
- 7           (d) "Prepaid program" means the Florida Prepaid  
8 College Program established pursuant to s. 1009.98.
- 9           (e) "Purchaser" means a person who makes or is  
10 obligated to make advance registration or dormitory residence  
11 payments in accordance with an advance payment contract.
- 12           (f) "Qualified beneficiary" means:
- 13           1. A resident of this state at the time a purchaser  
14 enters into an advance payment contract on behalf of the  
15 resident;
- 16           2. A nonresident who is the child of a noncustodial  
17 parent who is a resident of this state at the time that such  
18 parent enters into an advance payment contract on behalf of  
19 the child; or
- 20           3. For purposes of advance payment contracts entered  
21 into pursuant to s. 1009.983, a graduate of an accredited high  
22 school in this state who is a resident of this state at the  
23 time he or she is designated to receive the benefits of the  
24 advance payment contract.
- 25           (g) "Registration fee" means tuition fee, financial  
26 aid fee, building fee, and Capital Improvement Trust Fund fee.
- 27           (h) "State postsecondary institution" means any public  
28 community college or state university.
- 29           (i) "Benefactor" means any person making a deposit,  
30 payment, contribution, gift, or other expenditure into the  
31 savings program.

- 1           (j) "Designated beneficiary" means:  
2           1. Any individual designated in the participation  
3 agreement;  
4           2. Any individual defined in s. 152(a)(1)-(8) of the  
5 Internal Revenue Code; or  
6           3. Any individual receiving a scholarship from  
7 interests in the program purchased by a state or local  
8 government or an organization described in s. 501(c)(3) of the  
9 Internal Revenue Code.  
10          (k) "Eligible educational institution" means an  
11 institution of higher education that qualifies under s. 529 of  
12 the Internal Revenue Code as an eligible educational  
13 institution.  
14          (l) "Internal Revenue Code" means the Internal Revenue  
15 Code of 1986, as defined in s. 220.03(1), and regulations  
16 adopted pursuant thereto.  
17          (m) "Participation agreement" means an agreement  
18 between the board and a benefactor for participation in the  
19 savings program for a designated beneficiary.  
20          (n) "Savings program" means the Florida College  
21 Savings Program established pursuant to s. 1009.981.  
22          (o) "Qualified higher education expenses" means higher  
23 education expenses permitted under s. 529 of the Internal  
24 Revenue Code and required for the enrollment or attendance of  
25 a designated beneficiary at an eligible educational  
26 institution, including undergraduate and graduate schools, and  
27 any other higher education expenses that are permitted under  
28 s. 529 of the Internal Revenue Code.  
29          (p) "Prepaid fund" means the fund within the trust  
30 fund into which moneys belonging to the prepaid program are  
31 deposited and held.

1           (g) "Savings fund" means the fund within the trust  
2 fund into which moneys belonging to the savings program are  
3 deposited and held.

4           Section 476. Section 1009.971, Florida Statutes, is  
5 created to read:

6           1009.971 Florida Prepaid College Board.--

7           (1) FLORIDA PREPAID COLLEGE BOARD; CREATION.--The  
8 Florida Prepaid College Board is hereby created as a body  
9 corporate with all the powers of a body corporate for the  
10 purposes delineated in this section. The board shall  
11 administer the prepaid program and the savings program, and  
12 shall perform essential governmental functions as provided in  
13 ss. 1009.97-1009.984. For the purposes of s. 6, Art. IV of the  
14 State Constitution, the board shall be assigned to and  
15 administratively housed within the State Board of  
16 Administration, but it shall independently exercise the powers  
17 and duties specified in ss. 1009.97-1009.984.

18           (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The  
19 board shall consist of seven members to be composed of the  
20 Attorney General, the Chief Financial Officer, the Deputy  
21 Commissioner of Colleges and Universities, the Deputy  
22 Commissioner of Community Colleges, and three members  
23 appointed by the Governor and subject to confirmation by the  
24 Senate. Each member appointed by the Governor shall possess  
25 knowledge, skill, and experience in the areas of accounting,  
26 actuary, risk management, or investment management. Each  
27 member of the board not appointed by the Governor may name a  
28 designee to serve on the board on behalf of the member;  
29 however, any designee so named shall meet the qualifications  
30 required of gubernatorial appointees to the board. Members  
31 appointed by the Governor shall serve terms of 3 years. Any

1 person appointed to fill a vacancy on the board shall be  
2 appointed in a like manner and shall serve for only the  
3 unexpired term. Any member shall be eligible for reappointment  
4 and shall serve until a successor qualifies. Members of the  
5 board shall serve without compensation but shall be reimbursed  
6 for per diem and travel in accordance with s. 112.061. Each  
7 member of the board shall file a full and public disclosure of  
8 his or her financial interests pursuant to s. 8, Art. II of  
9 the State Constitution and corresponding statute.

10 (3) FLORIDA PREPAID COLLEGE BOARD; ELECTIONS;  
11 MEETINGS.--The board shall annually elect a board member to  
12 serve as chair and a board member to serve as vice chair and  
13 shall designate a secretary-treasurer who need not be a member  
14 of the board. The secretary-treasurer shall keep a record of  
15 the proceedings of the board and shall be the custodian of all  
16 printed material filed with or by the board and of its  
17 official seal. Notwithstanding the existence of vacancies on  
18 the board, a majority of the members shall constitute a  
19 quorum. The board shall take no official action in the absence  
20 of a quorum. The board shall meet, at a minimum, on a  
21 quarterly basis at the call of the chair.

22 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND  
23 DUTIES.--The board shall have the powers and duties necessary  
24 or proper to carry out the provisions of ss. 1009.97-1009.984,  
25 including, but not limited to, the power and duty to:

26 (a) Appoint an executive director to serve as the  
27 chief administrative and operational officer of the board and  
28 to perform other duties assigned to him or her by the board.

29 (b) Adopt an official seal and rules.

30 (c) Sue and be sued.

31

- 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

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.



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  
31

1           (5) FLORIDA PREPAID COLLEGE BOARD; CONTRACTUAL  
2 SERVICES.--The board shall solicit proposals and contract,  
3 pursuant to s. 287.057, for:

4           (a) The services of records administrators.

5           (b) Investment consultants to review the performance  
6 of the board's investment managers and advise the board on  
7 investment management and performance and investment policy,  
8 including the contents of the comprehensive investment plans.

9           (c) Trustee services firms to provide trustee and  
10 related services to the board. The trustee services firm shall  
11 agree to meet the obligations of the board to qualified  
12 beneficiaries if moneys in the fund fail to offset the  
13 obligations of the board as a result of imprudent selection or  
14 supervision of investment programs by such firm.

15           (d) Investment managers to provide investment  
16 portfolios for the prepaid program or the savings program.  
17 Investment managers shall be limited to authorized insurers as  
18 defined in s. 624.09, banks as defined in s. 658.12,  
19 associations as defined in s. 665.012, authorized Securities  
20 and Exchange Commission investment advisers, and investment  
21 companies as defined in the Investment Company Act of 1940.  
22 All investment managers shall have their principal place of  
23 business and corporate charter located and registered in the  
24 United States. In addition, each investment manager shall  
25 agree to meet the obligations of the board to qualified  
26 beneficiaries if moneys in the fund fail to offset the  
27 obligations of the board as a result of imprudent investing by  
28 such provider. Each authorized insurer shall evidence superior  
29 performance overall on an acceptable level of surety in  
30 meeting its obligations to its policyholders and other  
31 contractual obligations. Only qualified public depositories

1 approved by the Insurance Commissioner and Treasurer shall be  
2 eligible for board consideration. Each investment company  
3 shall provide investment plans as specified within the request  
4 for proposals.

5  
6 The goals of the board in procuring such services shall be to  
7 provide all purchasers and benefactors with the most secure,  
8 well-diversified, and beneficially administered prepaid  
9 program or savings program possible, to allow all qualified  
10 firms interested in providing such services equal  
11 consideration, and to provide such services to the state at no  
12 cost and to the purchasers and benefactors at the lowest cost  
13 possible. Evaluations of proposals submitted pursuant to this  
14 subsection shall include, but not be limited to, fees and  
15 other costs that are charged to purchasers or benefactors that  
16 affect account values, or that impact the operational costs of  
17 the prepaid program or the savings program; past experience  
18 and past performance in providing the required services;  
19 financial history and current financial strength and capital  
20 adequacy to provide the required services; and capabilities  
21 and experience of the proposed personnel that will provide the  
22 required services.

23 (6) QUALIFIED TUITION PROGRAM STATUS.--Notwithstanding  
24 any other provision of ss. 1009.97-1009.984, the board may  
25 adopt rules necessary for the prepaid program and the savings  
26 program each to retain its status as a "qualified tuition  
27 program" in order to maintain its tax exempt status or other  
28 similar status of the program, purchasers, and qualified  
29 beneficiaries under the Internal Revenue Code. The board shall  
30 inform participants in the prepaid program and the savings  
31

1 program of changes to the tax or securities status of advance  
2 purchase contracts and participation agreements.

3 Section 477. Section 1009.972, Florida Statutes, is  
4 created to read:

5 1009.972 Florida Prepaid College Trust Fund.--

6 (1) There is created within the State Board of  
7 Administration the Florida Prepaid College Trust Fund. The  
8 trust fund shall be segregated into two separate funds, the  
9 prepaid fund and the savings fund.

10 (2) The prepaid fund shall consist of state  
11 appropriations, moneys acquired from other governmental or  
12 private sources for the prepaid program, and moneys remitted  
13 in accordance with advance payment contracts. Dividends,  
14 interest, and gains accruing to the prepaid fund shall  
15 increase the total funds available for the prepaid program. If  
16 dividends, interest, and gains for the prepaid fund exceed the  
17 amount necessary for program administration and disbursements,  
18 the board may designate an additional percentage of the  
19 prepaid fund to serve as a contingency fund.

20 (3) The savings fund shall consist of appropriations,  
21 moneys acquired from other governmental or private sources for  
22 the savings program, and moneys remitted in accordance with  
23 participation agreements. The amounts on deposit in the  
24 savings fund shall remain therein and shall be available  
25 solely for carrying out the purposes of the savings program.

26 (4) Any balance contained within the trust fund, and  
27 within each fund in the trust fund, at the end of a fiscal  
28 year shall remain therein and shall be available for carrying  
29 out the purposes of each respective program and the  
30 direct-support organization established pursuant to s.  
31 1009.983. Moneys contained within the trust fund shall be

1 exempt from the investment requirements of s. 18.10. All funds  
2 deposited in the prepaid fund may be invested pursuant to s.  
3 215.47. Any funds of a direct-support organization created  
4 pursuant to s. 1009.983 shall be exempt from the provisions of  
5 this section.

6 (5) Notwithstanding the provisions of chapter 717,  
7 funds associated with terminated advance payment contracts  
8 pursuant to s. 1009.98(4)(k) and canceled contracts for which  
9 no refunds have been claimed shall be retained by the board.  
10 The board shall establish procedures for notifying purchasers  
11 who subsequently cancel their advance payment contracts of any  
12 unclaimed refund and shall establish a time period after which  
13 no refund may be claimed by a purchaser who canceled a  
14 contract. The board may transfer funds retained from such  
15 terminated advance payment contracts and cancelled contracts  
16 to the Florida Prepaid Tuition Scholarship Program to provide  
17 matching funds for prepaid tuition scholarships for  
18 economically disadvantaged youth that remain drug free and  
19 crime free.

20 (6) The assets of the prepaid fund and the savings  
21 fund shall be maintained, invested, and expended solely for  
22 the purposes of the prepaid program and the savings program,  
23 respectively, and shall not be loaned, transferred, or  
24 otherwise used by the state for any purpose other than the  
25 purposes of ss. 1009.97-1009.984. This subsection shall not be  
26 construed to prohibit the board from investing in, by purchase  
27 or otherwise, bonds, notes, or other obligations of the state  
28 or an agency or instrumentality of the state. Unless otherwise  
29 specified by the board, assets of the prepaid fund and the  
30 savings fund shall be expended in the following order of  
31 priority:

1           (a) To make payments to state postsecondary  
2 institutions on behalf of qualified beneficiaries or  
3 designated beneficiaries.

4           (b) To make refunds upon termination of advance  
5 payment contracts or participation agreements.

6           (c) To pay the costs of administration and operations  
7 for the prepaid program and the savings program.

8           Section 478. Section 1009.973, Florida Statutes, is  
9 created to read:

10           1009.973 Comprehensive investment plans.--The Florida  
11 Prepaid College Board shall establish separate comprehensive  
12 investment plans for the prepaid program and for the savings  
13 program, each subject to the approval of the State Board of  
14 Administration. Each comprehensive investment plan shall  
15 specify the investment policies to be utilized by the board in  
16 its administration of each respective program. The board may  
17 place assets of each program in investment products pursuant  
18 to the comprehensive investment plan for each respective  
19 program and in such proportions as may be designated or  
20 approved under the plan for each respective program. Such  
21 products shall be underwritten and offered in compliance with  
22 the applicable federal and state laws, regulations, and rules  
23 by persons authorized by applicable federal and state  
24 authorities. A purchaser may not direct the investment of his  
25 or her contribution to the prepaid program. A benefactor or  
26 designated beneficiary may not direct the investment of any  
27 contributions to the savings program other than the specific  
28 fund options provided by the board, if any. Board members and  
29 employees of the board are not prohibited from purchasing  
30 advance payment contracts or entering into participation  
31 agreements by virtue of their fiduciary responsibilities as

1 members of the board or official duties as employees of the  
2 board.

3 Section 479. Section 1009.974, Florida Statutes, is  
4 created to read:

5 1009.974 Exemption from claims of creditors.--Moneys  
6 paid into or out of the trust fund by or on behalf of a  
7 purchaser or qualified beneficiary of an advance payment  
8 contract or benefactor or designated beneficiary of a  
9 participation agreement are exempt, as provided by s. 222.22,  
10 from all claims of creditors of the purchaser or the qualified  
11 beneficiary of an advance payment contract or the benefactor  
12 or designated beneficiary of a participation agreement,  
13 respectively, provided that the advance payment contract or  
14 participation agreement has not been terminated. Neither  
15 moneys paid into the prepaid program or savings program nor  
16 benefits accrued through the prepaid program or savings  
17 program may be pledged for the purpose of securing a loan.

18 Section 480. Section 1009.975, Florida Statutes, is  
19 created to read:

20 1009.975 Payroll deduction authority.--The state or  
21 any state agency, county, municipality, or other political  
22 subdivision may, by contract or collective bargaining  
23 agreement, agree with any employee to remit payments toward  
24 advance payment contracts or participation agreements through  
25 payroll deductions made by the appropriate officer or officers  
26 of the state, state agency, county, municipality, or political  
27 subdivision. Such payments shall be held and administered in  
28 accordance with ss. 1009.97-1009.984.

29 Section 481. Section 1009.976, Florida Statutes, is  
30 created to read:

31

1           1009.976 Annual report.--On or before March 31 of each  
2 year, the Florida Prepaid College Board shall prepare or cause  
3 to be prepared separate reports setting forth in appropriate  
4 detail an accounting of the prepaid program and the savings  
5 program which include a description of the financial condition  
6 of each respective program at the close of the fiscal year.  
7 The board shall submit copies of the reports to the Governor,  
8 the President of the Senate, the Speaker of the House of  
9 Representatives, and the minority leaders of the House and  
10 Senate and shall make the report for the prepaid program  
11 available to each purchaser and the report for the savings  
12 program available to each benefactor and designated  
13 beneficiary. The accounts of the fund for the prepaid program  
14 and the savings program shall be subject to annual audits by  
15 the Auditor General or his or her designee.

16           Section 482. Section 1009.98, Florida Statutes, is  
17 created to read:

18           1009.98 Florida Prepaid College Program.--  
19           (1) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There  
20 is created a Florida Prepaid College Program to provide a  
21 medium through which the cost of registration and dormitory  
22 residence may be paid in advance of enrollment in a state  
23 postsecondary institution at a rate lower than the projected  
24 corresponding cost at the time of actual enrollment. Such  
25 payments shall be combined and invested in a manner that  
26 yields, at a minimum, sufficient interest to generate the  
27 difference between the prepaid amount and the cost of  
28 registration and dormitory residence at the time of actual  
29 enrollment. Students who enroll in a state postsecondary  
30 institution pursuant to this section shall be charged no fees  
31



1 in excess of the terms delineated in the advance payment  
2 contract.

3 (2) PREPAID COLLEGE PLANS.--At a minimum, the board  
4 shall make advance payment contracts available for two  
5 independent plans to be known as the community college plan  
6 and the university plan. The board may also make advance  
7 payment contracts available for a dormitory residence plan.  
8 The board may restrict the number of participants in the  
9 community college plan, university plan, and dormitory  
10 residence plan, respectively. However, any person denied  
11 participation solely on the basis of such restriction shall be  
12 granted priority for participation during the succeeding year.

13 (a)1. Through the community college plan, the advance  
14 payment contract shall provide prepaid registration fees for a  
15 specified number of undergraduate semester credit hours not to  
16 exceed the average number of hours required for the conference  
17 of an associate degree. Qualified beneficiaries shall bear the  
18 cost of any laboratory fees associated with enrollment in  
19 specific courses. Each qualified beneficiary shall be  
20 classified as a resident for tuition purposes, pursuant to s.  
21 1009.21, regardless of his or her actual legal residence.

22 2. Effective July 1, 1998, the board may provide  
23 advance payment contracts for additional fees delineated in s.  
24 1009.23, not to exceed the average number of hours required  
25 for the conference of an associate degree, in conjunction with  
26 advance payment contracts for registration fees. Community  
27 college plan contracts purchased prior to July 1, 1998, shall  
28 be limited to the payment of registration fees as defined in  
29 s. 1009.97.

30 (b)1. Through the university plan, the advance payment  
31 contract shall provide prepaid registration fees for a

1 specified number of undergraduate semester credit hours not to  
2 exceed the average number of hours required for the conference  
3 of a baccalaureate degree. Qualified beneficiaries shall bear  
4 the cost of any laboratory fees associated with enrollment in  
5 specific courses. Each qualified beneficiary shall be  
6 classified as a resident for tuition purposes pursuant to s.  
7 1009.21, regardless of his or her actual legal residence.

8 2. Effective July 1, 1998, the board may provide  
9 advance payment contracts for additional fees delineated in s.  
10 1009.24(8)-(11), for a specified number of undergraduate  
11 semester credit hours not to exceed the average number of  
12 hours required for the conference of a baccalaureate degree,  
13 in conjunction with advance payment contracts for registration  
14 fees. Such contracts shall provide prepaid coverage for the  
15 sum of such fees, to a maximum of 45 percent of the cost of  
16 registration fees. University plan contracts purchased prior  
17 to July 1, 1998, shall be limited to the payment of  
18 registration fees as defined in s. 1009.97.

19 (c) The cost of participation in contracts authorized  
20 under paragraph (a) or paragraph (b) shall be based primarily  
21 on the current and projected registration fees within the  
22 Florida Community College System or the State University  
23 System, respectively, and the number of years expected to  
24 elapse between the purchase of the plan on behalf of a  
25 qualified beneficiary and the exercise of the benefits  
26 provided in the plan by such beneficiary.

27 (d) Through the dormitory residence plan, the advance  
28 payment contract may provide prepaid housing fees for a  
29 maximum of 10 semesters of full-time undergraduate enrollment  
30 in a state university. Dormitory residence plans shall be  
31 purchased in increments of 2 semesters. The cost of

1 participation in the dormitory residence plan shall be based  
2 primarily on the average current and projected housing fees  
3 within the State University System and the number of years  
4 expected to elapse between the purchase of the plan on behalf  
5 of a qualified beneficiary and the exercise of the benefits  
6 provided in the plan by such beneficiary. Qualified  
7 beneficiaries shall have the highest priority in the  
8 assignment of housing within university residence halls.  
9 Qualified beneficiaries shall bear the cost of any additional  
10 elective charges such as laundry service or long-distance  
11 telephone service. Each state university may specify the  
12 residence halls or other university-held residences eligible  
13 for inclusion in the plan. In addition, any state university  
14 may request immediate termination of a dormitory residence  
15 contract based on a violation or multiple violations of rules  
16 of the residence hall or other university-held residences. In  
17 the event that sufficient housing is not available for all  
18 qualified beneficiaries, the board shall refund the purchaser  
19 or qualified beneficiary an amount equal to the fees charged  
20 for dormitory residence during that semester. If a qualified  
21 beneficiary fails to be admitted to a state university or  
22 chooses to attend a community college that operates one or  
23 more dormitories or residency opportunities, or has one or  
24 more dormitories or residency opportunities operated by the  
25 community college direct-support organization, the qualified  
26 beneficiary may transfer or cause to have transferred to the  
27 community college, or community college direct-support  
28 organization, the fees associated with dormitory residence.  
29 Dormitory fees transferred to the community college or  
30 community college direct-support organization may not exceed  
31 the maximum fees charged for state university dormitory

1 residence for the purposes of this section, or the fees  
2 charged for community college or community college  
3 direct-support organization dormitories or residency  
4 opportunities, whichever is less.

5 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE  
6 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A  
7 qualified beneficiary may apply the benefits of an advance  
8 payment contract toward:

9 (a) An independent college or university that is  
10 located and chartered in Florida, that is not for profit, that  
11 is accredited by the Commission on Colleges of the Southern  
12 Association of Colleges and Schools or the Accrediting Council  
13 for Independent Colleges and Schools, and that confers degrees  
14 as defined in s. 1005.02.

15 (b) An out-of-state college or university that is not  
16 for profit and is accredited by a regional accrediting  
17 association, and that confers degrees.

18 (c) An applied technology diploma program or  
19 vocational certificate program conducted by a community  
20 college listed in s. 1004.02(2) or an area technical center  
21 operated by a district school board.

22  
23 The board shall transfer or cause to be transferred to the  
24 institution designated by the qualified beneficiary an amount  
25 not to exceed the redemption value of the advance payment  
26 contract at a state postsecondary institution. If the cost of  
27 registration or housing fees at such institution is less than  
28 the corresponding fees at a state postsecondary institution,  
29 the amount transferred may not exceed the actual cost of  
30 registration and housing fees. A transfer authorized under  
31 this subsection may not exceed the number of semester credit

1 hours or semesters of dormitory residence contracted on behalf  
2 of a qualified beneficiary. Notwithstanding any other  
3 provision in this section, an institution must be an "eligible  
4 educational institution" under s. 529 of the Internal Revenue  
5 Code to be eligible for the transfer of advance payment  
6 contract benefits.

7 (4) ADVANCE PAYMENT CONTRACTS.--The board shall  
8 develop advance payment contracts for registration and may  
9 develop advance payment contracts for dormitory residence as  
10 provided in this section. Advance payment contracts shall be  
11 exempt from chapter 517 and the Florida Insurance Code. Such  
12 contracts shall include, but not be limited to, the following:

13 (a) The amount of the payment or payments and the  
14 number of payments required from a purchaser on behalf of a  
15 qualified beneficiary.

16 (b) The terms and conditions under which purchasers  
17 shall remit payments, including, but not limited to, the date  
18 or dates upon which each payment shall be due.

19 (c) Provisions for late payment charges and for  
20 default.

21 (d) Provisions for penalty fees for withdrawals from  
22 the fund.

23 (e) Except for an advance payment contract entered  
24 into pursuant to subsection (9) or s. 1009.983, the name and  
25 date of birth of the qualified beneficiary on whose behalf the  
26 contract is drawn and the terms and conditions under which  
27 another person may be substituted as the qualified  
28 beneficiary.

29 (f) The name of any person who may terminate the  
30 contract. The terms of the contract shall specify whether the  
31 contract may be terminated by the purchaser, the qualified

1 beneficiary, a specific designated person, or any combination  
2 of these persons.

3 (g) The terms and conditions under which a contract  
4 may be terminated, modified, or converted, the name of the  
5 person entitled to any refund due as a result of termination  
6 of the contract pursuant to such terms and conditions, and the  
7 amount of refund, if any, due to the person so named.

8 (h) The number of semester credit hours or semesters  
9 of dormitory residence contracted by the purchaser.

10 (i) The state postsecondary system toward which the  
11 contracted credit hours or semesters of dormitory residence  
12 will be applied.

13 (j) The assumption of a contractual obligation by the  
14 board to the qualified beneficiary to provide for a specified  
15 number of semester credit hours of undergraduate instruction  
16 at a state postsecondary institution, not to exceed the  
17 average number of credit hours required for the conference of  
18 the degree that corresponds to the plan purchased on behalf of  
19 the qualified beneficiary or to provide for a specified number  
20 of semesters of dormitory residence, not to exceed the number  
21 of semesters of full-time enrollment required for the  
22 conference of a baccalaureate degree.

23 (k) The period of time after which advance payment  
24 contracts that have not been terminated or the benefits used  
25 shall be considered terminated. Time expended by a qualified  
26 beneficiary as an active duty member of any of the armed  
27 services of the United States shall be added to the period of  
28 time specified by the board. No purchaser or qualified  
29 beneficiary whose advance payment contract is terminated  
30 pursuant to this paragraph shall be entitled to a refund.  
31 Notwithstanding chapter 717, the board shall retain any moneys

1 paid by the purchaser for an advance payment contract that has  
2 been terminated in accordance with this paragraph. Such moneys  
3 may be transferred to the Florida Prepaid Tuition Scholarship  
4 Program to provide matching funds for prepaid tuition  
5 scholarships for economically disadvantaged youths that remain  
6 drug free and crime free.

7 (1) Other terms and conditions deemed by the board to  
8 be necessary or proper.

9 (5) REFUNDS.--

10 (a) No refund shall exceed the amount paid into the  
11 fund by the purchaser except as provided in paragraphs (b) and  
12 (c).

13 (b) If the beneficiary is awarded a scholarship, the  
14 terms of which cover the benefits included in the advance  
15 payment contracts, moneys paid for the purchase of the advance  
16 payment contracts shall be refunded to the purchaser in  
17 semester installments coinciding with the tuition by the  
18 beneficiary in an amount which, in total, does not exceed the  
19 redemption value of the advance payment contract at a state  
20 postsecondary institution.

21 (c) In the event of the death or total disability of  
22 the beneficiary, moneys paid for the purchase of advance  
23 payment contracts shall be refunded to the purchaser in an  
24 amount not to exceed the redemption value of the advance  
25 payment contract at a state postsecondary institution.

26 (d) If an advance payment contract is converted from  
27 one registration plan to a plan of lesser value, the amount  
28 refunded shall not exceed the difference between the amount  
29 paid for the original contract and the amount that would have  
30 been paid for the contract to which the plan is converted had  
31 the converted plan been purchased under the same payment plan

1 at the time the original advance payment contract was  
2 executed.

3 (e) No refund shall be authorized through an advance  
4 payment contract for any school year partially attended but  
5 not completed. For purposes of this section, a school year  
6 partially attended but not completed shall mean any one  
7 semester whereby the student is still enrolled at the  
8 conclusion of the official drop-add period, but withdraws  
9 before the end of such semester. If a beneficiary does not  
10 complete a community college plan or university plan for  
11 reasons other than specified in paragraph (c), the purchaser  
12 shall receive a refund of the amount paid into the fund for  
13 the remaining unattended years of the advance payment contract  
14 pursuant to rules promulgated by the board.

15 (6) CONFIDENTIALITY OF ACCOUNT  
16 INFORMATION.--Information that identifies the purchasers or  
17 beneficiaries of any plan promulgated under this section and  
18 their advance payment account activities is exempt from the  
19 provisions of s. 119.07(1). However, the board may authorize  
20 the program's records administrator to release such  
21 information to a community college, college, or university in  
22 which a beneficiary may enroll or is enrolled. Community  
23 colleges, colleges, and universities shall maintain such  
24 information as exempt from the provisions of s. 119.07(1).

25 (7) OBLIGATIONS OF BOARD.--The state shall agree to  
26 meet the obligations of the board to qualified beneficiaries  
27 if moneys in the fund fail to offset the obligations of the  
28 board. The Legislature shall appropriate to the Florida  
29 Prepaid College Trust Fund the amount necessary to meet the  
30 obligations of the board to qualified beneficiaries.

31



1       (8) PROGRAM TERMINATION.--In the event that the state  
2 determines the prepaid program to be financially infeasible,  
3 the state may discontinue the provision of the program. Any  
4 qualified beneficiary who has been accepted by and is enrolled  
5 or is within 5 years of enrollment in an eligible independent  
6 college or university or state postsecondary institution shall  
7 be entitled to exercise the complete benefits for which he or  
8 she has contracted. All other contract holders shall receive a  
9 refund of the amount paid in and an additional amount in the  
10 nature of interest at a rate that corresponds, at a minimum,  
11 to the prevailing interest rates for savings accounts provided  
12 by banks and savings and loan associations.

13       (9) SCHOLARSHIPS.--A nonprofit organization described  
14 in s. 501(c)(3) of the United States Internal Revenue Code and  
15 exempt from taxation under s. 501(a) of the United States  
16 Internal Revenue Code may purchase advance payment contracts  
17 for a scholarship program that has been approved by the board  
18 and is operated by the purchasing organization.

19       Section 483. Section 1009.981, Florida Statutes, is  
20 created to read:

21       1009.981 Florida College Savings Program.--

22       (1)(a) The Florida Prepaid College Board is authorized  
23 to create, establish, and administer the Florida College  
24 Savings Program to promote and enhance the affordability of  
25 higher education in the state and to enable persons to  
26 contribute funds that are combined and invested to pay the  
27 subsequent higher education expenses of a designated  
28 beneficiary. The board may not implement the savings program  
29 until it has obtained:

30       1. A written opinion from counsel specializing in  
31 federal tax matters indicating that the savings program

1 constitutes a qualified tuition program under s. 529 of the  
2 Internal Revenue Code;

3 2. A written opinion from a qualified member of the  
4 United States Patent Bar indicating that the implementation of  
5 the savings program or the operation of the savings program  
6 will not knowingly infringe upon any patent or copyright  
7 specifically related to the financing of higher education  
8 expenses;

9 3. A written opinion of qualified counsel specializing  
10 in federal securities law that the savings program and the  
11 offering of participation in the savings program does not  
12 violate federal securities law; and

13 4. A written opinion from the board's litigation  
14 counsel indicating that the implementation or operation of the  
15 savings program will not adversely impact any pending  
16 litigation against the board.

17 (b) The benefactor retains ownership of all amounts on  
18 deposit in his or her account with the savings program up to  
19 the date of distribution on behalf of a designated  
20 beneficiary. Earnings derived from investment of the  
21 contributions shall be considered to be held in trust in the  
22 same manner as contributions, except as applied for purposes  
23 of the designated beneficiary and for purposes of maintaining  
24 and administering the program as provided in this section.

25 (c) All amounts attributable to penalties shall be  
26 used for purposes of the savings program or as required by the  
27 Internal Revenue Code, and other amounts received other than  
28 contributions shall be properties of the savings program.  
29 Proceeds from penalties shall remain with the program and may  
30 be used for any costs or purposes of the savings program or  
31 used as required by the Internal Revenue Code.

1           (d) Deposits and contributions to the program, the  
2 property of the board, and the earnings on the college savings  
3 accounts are exempt from taxation.

4           (e) The assets of the savings program shall be  
5 continuously invested and reinvested in a manner consistent  
6 with the purposes of the program, expended on expenses  
7 incurred by the operation and management of the savings  
8 program, or refunded to the benefactor or designated  
9 beneficiary under the conditions provided in the participation  
10 agreement. The board is not required to invest directly in  
11 obligations of the state or any political subdivision of the  
12 state or in any investment or other fund administered by the  
13 state.

14           (2) PARTICIPATION AGREEMENTS.--

15           (a) The board may establish plans to permit  
16 benefactors to prepay the qualified higher education expenses  
17 associated with enrollment in an eligible educational  
18 institution and may permit benefactors to select from among  
19 alternative investment plans designed to provide funds to pay  
20 qualified education expenses of a designated beneficiary. The  
21 board shall not accept contributions in excess of the amount  
22 allowed pursuant to s. 529 of the Internal Revenue Code and  
23 shall prescribe by rule the methodology and information  
24 sources that shall be used to determine the projected costs of  
25 qualified higher education expenses for designated  
26 beneficiaries of prescribed ages.

27           (b) The board shall develop a participation agreement  
28 which shall be the agreement between the board and each  
29 benefactor, which may include, but is not limited to:

30           1. The name, date of birth, and social security number  
31 of the designated beneficiary.

1           2. The amount of the contribution or contributions and  
2 number of contributions required from a benefactor on behalf  
3 of a designated beneficiary.

4           3. The terms and conditions under which benefactors  
5 shall remit contributions, including, but not limited to, the  
6 date or dates upon which each contribution is due. Deposits to  
7 the savings program by benefactors may only be in cash.  
8 Benefactors may contribute in a lump sum, periodically, in  
9 installments, or through electronic funds transfer or employer  
10 payroll deductions.

11           4. Provisions for late contribution charges and for  
12 default.

13           5. Provisions for penalty fees for withdrawals from  
14 the program.

15           6. The name of the person who may terminate  
16 participation in the program. The participation agreement must  
17 specify whether the account may be terminated by the  
18 benefactor, the designated beneficiary, a specific designated  
19 person, or any combination of these persons.

20           7. The terms and conditions under which an account may  
21 be terminated, modified, or converted, the name of the person  
22 entitled to any refund due as a result of termination of the  
23 account pursuant to such terms and conditions, and the amount  
24 of refund, if any, due to the person so named.

25           8. Penalties for distributions not used or made in  
26 accordance with s. 529 of the Internal Revenue Code.

27           9. Any charges or fees in connection with the  
28 administration of the savings fund.

29           10. The period of time after which each participation  
30 agreement shall be considered to be terminated. Time expended  
31 by a designated beneficiary as an active duty member of any of

1 the armed services of the United States shall be added to the  
2 period specified pursuant to this subparagraph. Should a  
3 participation agreement be terminated, the balance of the  
4 account, after notice to the benefactor, shall be declared  
5 unclaimed and abandoned property. The board shall retain any  
6 monies paid by the benefactor for a participation agreement  
7 that has been terminated in accordance with this subparagraph.  
8 Such moneys may be transferred to the Florida Prepaid  
9 Scholarship Program to provide matching funds for prepaid  
10 tuition scholarships for economically disadvantaged youths  
11 that remain drug free and crime free.

12 11. Other terms and conditions deemed by the board to  
13 be necessary or proper.

14 (c) The participation agreement shall clearly state  
15 that:

16 1. The contract is only a debt or obligation of the  
17 savings program and the savings fund, and is not otherwise a  
18 debt or obligation of the state.

19 2. Participation in the program does not guarantee  
20 that sufficient funds will be available to cover all qualified  
21 higher education expenses for any designated beneficiary and  
22 does not guarantee admission to or continued enrollment at an  
23 eligible educational institution of any designated  
24 beneficiary.

25 (d) The participation agreement may be freely amended  
26 throughout its term for purposes including, but not limited  
27 to, allowing to enable the benefactor to increase or decrease  
28 the level of participation, change designated beneficiaries,  
29 and carry out similar matters permitted by this section and  
30 the Internal Revenue Code.

31

1           (3) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION  
2 EXPENSES.--The board shall establish requirements and  
3 procedures for beneficiaries to realize the benefits of  
4 participation agreements. In establishing such requirements  
5 and procedures, the board shall make distributions in as  
6 efficient and expeditious manner as is prudent and possible,  
7 consistent with the Internal Revenue Code.

8           (4) REFUNDS.--

9           (a) A benefactor may request a refund of the principal  
10 amount of his or her contributions, plus actual investment  
11 earnings or minus actual investment losses on the  
12 contributions, less any applicable penalty, and less any  
13 amounts used to provide benefits to the designated  
14 beneficiary.

15           (b) Notwithstanding paragraph (a), a penalty may not  
16 be levied if a benefactor requests a refund from the program  
17 due to:

18               1. Death of the beneficiary.

19               2. Total disability of the beneficiary.

20               3. Scholarship, allowance, or payment received by the  
21 beneficiary to the extent that the amount of the refund does  
22 not exceed the amount of the scholarship, allowance, or  
23 payment in accordance with federal law.

24           (c) If a benefactor requests a refund of funds  
25 contributed to the program for any cause other than those  
26 listed in paragraph (b), there shall be imposed a penalty of  
27 10 percent of the earnings of the account and any applicable  
28 taxes, or the amount required by the Internal Revenue Code.  
29 Earnings shall be calculated as the total value of the  
30 participation agreement, less the aggregate contributions, or  
31 in the manner prescribed in the Internal Revenue Code.

1           (5) MATERIAL MISREPRESENTATION; PENALTY.--If the  
2 benefactor or the designated beneficiary makes any material  
3 misrepresentation in the application for a participation  
4 agreement or in any communication with the board regarding the  
5 program, especially regarding the withdrawal or distribution  
6 of funds therefrom, the account may be involuntarily  
7 liquidated by the board. If the account is so liquidated, the  
8 benefactor is entitled to a refund, subject to a 10-percent  
9 penalty or the amount required by the Internal Revenue Code.

10           (6) CONFIDENTIALITY OF ACCOUNT  
11 INFORMATION.--Information that identifies the benefactors or  
12 the designated beneficiary of any account initiated under this  
13 section and information regarding individual account  
14 activities conducted through the savings program established  
15 in this section are confidential and exempt from the  
16 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
17 Constitution. However, the board may authorize the release of  
18 such information to a community college, college, or  
19 university in which a designated beneficiary may enroll or is  
20 enrolled. Community colleges, colleges, and universities shall  
21 maintain the confidentiality of such information. This  
22 subsection is subject to the Open Government Sunset Review Act  
23 of 1995 in accordance with s. 119.15, and shall stand repealed  
24 on October 2, 2005, unless reviewed and saved from repeal  
25 through reenactment by the Legislature.

26           (7) OBLIGATIONS OF BOARD.--Any contract or  
27 participation agreement entered into by or any obligation of  
28 the board on behalf of and for the benefit of the savings  
29 program does not constitute a debt or obligation of the state  
30 but is an obligation of the savings program. The state has no  
31 obligation to any designated beneficiary or any other person

1 as a result of the savings program. The obligation of the  
2 savings program is limited solely to those amounts deposited  
3 in the savings fund. All amounts obligated to be paid from the  
4 savings fund are limited to amounts available for such  
5 obligation. The amounts on deposit in the savings program may  
6 only be disbursed in accordance with the provisions of this  
7 section.

8 (8) PROGRAM TERMINATION.--The savings program shall  
9 continue in existence until its existence is terminated by  
10 law. If the state determines that the savings program is  
11 financially infeasible, the state may discontinue the savings  
12 program. Upon termination of the savings program, all deposits  
13 shall be returned to benefactors, to the extent possible, and  
14 any unclaimed assets in the savings program may be transferred  
15 to the Florida Prepaid Tuition Scholarship Program to provide  
16 matching funds for prepaid tuition scholarships for  
17 economically disadvantaged youths that remain drug free and  
18 crime free.

19 (9) STATE PLEDGE.--The state pledges to benefactors  
20 and designated beneficiaries of the savings program that the  
21 state will not limit or alter the rights under this section  
22 which are vested in the program until such obligations are met  
23 and discharged. However, this subsection does not preclude  
24 such limitation if adequate provision is made by law for the  
25 protection of the benefactors and designated beneficiaries  
26 pursuant to the obligations of the board, and, if the state or  
27 the board determines that the savings program is not  
28 financially feasible, the state or the board may discontinue  
29 the program. If the program is discontinued, the board shall  
30 refund to benefactors their contributions to the program, plus  
31 any investment earnings or minus any investment losses. The



1 board, on behalf of the state, may include this pledge and  
2 undertaking by the state in participation agreements.

3 Section 484. Section 1009.982, Florida Statutes, is  
4 created to read:

5 1009.982 Disclaimer.--Nothing in ss. 1009.97-1009.984  
6 shall be construed as a promise or guarantee that a qualified  
7 beneficiary or a designated beneficiary will be admitted to a  
8 state postsecondary institution or to a particular state  
9 postsecondary institution, will be allowed to continue  
10 enrollment at a state postsecondary institution after  
11 admission, or will be graduated from a state postsecondary  
12 institution.

13 Section 485. Section 1009.983, Florida Statutes, is  
14 created to read:

15 1009.983 Direct-support organization; authority.--

16 (1) The Florida Prepaid College Board may establish a  
17 direct-support organization which is:

18 (a) A Florida corporation, not for profit,  
19 incorporated under the provisions of chapter 617 and approved  
20 by the Secretary of State.

21 (b) Organized and operated exclusively to receive,  
22 hold, invest, and administer property and to make expenditures  
23 to or for the benefit of the board.

24 (c) An organization which the board, after review, has  
25 certified to be operating in a manner consistent with the  
26 goals of the board and in the best interests of the state.  
27 Unless so certified, the organization may not use the name of  
28 the prepaid program or savings program.

29 (2) The direct-support organization shall operate  
30 under written contract with the board. The contract must  
31 provide for:

1           (a) Approval of the articles of incorporation and  
2 bylaws of the direct-support organization by the board.

3           (b) Submission of an annual budget for the approval of  
4 the board. The budget must comply with rules adopted by the  
5 board.

6           (c) An annual financial and compliance audit of its  
7 financial accounts and records by an independent certified  
8 public accountant in accordance with s. 215.981.

9           (d) Certification by the board that the direct-support  
10 organization is complying with the terms of the contract and  
11 in a manner consistent with the goals and purposes of the  
12 board and in the best interest of the state. Such  
13 certification must be made annually and reported in the  
14 official minutes of a meeting of the board.

15           (e) The reversion to the board, or to the state if the  
16 board ceases to exist, of moneys and property held in trust by  
17 the direct-support organization for the benefit of the board  
18 or prepaid program if the direct-support organization is no  
19 longer approved to operate for the board or if the board  
20 ceases to exist.

21           (f) The fiscal year of the direct-support  
22 organization, which must begin July 1 of each year and end  
23 June 30 of the following year.

24           (g) The disclosure of material provisions of the  
25 contract and of the distinction between the board and the  
26 direct-support organization to donors of gifts, contributions,  
27 or bequests, and such disclosure on all promotional and  
28 fundraising publications.

29           (3) An annual financial and compliance audit of the  
30 financial accounts and records of the direct-support  
31 organization must be performed by an independent certified

1 public accountant. The audit must be submitted to the board  
2 for review and approval. Upon approval, the board shall  
3 certify the audit report to the Auditor General for review.  
4 The board and Auditor General shall have the authority to  
5 require and receive from the organization or its independent  
6 auditor any detail or supplemental data relative to the  
7 operation of the organization.

8 (4) The identity of donors who desire to remain  
9 anonymous shall be confidential and exempt from the provisions  
10 of s. 119.07(1) and s. 24(a), Art. I of the State  
11 Constitution, and such anonymity shall be maintained in the  
12 auditor's report. Information received by the organization  
13 that is otherwise confidential or exempt by law shall retain  
14 such status. Any sensitive, personal information regarding  
15 contract beneficiaries, including their identities, is exempt  
16 from the provisions of s. 119.07(1) and s. 24(a), Art. I of  
17 the State Constitution.

18 (5) The chair and the executive director of the board  
19 shall be directors of the direct-support organization and  
20 shall jointly name, at a minimum, three other individuals to  
21 serve as directors of the organization.

22 (6) The board may authorize the direct-support  
23 organization established in this section to use board  
24 property, except money, and use facilities and personal  
25 services subject to the provisions of this section. If the  
26 direct-support organization does not provide equal employment  
27 opportunities to all persons regardless of race, color,  
28 religion, sex, age, or national origin, it may not use the  
29 property, facilities, or personal services of the board. For  
30 the purposes of this section, the term "personal services"  
31 includes full-time personnel and part-time personnel as well

1 as payroll processing as prescribed by rule of the board. The  
2 board shall adopt rules prescribing the procedures by which  
3 the direct-support organization is governed and any conditions  
4 with which such a direct-support organization must comply to  
5 use property, facilities, or personal services of the board.

6 (7) The board may invest funds of the direct-support  
7 organization which have been allocated for the purchase of  
8 advance payment contracts for scholarships with receipts for  
9 advance payment contracts.

10 Section 486. Section 1009.984, Florida Statutes, is  
11 created to read:

12 1009.984 Florida Prepaid Tuition Scholarship  
13 Program.--The Florida Prepaid Tuition Scholarship Program is  
14 established to provide economically disadvantaged youth with  
15 prepaid postsecondary tuition scholarships. The direct-support  
16 organization established pursuant to s. 1009.983 shall  
17 administer the program with the assistance and cooperation of  
18 the Department of Education to:

19 (1) Provide an incentive for economically  
20 disadvantaged youth to improve school attendance and academic  
21 performance in order to graduate and pursue a postsecondary  
22 education.

23 (2) Obtain the commitment and involvement of private  
24 sector entities by virtue of funding matches with a ratio of  
25 50 percent provided by the private sector and 50 percent  
26 provided by the state.

27 (3) Purchase prepaid tuition scholarships for students  
28 certified by the Department of Education to the direct-support  
29 organization who meet minimum economic and school requirements  
30 and remain drug free and crime free.

31

1           (a) For the purpose of this subsection, "drug free"  
2 means not being convicted of, or adjudicated delinquent for,  
3 any violation of chapter 893 after being designated a  
4 recipient of a Florida prepaid tuition scholarship.

5           (b) For the purpose of this subsection, "crime free"  
6 means not being convicted of, or adjudicated delinquent for,  
7 any felony or first degree misdemeanor as defined in ss.  
8 775.08 and 775.081 after being designated a recipient of a  
9 Florida prepaid tuition scholarship.

10           Section 487. Part V of chapter 1009 shall be entitled  
11 "Florida Higher Education Loan Authority" and shall consist of  
12 ss. 1009.99-1009.9994.

13           Section 488. Section 1009.99, Florida Statutes, is  
14 created to read:

15           1009.99 Short title.--Sections 1009.99-1009.9994 may  
16 be cited as the "Florida Higher Education Loan Authority Act."

17           Section 489. Section 1009.991, Florida Statutes, is  
18 created to read:

19           1009.991 Purpose.--It is the purpose of this act to  
20 provide assistance and an additional method of financing the  
21 cost of higher education to students and the families of  
22 students attending institutions of higher education in this  
23 state and to encourage investment of private capital to  
24 provide funds for financing student loans.

25           Section 490. Section 1009.992, Florida Statutes, is  
26 created to read:

27           1009.992 Definitions.--As used in this act:

28           (1) "Authority" means any public corporation created  
29 by s. 1009.993 or any board, body, commission, department, or  
30 officer of the county succeeding to the principal functions  
31

1 thereof or to whom the powers conferred upon an authority by  
2 this act are given by this act.

3 (2) "Authority loan" means any loan by an authority to  
4 an institution of higher education for the purpose of funding  
5 education loans.

6 (3) "Bond" or "revenue bond" means any revenue bond of  
7 an authority issued under the provisions of this act,  
8 including any revenue-refunding bond, notwithstanding that the  
9 bond may be secured by mortgage or the full faith and credit  
10 of a participating institution of higher education or any  
11 other lawfully pledged security of a participating institution  
12 of higher education.

13 (4) "Bond resolution" means the resolution of an  
14 authority and the trust agreement, if any, and any supplement  
15 or amendment to the foregoing, authorizing the issuance of,  
16 and providing for the terms and conditions applicable to,  
17 obligations.

18 (5) "Bond service charge" means the principal  
19 (including mandatory sinking fund requirements for retirement  
20 of obligations) and interest, and redemption premium, if any,  
21 required to be paid by an authority on obligations.

22 (6) "Borrower" means any student who has received an  
23 education loan or any parent who has received or agreed to pay  
24 an education loan.

25 (7) "Clerk" means the clerk of a commission or the  
26 county officer charged with the duties customarily imposed  
27 upon the clerk.

28 (8) "Commission" means a board of county commissioners  
29 or other body charged with governing the county.

30  
31

1       (9) "Default insurance" means insurance insuring  
2 education loans, authority loans, or obligations against  
3 default.

4       (10) "Default reserve fund" means a fund established  
5 pursuant to a bond resolution for the purpose of securing  
6 education loans, authority loans, or obligations.

7       (11) "Education loan" means a loan which is made by an  
8 institution to a student or the parents of a student, or both,  
9 in an amount not in excess of the maximum amount specified in  
10 regulations to be formulated by the authority, in order to  
11 finance all or any part of the cost of the student's  
12 attendance at such institution.

13       (12) "Education loan series portfolio" means all  
14 educational loans made by a specific institution which are  
15 funded from the proceeds of an authority loan to such  
16 institution out of the proceeds of a related specific issue of  
17 obligations through the authority.

18       (13) "Institution" means any college or university  
19 which, by virtue of law or charter, is accredited by and holds  
20 membership in the Commission on Recognition of Postsecondary  
21 Accreditation; which grants baccalaureate or associate  
22 degrees; which is not a pervasively sectarian institution; and  
23 which does not discriminate in the admission of students on  
24 the basis of race, color, religion, sex, or creed.

25       (14) "Loan funding deposit" means moneys or other  
26 property which is deposited by an institution with the  
27 authority or a trustee for the purpose of:

28       (a) Providing security for obligations;

29       (b) Funding a default reserve fund;

30       (c) Acquiring default insurance; or

31       (d) Defraying costs of the authority, and

1  
2 which shall be in such amounts as are deemed necessary by the  
3 authority as a condition for participation by such institution  
4 in the program of the authority.

5 (15) "Obligation" means any revenue bond, note, or  
6 other evidence of indebtedness of an authority, including any  
7 interest coupon pertaining thereto, issued under this act,  
8 including any refunding bond.

9 (16) "Parent" means any parent or guardian of a  
10 student at an institution.

11 (17) "Participating institution" means an institution  
12 of higher education which, pursuant to the provisions of this  
13 act, undertakes the financing of an educational student loan  
14 program or undertakes the refunding or refinancing of  
15 obligations, a mortgage, or advances as provided in and  
16 permitted by this act.

17 (18) "Person" means any person, firm, partnership,  
18 association, corporation, or other body, public or private.

19 Section 491. Section 1009.993, Florida Statutes, is  
20 created to read:

21 1009.993 Authority; creation, membership, terms of  
22 members, expenses.--

23 (1) In each county there is created a public body  
24 corporate and politic to be known as the ".... County  
25 Education Loan Authority." Each such authority is constituted  
26 as a public instrumentality, and its exercise of the powers  
27 conferred by this act shall be deemed the performance of an  
28 essential public function. No authority shall transact any  
29 business or exercise any power pursuant to this act until the  
30 commission by ordinance or resolution declares that there is a  
31 need for an authority to function in such county.



1           (2) The commission may adopt such an ordinance or  
2 resolution of need if it finds that the youth of the county  
3 and state do not have the opportunity to attend institutions  
4 of higher learning located within the county because of their  
5 inability to obtain financing for the cost of such education  
6 and the inability of such institutions to provide adequate  
7 financial aid to their students.

8           (3) In any suit, action, or proceeding involving the  
9 validity or enforcement of or relating to any contract of the  
10 authority, the authority shall be conclusively deemed to have  
11 been established and authorized to transact business and  
12 exercise its powers hereunder upon proof of the adoption of an  
13 ordinance or resolution by the commission declaring the need  
14 for the authority. Such ordinance or resolution shall be  
15 sufficient if it declares that there is such a need for an  
16 authority in the county. A copy of such ordinance or  
17 resolution certified by the clerk shall be admissible in  
18 evidence in any suit, action, or proceeding.

19           (4) The ordinance or resolution shall designate five  
20 persons as members of the authority. The membership of the  
21 authority shall include:

22           (a) A trustee, director, officer, or employee of an  
23 institution located in such county.

24           (b) One lay citizen who does not derive a majority of  
25 his or her income from education or an education-related  
26 field.

27           (c) Two persons from the commercial financial  
28 community in the county, each of whom has a favorable  
29 reputation for skill, knowledge, and experience in the field  
30 of state and municipal finance.

31

1        (d) One person from the commercial financial community  
2 or educational community in the state who has a favorable  
3 reputation for skill, knowledge, and experience in the field  
4 of higher education loan finance.

5        (5) Of the members first appointed, one shall serve  
6 for 1 year, one for 2 years, one for 3 years, one for 4 years,  
7 and one for 5 years, in each case until his or her successor  
8 is appointed and has qualified. Thereafter, the commission  
9 shall appoint for terms of 5 years each members to succeed  
10 those whose terms will expire. The commission shall fill any  
11 vacancy for the unexpired portion of the term. Any member of  
12 the authority may be reappointed. Any member of the authority  
13 may be removed by the commission for misfeasance, malfeasance,  
14 or willful neglect of duty. Before entering upon his or her  
15 duties, each member of the authority shall take and subscribe  
16 to the oath or affirmation required by the State Constitution.  
17 A record of each such oath shall be filed with the Department  
18 of State and with the clerk.

19        (6) The authority shall annually elect one of its  
20 members as chair and one as vice chair and shall also appoint  
21 an executive director who shall not be a member of the  
22 authority and who shall serve at the pleasure of the authority  
23 and receive such compensation as fixed by the authority.

24        (7) The executive director shall keep a record of the  
25 proceedings of the authority and shall be custodian of all  
26 books, documents, and papers filed with the authority; the  
27 minute book or journal of the authority; and its official  
28 seal. The director may have copies made of all minutes and  
29 other records and documents of the authority and may give  
30 certificates under the official seal of the authority to the  
31

1 effect that such copies are true copies, and any person  
2 dealing with the authority may rely upon any such certificate.

3 (8) Three members of the authority shall constitute a  
4 quorum, and the affirmative vote of a majority of the members  
5 present at a meeting shall be necessary for any action to be  
6 taken; however, any action may be taken by an authority with  
7 the unanimous consent of all of the members. A vacancy in the  
8 membership of the authority shall not impair the right of a  
9 quorum to exercise the rights or perform the duties of the  
10 authority. The majority shall not include any member who has a  
11 conflict of interest, and a statement by a member of a  
12 conflict of interest is conclusive for this purpose. Any  
13 action taken by the authority under the provisions of this act  
14 may be authorized by resolution at any regular or special  
15 meeting. Each such resolution shall take effect immediately  
16 and need not be published or posted.

17 (9) The members of the authority shall receive no  
18 compensation for the performance of their duties, but each  
19 member, when engaged in the performance of such duties, shall  
20 be entitled to per diem and travel expenses as provided in s.  
21 112.061.

22 (10) Notwithstanding any other law to the contrary, it  
23 shall not be, nor shall it constitute, a conflict of interest  
24 for a trustee, director, officer, or employee of an  
25 institution to serve as a member of the authority.

26 Section 492. Section 1009.994, Florida Statutes, is  
27 created to read:

28 1009.994 Functions and powers of authority.--Each  
29 authority shall have the following functions and powers:

30 (1) To adopt rules for the regulation of its affairs  
31 and the conduct of its business.

- 1           (2) To adopt an official seal.  
2           (3) To maintain an office at a place it designates.  
3           (4) To sue and be sued in its own name and to plead  
4 and be impleaded.  
5           (5) To establish rules for the use of education loan  
6 financing programs and to designate a participating  
7 institution as its agent to establish rules for the use of a  
8 program undertaken by such participating institution.  
9           (6) To issue obligations for the purpose of making  
10 authority loans to participating institutions for the purpose  
11 of providing education loans utilizing such eligibility  
12 standards for borrowers as the authority determines to be  
13 necessary, but such standards shall include the following:  
14           (a) Each student shall have a certificate of admission  
15 or enrollment at a participating institution;  
16           (b) Each student or his or her parents shall satisfy  
17 such financial qualifications as the authority shall  
18 establish; and  
19           (c) Each student and his or her parents shall submit  
20 such information to the applicable institution as may be  
21 required by the authority.  
22           (7) To contract with financial institutions and other  
23 qualified loan origination and servicing organizations, which  
24 shall assist in prequalifying borrowers for education loans  
25 and which shall service and administer each education loan and  
26 the respective loan series portfolio of each institution, and  
27 to establish sufficient fees for each educational loan to  
28 cover the applicable pro rata cost of such servicing and  
29 originating organizations.  
30           (8) To establish criteria governing the eligibility of  
31 institutions to participate in its programs, the making and

1 allocation of authority loans and education loans, provisions  
2 for default, the establishment of default reserve funds, the  
3 purchase of default insurance, the provision of prudent debt  
4 service reserves, and the furnishing by participating  
5 institutions of such additional guarantees of the education  
6 loans, authority loans, or obligations as the authority shall  
7 determine necessary to assure the marketability of the  
8 obligations and the adequacy of the security therefor;  
9 however, the provisions applicable to participation by Florida  
10 public participating institutions in the financing programs of  
11 the authority shall be subject to approval and authorization  
12 by the budgetary and other state agencies having jurisdiction  
13 over those institutions.

14 (9) To fix, revise, charge, and collect rates, fees,  
15 and charges for services furnished by the authority and to  
16 contract with any person in respect thereto, including any  
17 financial institution, loan originator, servicer,  
18 administrator, issuer of letters of credit, or insurer.

19 (10) To employ consultants, attorneys, accountants,  
20 financial experts, loan processors, bankers, managers, and  
21 such other employees and agents as may be necessary and to fix  
22 their compensation.

23 (11) To receive and accept, from any source, loans,  
24 contributions, or grants for or in aid of an authority  
25 education loan financing program or any portion thereof and,  
26 when required, to use such funds, property, or labor only for  
27 the purposes for which it was loaned, contributed, or granted.

28 (12) To make authority loans to institutions and  
29 require that the proceeds thereof be used solely for making  
30 education loans or for costs and fees in connection therewith  
31 and to require institutions to obtain certification from each

1 borrower that proceeds from any education loan are used solely  
2 for the purpose intended by this act.

3 (13) To charge to and apportion among participating  
4 institutions administrative and operating costs and expenses  
5 incurred in the exercise of the powers and duties conferred by  
6 this act.

7 (14) To borrow working capital funds and other funds  
8 as may be necessary for startup and continuing operations,  
9 provided that such funds are borrowed solely in the name of  
10 the authority. Such borrowings shall be limited obligations of  
11 the character described in s. 1009.9975 and shall be payable  
12 solely from revenues of the authority or proceeds of  
13 obligations pledged for that purpose.

14 (15) Notwithstanding any other provisions of this act,  
15 to commingle and pledge as security for a series or issue of  
16 obligations, with the consent of all of the institutions which  
17 are participating in such series or issue:

18 (a) The education loan series portfolios and some or  
19 all future education loan series portfolios of such  
20 institutions; and

21 (b) The loan funding deposits of such institutions,  
22 except that education loan series portfolios and other  
23 security and moneys set aside in any fund pledged for any  
24 series or issue of obligations shall be held for the sole  
25 benefit of such series or issue separate and apart from  
26 education loan series portfolios and other security and moneys  
27 pledged for any other series of issue of obligations of the  
28 authority. Obligations may be issued in series under one or  
29 more resolutions or trust agreements in the discretion of the  
30 authority.

31

1           (16) To examine records and financial reports of  
2 participating institutions and to examine records and  
3 financial reports of any contractor organization or  
4 institution retained by the authority under the provisions of  
5 this act.

6           (17) To make loans to a participating institution to  
7 refund outstanding obligations, mortgages, or advances issued,  
8 made, or given by such institution for authority loans; and  
9 whenever such refunding obligations are issued to refund  
10 obligations, the proceeds of which were used to make authority  
11 loans, the authority may reduce the amount of interest owed to  
12 it by the institution which had received authority loans from  
13 the proceeds of the refunded obligations. Such institution  
14 may use this reduced amount to reduce the amount of interest  
15 being paid on education loans which the institution had made  
16 pursuant to the authority loans from the proceeds of the  
17 refunded obligations.

18           (18) To authorize its officers, agents, and employees  
19 to take any other action which is necessary in order to carry  
20 out the purposes of this act.

21           Section 493. Section 1009.995, Florida Statutes, is  
22 created to read:

23           1009.995 Expenses of authority.--All expenses incurred  
24 in carrying out the provisions of this act shall be payable  
25 solely from funds provided under the provisions of this act;  
26 and, except as specifically authorized under this act, no  
27 liability shall be incurred by an authority beyond the extent  
28 to which moneys have been provided under this act.

29           Section 494. Section 1009.996, Florida Statutes, is  
30 created to read:

31

1           1009.996 Higher education facilities authority as  
2 higher education loan authority.--As an alternative to the  
3 creation of an authority, a commission may confer all rights,  
4 powers, privileges, duties, and immunities of an authority  
5 upon any entity in existence on July 1, 1982, which has been  
6 authorized by law to function as a higher education facilities  
7 authority pursuant to the provisions of chapter 243. Any such  
8 entity which has been vested with the rights, powers,  
9 privileges, duties, and immunities of a higher education loan  
10 authority shall be subject to all provisions and  
11 responsibilities imposed by this act, notwithstanding any  
12 provisions to the contrary in any law which established the  
13 entity. Nothing in this act shall be construed to impair or  
14 diminish any powers of any other entity in existence on July  
15 1, 1982, or to repeal, modify, or amend any law establishing  
16 such entity, except as specifically set forth herein.

17           Section 495. Section 1009.9965, Florida Statutes, is  
18 created to read:

19           1009.9965 Moneys, endowments, properties; acquisition,  
20 deposit, and guarantees.--Each authority is authorized to  
21 establish specific guidelines relating to the deposits of  
22 moneys, endowments, or properties by institutions which  
23 moneys, endowments, or properties would provide prudent  
24 security for education loan funding programs, authority loans,  
25 education loans, or obligations; and it may establish  
26 guidelines relating to guarantees of, or contracts to  
27 purchase, education loans or obligations by such institutions,  
28 financial institutions, or others. A default reserve fund may  
29 be established for each series or issue of obligations. In  
30 this regard, the authority is empowered to receive such  
31 moneys, endowments, properties, and guarantees as it deems



1 appropriate and, if necessary, to take title in the name of  
2 the authority or in the name of a participating institution or  
3 a trustee, subject, however, to the limitations applicable to  
4 public participating institutions set forth in s. 1009.994(8).

5 Section 496. Section 1009.997, Florida Statutes, is  
6 created to read:

7 1009.997 Conveyance of loan funding deposit to  
8 participating institutions.--When the principal of and  
9 interest on obligations of an authority issued to finance the  
10 cost of an education loan financing program, including any  
11 refunding obligations issued to refund and refinance such  
12 obligations, have been fully paid and retired or when adequate  
13 provision has been made to fully pay and retire the  
14 obligations and all other conditions of the bond resolution  
15 have been satisfied and the lien created by such bond  
16 resolution has been released in accordance with the provisions  
17 thereof, the authority shall promptly do such things and  
18 execute such deeds and conveyances as are necessary to convey  
19 any remaining moneys, properties, and other assets comprising  
20 loan funding deposits to the institutions in proportion to the  
21 amounts furnished by the respective institutions.

22 Section 497. Section 1009.9975, Florida Statutes, is  
23 created to read:

24 1009.9975 Notes of authority.--An authority may issue  
25 its negotiable notes for any corporate purpose and renew any  
26 notes by the issuance of new notes, whether or not the notes  
27 to be renewed have matured. The authority may issue notes  
28 partly to renew notes or to discharge other obligations then  
29 outstanding and partly for any other purpose. The notes may be  
30 authorized, sold, executed, and delivered in the same manner  
31 as bonds. Any resolution authorizing notes of the authority

1 or any issue thereof may contain any provisions which the  
2 authority is authorized to include in any resolution  
3 authorizing revenue bonds or any issue thereof, and the  
4 authority may include in any notes any terms, covenants, or  
5 conditions which it is authorized to include in any bonds.  
6 All such notes shall be payable solely from the revenues of  
7 the authority, subject only to any contractual rights of the  
8 holders of any of its notes or other obligations then  
9 outstanding.

10 Section 498. Section 1009.9976, Florida Statutes, is  
11 created to read:

12 1009.9976 Issuance of obligations.--

13 (1) An authority may issue its negotiable revenue  
14 obligations for any corporate purpose. In anticipation of the  
15 sale of such obligations, the authority may issue negotiable  
16 bond anticipation notes and may renew them, but the maximum  
17 maturity of any such note, including renewals thereof, shall  
18 not exceed 5 years from the date of issue of the original  
19 note. Such notes shall be paid from revenues of the authority  
20 available therefor and not otherwise pledged or from the  
21 proceeds of sale of the revenue bonds of the authority in  
22 anticipation of which they were issued. The notes shall be  
23 issued in the same manner as the revenue bonds. Such notes and  
24 the resolution authorizing them may contain any provisions,  
25 conditions, or limitations which a bond resolution of the  
26 authority may contain.

27 (2) Each issue of obligations shall be payable solely  
28 out of those revenues of the authority that pertain to the  
29 program relating to such issue, including principal and  
30 interest on authority loans and education loans; payments by  
31 institutions of higher education, banks, insurance companies,

1 or others pursuant to letters of credit or purchase  
2 agreements; investment earnings from funds or accounts  
3 maintained pursuant to the bond resolution; insurance  
4 proceeds; loan funding deposits; proceeds of sales of  
5 education loans; proceeds of refunding obligations; and fees,  
6 charges, and other revenues of the authority from such  
7 program, subject only to any agreements with the holders of  
8 particular revenue bonds or notes pledging any particular  
9 reserves.

10 (3) The obligations may be issued as serial  
11 obligations or as term obligations, or in both forms. The  
12 obligations shall be authorized by a bond resolution of the  
13 authority and shall bear such dates; mature at such times, not  
14 to exceed the year following the last year in which the final  
15 payments in an education loan series portfolio are due or 30  
16 years, whichever is sooner, from their respective dates of  
17 issue; bear interest at such rates; be payable at such times;  
18 be in such denominations; be in such form, either coupon or  
19 fully registered; carry such registration and conversion  
20 privileges; be payable in lawful money of the United States of  
21 America at such places; and be subject to such terms of  
22 redemption as such bond resolution may provide. Obligations  
23 shall be executed by the manual or facsimile signatures of  
24 such officers of the authority as shall be designated by the  
25 authority. Obligations may be sold at public or private sale  
26 in such manner and for such price as the authority shall  
27 determine. Pending preparation of the definitive bonds, the  
28 authority may issue interim receipts or certificates which  
29 shall be exchanged for such definitive bonds.

30  
31

1       (4) Any bond resolution may contain provisions, which  
2 shall be a part of the contract with the holders of the  
3 obligations to be authorized, as to:

4       (a) The pledging or assigning of all or part of the  
5 revenues derived from the authority loans and education loans  
6 to secure the payment of the obligations to be issued.

7       (b) The fees and other amounts to be charged; the sums  
8 to be raised in each year thereby; and the use, investment,  
9 and disposition of such sums.

10       (c) The setting aside of loan funding deposits, debt  
11 service reserves, capitalized interest accounts, cost of  
12 insurance accounts, and sinking funds and the regulation,  
13 investment, and disposition thereof.

14       (d) Limitations on the right of the authority or its  
15 agent to restrict and regulate the use of education loans.

16       (e) Limitations on the purpose to which the proceeds  
17 of sale of any issue of obligations then or thereafter to be  
18 issued may be invested or applied.

19       (f) Limitations on the issuance of additional  
20 obligations; the terms upon which additional obligations may  
21 be issued and secured; the terms upon which additional  
22 obligations may rank on a parity with, or be subordinate or  
23 superior to, other obligations; and the refunding of  
24 outstanding obligations.

25       (g) The procedure, if any, by which the terms of any  
26 contract with bondholders may be amended or abrogated, the  
27 amount of obligations the holders of which must consent  
28 thereto, and the manner in which such consent may be given.

29       (h) Limitations on the amount of moneys derived from  
30 the loan program to be expended for operating, administrative,  
31 or other expenses of the authority.

1           (i) Defining the acts or omissions to act which  
2 constitute a default in the duties of the authority to holders  
3 of obligations and providing the rights or remedies of such  
4 holders in the event of a default.

5           (j) Providing for guarantees, pledges or endowments,  
6 letters of credit, property, or other security for the benefit  
7 of the holders of such obligations.

8           (k) Any other matters relating to the obligations  
9 which the authority deems desirable to include in the bond  
10 resolution.

11           (5) Neither the members of the authority nor any  
12 person executing the obligations shall be liable personally on  
13 the obligations or be subject to any personal liability or  
14 accountability by reason of the issuance thereof.

15           (6) The authority shall have power to purchase its  
16 obligations out of any funds available therefor. The  
17 authority may hold, pledge, cancel, or resell such obligations  
18 subject to and in accordance with agreements with bondholders.

19           (7) The authority shall have the power to refund any  
20 of its obligations. Such refunding obligations shall be  
21 issued in the same manner as other obligations of the  
22 authority.

23           Section 499. Section 1009.9977, Florida Statutes, is  
24 created to read:

25           1009.9977 Trust agreement to secure obligations.--In  
26 the discretion of the authority, any obligations issued under  
27 the provisions of this act may be secured by a trust agreement  
28 by and between the authority and a corporate trustee, which  
29 may be any trust company or bank having the powers of a trust  
30 company within or without the state. The trust agreement may  
31 pledge or assign the revenues to be received by the authority;

1 may contain such provisions for protecting and enforcing the  
2 rights and remedies of the bondholders as may be reasonable  
3 and proper and not in violation of law, particularly including  
4 such provisions as have hereinabove been specifically  
5 authorized to be included in any bond resolution of the  
6 authority; and may restrict individual rights of action by  
7 bondholders. Any bank or trust company incorporated under the  
8 laws of this state which may act as depository of the proceeds  
9 of bonds or of revenues or other moneys may furnish such  
10 indemnifying bonds or pledge such securities as may be  
11 required by the authority. Any such trust agreement may set  
12 forth the rights and remedies of the bondholders and of the  
13 trustee. In addition, any trust agreement may contain such  
14 other provisions as the authority may deem reasonable and  
15 proper for the security of the bondholders. All expenses  
16 incurred in carrying out the provisions of the trust agreement  
17 may be treated as part of the cost of the operation of an  
18 education loan program.

19 Section 500. Section 1009.9978, Florida Statutes, is  
20 created to read:

21 1009.9978 Payment of obligations.--Obligations issued  
22 under the provisions of this act shall not be deemed to  
23 constitute a debt or liability of the state or the county or a  
24 pledge of the faith and credit of the state or any county, but  
25 such obligations shall be payable solely from the funds herein  
26 provided therefor from revenues. Each such obligation shall  
27 contain on its face a statement to the effect that neither the  
28 county nor the authority shall be obligated to pay the same or  
29 the interest thereon except from revenues of the loan program  
30 for which it is issued and that neither the faith and credit  
31 nor the taxing power of the state or of any political

1 subdivision thereof is pledged to the payment of the principal  
2 of or the interest on such bonds. The issuance of obligations  
3 under the provisions of this act shall not directly,  
4 indirectly, or contingently obligate the state or any  
5 political subdivision thereof to levy or pledge any form of  
6 taxation whatever therefor or to make any appropriation for  
7 their payment.

8 Section 501. Section 1009.9979, Florida Statutes, is  
9 created to read:

10 1009.9979 Pledge of revenues.--Each authority shall  
11 fix, revise, charge, and collect fees, and it is empowered to  
12 contract with any person in respect thereof. Each agreement  
13 entered into by the authority with an institution shall  
14 provide that the fees and other amounts payable by the  
15 institution of higher education with respect to any program of  
16 the authority shall be sufficient at all times to:

17 (1) Pay the institution's share of the administrative  
18 costs and expenses of such program;

19 (2) Pay the principal of, the premium, if any, on, and  
20 the interest on outstanding obligations of the authority which  
21 have been issued in respect of such program to the extent that  
22 other revenues of the authority pledged for the payment of the  
23 obligations are insufficient to pay the obligations as they  
24 become due and payable;

25 (3) Create and maintain reserves which may, but need  
26 not, be required or provided for in the bond resolution  
27 relating to such obligations of the authority; and

28 (4) Establish and maintain whatever education loan  
29 servicing, control, or audit procedures are deemed necessary  
30 to the prudent operations of the authority.  
31

1 The authority shall pledge the revenues from each program as  
2 security for the issue of obligations relating to such  
3 program. Such pledge shall be valid and binding from the time  
4 the pledge is made; the revenues so pledged by the authority  
5 shall immediately be subject to the lien of such pledge  
6 without any physical delivery thereof or further act, and the  
7 lien of any such pledge shall be valid and binding against all  
8 parties having claims of any kind in tort, in contract, or  
9 otherwise against the authority or any participating  
10 institution, irrespective of whether such parties have notice  
11 thereof.

12           Section 502. Section 1009.998, Florida Statutes, is  
13 created to read:

14           1009.998 Funds as trust funds.--All moneys received by  
15 or on behalf of an authority pursuant to this act, whether as  
16 proceeds from the sale of obligations or as revenues, shall be  
17 deemed to be trust funds to be held and applied solely as  
18 provided in this act. Any officer with whom, or any bank or  
19 trust company with which, such moneys are deposited shall act  
20 as trustee of such moneys and shall hold and apply the same  
21 for the purposes of this act, subject to such regulations as  
22 this act and the bond resolution authorizing the issue of any  
23 obligations may provide.

24           Section 503. Section 1009.9981, Florida Statutes, is  
25 created to read:

26           1009.9981 Obligations; qualities of investment  
27 securities.--All obligations issued under the provisions of  
28 this act, regardless of form or terms, shall have all the  
29 qualities and incidents, including negotiability, of  
30 investment securities under the Uniform Commercial Code.  
31 Compliance with the provisions of such code respecting the



1 filing of a financing statement to perfect a security interest  
2 is not necessary for perfecting any security interest granted  
3 by an authority.

4 Section 504. Section 1009.9982, Florida Statutes, is  
5 created to read:

6 1009.9982 Rights of holders of obligations.--Any  
7 holder of obligations issued pursuant to this act or a trustee  
8 under a trust agreement entered into pursuant to this act,  
9 except to the extent that the rights herein given may be  
10 restricted by any bond resolution or trust agreement, may, by  
11 any suitable form of legal proceedings:

12 (1) Protect and enforce any and all rights under the  
13 laws of this state or granted hereunder or by the bond  
14 resolution or trust agreement;

15 (2) Enjoin unlawful activities; and

16 (3) In the event of default with respect to the  
17 payment of any principal of, premiums, if any, on, and  
18 interest on any obligation or in the performance of any  
19 covenant or agreement on the part of the authority in the bond  
20 resolution, apply to the circuit court to appoint a receiver  
21 to administer and operate the education loan program or  
22 programs, the revenues of which are pledged to the payment of  
23 principal of, premium, if any, on, and interest on such  
24 obligations, with full power to pay, and to provide for  
25 payment of, principal of, premium, if any, on, and interest on  
26 such obligations and with such powers, subject to the  
27 direction of the court, as are permitted by law and are  
28 accorded receivers, excluding any power to pledge additional  
29 revenues of the authority to the payment of such principal,  
30 premium, and interest.

31

1           Section 505. Section 1009.9983, Florida Statutes, is  
2 created to read:

3           1009.9983 Refunding obligations; purpose, proceeds;  
4 investment of proceeds.--

5           (1) An authority may provide for the issuance of  
6 obligations for the purpose of refunding any of its  
7 obligations then outstanding, including the payment of any  
8 redemption premium thereon and any interest accrued or to  
9 accrue to the earliest or any subsequent date of redemption,  
10 purchase, or maturity of such obligations.

11           (2) The proceeds of any such obligations issued for  
12 the purpose of refunding outstanding obligations may, in the  
13 discretion of the authority, be applied to the purchase or  
14 retirement at maturity or redemption of such outstanding  
15 obligations either on their earliest or any subsequent  
16 redemption date or upon the purchase or at the maturity  
17 thereof and may, pending such application, be placed in escrow  
18 to be applied to such purchase or retirement at maturity or  
19 redemption on such date as may be determined by the authority.

20           (3) Any such escrowed proceeds, pending such use, may  
21 be invested and reinvested in direct obligations of the United  
22 States of America or in certificates of deposit or time  
23 deposits of financial institutions secured as to principal by  
24 such direct obligations, which direct obligations,  
25 certificates of deposit, or time deposits mature at such time  
26 as shall be appropriate to assure the prompt payment, as to  
27 principal, interest, and redemption premium, if any, of the  
28 outstanding obligations to be so refunded. The interest,  
29 income, and profits, if any, earned or realized on any such  
30 investment may also be applied to the payment of the  
31 outstanding obligations to be so refunded. After the terms of

1 the escrow have been fully satisfied and carried out, any  
2 balance of such proceeds and interest, income, and profits, if  
3 any, earned or realized on the investments thereof shall be  
4 returned to the authority for use in any lawful manner.

5 (4) All such refunding bonds shall be subject to this  
6 act in the same manner and to the same extent as other revenue  
7 bonds issued pursuant to this act.

8 Section 506. Section 1009.9984, Florida Statutes, is  
9 created to read:

10 1009.9984 Investment of funds of authority.--Except as  
11 otherwise provided in s. 1009.9983(3), an authority may invest  
12 any funds in:

13 (1) Direct obligations of the United States of  
14 America;

15 (2) Obligations as to which the timely payment of  
16 principal and interest is fully guaranteed by the United  
17 States of America;

18 (3) Obligations of the Federal Intermediate Credit  
19 Banks, Federal Banks for Cooperatives, Federal Land Banks,  
20 Federal Home Loan Banks, Federal National Mortgage  
21 Association, Government National Mortgage Association, and  
22 Student Loan Marketing Association;

23 (4) Certificates of deposit or time deposits  
24 constituting direct obligations of any financial institution  
25 as defined by the financial institutions codes, as now or  
26 hereafter amended, except that investments may be made only in  
27 those certificates of deposit or time deposits in financial  
28 institutions which are insured by the appropriate federal  
29 regulatory agency as defined in s. 655.005; and

30 (5) Withdrawable capital accounts or deposits of state  
31 or federally chartered savings and loan associations which are

1 insured by an agency of the Federal Government. Any such  
2 securities may be purchased at the offering or market price  
3 thereof at the time of such purchase. All such securities so  
4 purchased shall mature or be redeemable on a date prior to the  
5 time when, in the judgment of the authority, the funds so  
6 invested will be required for expenditure. The express  
7 judgment of the authority as to the time when any funds will  
8 be required for expenditure or be redeemable is final and  
9 conclusive.

10 Section 507. Section 1009.9985, Florida Statutes, is  
11 created to read:

12 1009.9985 Obligations as legal investments.--Any bank,  
13 banker, trust company, savings bank or institution, building  
14 and loan association, savings and loan association, investment  
15 company, or other person carrying on a banking business or  
16 investment business; insurance company or insurance  
17 association; executor, administrator, guardian, trustee, or  
18 other fiduciary; or public officer or public body of the state  
19 or its political subdivisions may legally invest any sinking  
20 funds, moneys, or other funds belonging to it or within its  
21 control in any obligations issued pursuant to this act.

22 Section 508. Section 1009.9986, Florida Statutes, is  
23 created to read:

24 1009.9986 Validation of bonds and proceedings.--A  
25 higher education loan authority shall determine its authority  
26 to issue any of its bonds, and the legality of all proceedings  
27 in connection therewith, as provided in chapter 75.

28 Section 509. Section 1009.9987, Florida Statutes, is  
29 created to read:

30 1009.9987 Actions to contest validity of bonds.--An  
31 action or proceeding to contest the validity of any bond

1 issued under this act, other than a proceeding pursuant to s.  
2 1009.9986, shall be commenced within 30 days after  
3 notification, in a newspaper of general circulation within the  
4 area, of the passage by the authority of the resolution  
5 authorizing the issuance of such bond.

6 Section 510. Section 1009.9988, Florida Statutes, is  
7 created to read:

8 1009.9988 Annual report.--Each authority shall keep an  
9 accurate account of all of its activities and shall annually  
10 provide a report thereof to the commission and to the  
11 Commissioner of Education. Such report shall be a public  
12 record and open for inspection at the offices of the authority  
13 during normal business hours. The report shall include:

14 (1) Summaries of all applications by institutions of  
15 higher education for education loan financing assistance  
16 presented to the authority during such fiscal year;

17 (2) Summaries of all education loan programs which  
18 have received any form of financial assistance from the  
19 authority during such year;

20 (3) The nature and amount of all education loan  
21 financing assistance;

22 (4) A report concerning the financial condition of the  
23 various education loan series portfolios; and

24 (5) Projected activities of the authority for the next  
25 fiscal year, including projections of the total amount of  
26 financial assistance anticipated and the amount of obligations  
27 that will be necessary to provide the projected level of  
28 assistance during the next fiscal year.

29 Section 511. Section 1009.9989, Florida Statutes, is  
30 created to read:

31

1           1009.9989 Act as alternative method.--This act shall  
2 be deemed to provide a complete, additional, and alternative  
3 method for the doing of the things authorized hereby and shall  
4 be regarded as supplemental and additional to powers or rights  
5 conferred by other laws; however, the issuance of obligations  
6 and refunding obligations under this act need not comply with  
7 the requirements of any other law applicable to the issuance  
8 of obligations. Except as otherwise expressly provided in  
9 this act, none of the powers granted to an authority under  
10 this act shall be subject to the supervision or regulation, or  
11 require the approval or consent, of any municipality or  
12 political subdivision or any department, division, commission,  
13 board, body, bureau, official, or agency thereof or of the  
14 state.

15           Section 512. Section 1009.9990, Florida Statutes, is  
16 created to read:

17           1009.9990 State agreement.--The state does hereby  
18 pledge to and agree with the holders of any obligations issued  
19 under this act, and with those parties who may enter into  
20 contracts with an authority pursuant to the provisions of this  
21 act, that the state will not limit or alter the rights hereby  
22 vested in the authority until such obligations, together with  
23 the interest thereon, are fully met and discharged and such  
24 contracts are fully performed on the part of the authority;  
25 however, nothing herein contained shall preclude such  
26 limitation or alteration if adequate provision is made by law  
27 for the protection of the holders of such obligations of an  
28 authority or those entering into such contracts with an  
29 authority. An authority is authorized to include this pledge  
30 and undertaking for the state in such obligations or  
31 contracts.

1           Section 513. Section 1009.9991, Florida Statutes, is  
2 created to read:

3           1009.9991 Conflicts of interest.--

4           (1) If any member, officer, or employee of an  
5 authority has an interest, either direct or indirect, in any  
6 contract to which the authority is, or is to be, a party or in  
7 any institution requesting an authority loan from the  
8 authority, such interest shall be disclosed to the authority  
9 in writing and shall be set forth in the minutes of the  
10 authority. The person having such interest shall not  
11 participate in any action by the authority with respect to  
12 such contract or such institution.

13           (2) Nothing in this section shall be construed to  
14 limit the right of any member, officer, or employee of an  
15 authority to acquire an interest in bonds of the authority or  
16 to have an interest in any banking institution in which the  
17 bonds of the authority are, or are to be, deposited or which  
18 is, or is to be, acting as trustee or paying agent under any  
19 bond resolution, trust indenture, or similar instrument to  
20 which the authority is a party.

21           Section 514. Section 1009.9992, Florida Statutes, is  
22 created to read:

23           1009.9992 Liberal construction.--This act, being  
24 necessary for the welfare of the state and its inhabitants,  
25 shall be liberally construed to effect its purpose.

26           Section 515. Section 1009.9993, Florida Statutes, is  
27 created to read:

28           1009.9993 Tax exemption.--Neither an authority nor its  
29 agent or trustee shall be required to pay any taxes or  
30 assessments upon any transactions, or any property acquired or  
31 used by the authority or its agents or trustees under the

1 provisions of this act or upon the income therefrom. Any  
2 bonds, notes, or other obligations issued under the provisions  
3 of this act and their transfer and the income therefrom,  
4 including any profit made on the sale thereof, shall at all  
5 times be exempt from taxation of any kind by the state or any  
6 of its political subdivisions. The exemption granted by this  
7 section shall not be applicable to any tax imposed by chapter  
8 220 on interest, income, or profits on debt obligations owned  
9 by corporations.

10 Section 516. Section 1009.9994, Florida Statutes, is  
11 created to read:

12 1009.9994 State Board of Administration authority to  
13 borrow and lend funds to finance student loans; conditions and  
14 limitations.--

15 (1) The State of Florida, acting through the State  
16 Board of Administration, is authorized to borrow funds to  
17 finance student loans and to lend such funds to eligible  
18 lenders described under the provisions of the Higher Education  
19 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may  
20 be amended, or other federal laws providing for the guarantee  
21 of loans to students and the partial payment of interest on  
22 such loans by the United States Government.

23 (2) In order to obtain such funds, the State of  
24 Florida, acting through the State Board of Administration, is  
25 authorized to enter into loan agreements and interlocal  
26 agreements with any county, municipality, special district, or  
27 other local governmental body. Such agreements shall be for  
28 such periods and under such terms and conditions as may be  
29 mutually agreed upon by the parties thereto in order to carry  
30 out the purposes of s. 15, Art. VII of the State Constitution.  
31 The loans shall be repaid only from the proceeds received



1 under loan agreements with eligible lenders or from the  
2 proceeds received from the repayment of the student loans.  
3 Such agreements shall provide that the loans to the state will  
4 not constitute a general or moral obligation or a pledge of  
5 the faith and credit or the taxing power of the state.

6 (3) The State of Florida, acting through the State  
7 Board of Administration, is further authorized to enter into  
8 loan agreements or other contracts under which the state will  
9 loan the funds obtained from the local governments to eligible  
10 lenders as defined in s. 435(q)(1)(D) of the Higher Education  
11 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may  
12 be amended, or other federal laws providing for the guarantee  
13 of loans to students and the partial payment of interest on  
14 such loans by the United States Government. Such agreements  
15 or contracts shall be for such periods and under such terms  
16 and conditions as may be mutually agreed upon by the parties  
17 thereto in order to carry out the purposes of s. 15, Art. VII  
18 of the State Constitution. Higher Education Loan Program of  
19 Florida, Inc., a Florida nonprofit corporation, is hereby  
20 designated an eligible lender hereunder, and any other lender,  
21 to the extent permitted under s. 435(q)(1)(D) of the Higher  
22 Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended  
23 or as may be amended, or other federal laws providing for the  
24 guarantee of loans to students and the partial payment of  
25 interest on such loans by the United States Government, may be  
26 designated by the Governor, with the concurrence of the State  
27 Board of Administration, as an eligible lender hereunder.

28 (4) The State of Florida, acting through the State  
29 Board of Administration, is further authorized to enter into  
30 such further contracts and to take such further actions as may  
31

1 be necessary or convenient in order to carry out the purposes  
2 of this section.

3 (5) Notice shall be published in a newspaper of  
4 general circulation within the territorial jurisdiction of the  
5 governmental body following adoption by the local governmental  
6 body of a resolution authorizing a loan agreement or  
7 interlocal agreement under this section. An action or  
8 proceeding to contest the validity of any such loan agreement  
9 or interlocal agreement must be commenced within 30 days after  
10 publication of such notice.

11 (6) The provisions of this section shall be liberally  
12 construed in order to effectively carry out its purposes.  
13 This section shall be deemed to provide an additional and  
14 alternative method for the doing of the things authorized  
15 hereby and shall be regarded as supplemental to powers  
16 conferred by other laws, and shall not be regarded as in  
17 derogation of any powers now existing.

18 Section 517. Contingent upon ss. 1011.41 and  
19 1011.4106, which transfer funding associated with student  
20 tuition and fees and other authorized fees for services to  
21 local accounts to be managed by university boards of trustees,  
22 becoming law, the total receipts of the state which are  
23 subject to the revenue limitations of Article VII, Section  
24 1(e) of the Florida Constitution shall be reduced by the  
25 Revenue Estimation Conference to reflect this transfer.

26 Section 518. Chapter 1010 shall be entitled "Financial  
27 Matters" and shall consist of ss. 1010.01-1010.85.

28 Section 519. Part I of chapter 1010 shall be entitled  
29 "General Accounting Requirements" and shall consist of ss.  
30 1010.01-1010.11.

31

1           Section 520. Section 1010.01, Florida Statutes, is  
2 created to read:

3           1010.01 Uniform records and accounts.--

4           (1) The financial records and accounts of each school  
5 district, community college, university, and other institution  
6 or agency under the supervision of the State Board of  
7 Education shall be prepared and maintained as prescribed by  
8 law and rules of the State Board of Education.

9           (2) Rules of the State Board of Education shall  
10 incorporate the requirements of law and the appropriate  
11 requirements of the Governmental Accounting Standards Board  
12 (GASB) for State and Local Government.

13           (3) Required financial accounts and reports shall  
14 include provisions that are unique to each of the following:  
15 K-12 school districts, community colleges, and state  
16 universities, and shall provide for the data to be reported to  
17 the National Center of Educational Statistics and other  
18 governmental and professional educational data information  
19 services as appropriate.

20           Section 521. Section 1010.011, Florida Statutes, is  
21 created to read:

22           1010.011 Definition.--For purposes of chapters 1010  
23 and 1011, the following terms: university, universities, and  
24 university board of trustees include New College under the  
25 supervision of the State Board of Education.

26           Section 522. Section 1010.02, Florida Statutes, is  
27 created to read:

28           1010.02 Financial accounting and expenditures.--All  
29 funds accruing to a school district, a community college, or a  
30 university must be received, accounted for, and expended in  
31 accordance with law and rules of the State Board of Education.

1           Section 523. Section 1010.03, Florida Statutes, is  
2 created to read:

3           1010.03 Delinquent accounts.--District school boards,  
4 community college boards of trustees, and university boards of  
5 trustees:

6           (1) Shall exert every effort to collect all delinquent  
7 accounts.

8           (2) May charge off or settle such accounts as may  
9 prove uncollectible.

10           (3) May employ the services of a collection agency  
11 when deemed advisable in collecting delinquent accounts.

12           (4) May adopt rules, as necessary, to implement the  
13 provisions of this section, including setoff procedures,  
14 payroll deductions, and restrictions on release of  
15 transcripts, awarding of diplomas, and access to other  
16 resources and services of the school district, community  
17 college, or university.

18           Section 524. Section 1010.04, Florida Statutes, is  
19 created to read:

20           1010.04 Purchasing.--

21           (1) Purchases and leases by school districts,  
22 community colleges, and universities shall comply with the  
23 requirements of law and rules of the State Board of Education.

24           (2) Each district school board, community college  
25 board of trustees, and each university board of trustees shall  
26 adopt rules to be followed in making purchases.

27           (3) In districts in which the county purchasing agent  
28 is authorized by law to make purchases for the benefit of  
29 other governmental agencies within the county, the district  
30 school board and community college board of trustees shall  
31 have the option to purchase from the current county contracts

1 at the unit price stated therein if such purchase is to the  
2 economic advantage of the district school board or the  
3 community college board of trustees; subject to confirmation  
4 of the items of purchase to the standards and specifications  
5 prescribed by the school district or community college.

6 (4) The State Board of Education may, by rule, provide  
7 for alternative procedures for bidding or purchasing in cases  
8 in which the character of the item requested renders  
9 competitive bidding impractical.

10 Section 525. Section 1010.05, Florida Statutes, is  
11 created to read:

12 1010.05 Federal grants; maximization of indirect cost  
13 allowance.--The Department of Education shall maximize the  
14 available federal indirect cost allowed on all federal grants.  
15 Beginning with the 2002-2003 fiscal year, none of the funds  
16 received from indirect cost allowance shall be expended by the  
17 department without specific appropriation by the Legislature.  
18 Funds received pursuant to s. 1004.22 are specifically exempt  
19 from this provision.

20 Section 526. Section 1010.07, Florida Statutes, is  
21 created to read:

22 1010.07 Bonds or insurance required.--

23 (1) CONTRACTORS.--Each district school board,  
24 community college board of trustees, and university board of  
25 trustees shall ensure that each official and employee  
26 responsible for handling, expending, or authorizing the  
27 expenditure of funds shall be appropriately bonded or insured  
28 to protect the board and the funds involved.

29 (2) CONTRACTORS.--Contractors paid from school  
30 district, community college, or university funds shall give  
31 bond for the faithful performance of their contracts in such

1 amount and for such purposes as prescribed by s. 255.05 or by  
2 rules of the State Board of Education relating to the type of  
3 contract involved. It shall be the duty of the district school  
4 board, community college board of trustees, and university  
5 board of trustees to require construction contractors a bond  
6 adequate to protect the board and the board's funds involved.

7 Section 527. Section 1010.08, Florida Statutes, is  
8 created to read:

9 1010.08 Promotion and public relations, funding.--Each  
10 district school board and community college board of trustees  
11 is authorized to budget and use a portion of the funds  
12 accruing to it from auxiliary enterprises and undesignated  
13 gifts for promotion and public relations as prescribed by  
14 rules of the State Board of Education. Such funds may be used  
15 to provide hospitality to business guests in the district or  
16 elsewhere. However, such hospitality expenses may not exceed  
17 the amount authorized for such contingency funds as prescribed  
18 by rules of the State Board of Education.

19 Section 528. Section 1010.09, Florida Statutes, is  
20 created to read:

21 1010.09 Direct-support organizations.--School  
22 district, community college, and university direct-support  
23 organizations shall be organized and conducted under the  
24 provisions of ss. 1004.28, 1004.70, 1013.77 and rules of the  
25 State Board of Education as applicable.

26 Section 529. Section 1010.11, Florida Statutes, is  
27 created to read:

28 1010.11 Electronic transfer of funds.--Pursuant to the  
29 provisions of s. 215.85, each district school board, community  
30 college board of trustees, and university board of trustees  
31 shall adopt written policies prescribing the accounting and

1 control procedures under which any funds under their control  
2 are allowed to be moved by electronic transaction for any  
3 purpose including direct deposit, wire transfer, withdrawal,  
4 or investment. Electronic transactions shall comply with the  
5 provisions of chapter 668.

6 Section 530. Part II of chapter 1010 shall be entitled  
7 "Financial Reporting" and shall consist of ss.  
8 1010.20-1010.24.

9 Section 531. Section 1010.20, Florida Statutes, is  
10 created to read:

11 1010.20 Cost accounting and reporting for school  
12 districts.--

13 (1) COST ACCOUNTING.--Each school district shall  
14 account for expenditures of all state, local, and federal  
15 funds on a school-by-school and a district-aggregate basis in  
16 accordance with the manual developed by the Department of  
17 Education or as provided by law.

18 (2) COST REPORTING.--

19 (a) Each district shall report on a district-aggregate  
20 basis expenditures for inservice training pursuant to s.  
21 1011.62(3), and for categorical programs as provided in s.  
22 1011.62(5).

23 (b) Each district shall report on a school-by-school  
24 and on an aggregate district basis expenditures for each  
25 program funded in s.1011.62(1)(c).

26 (c) The Commissioner of Education shall present to the  
27 Legislature, prior to the opening of the regular session each  
28 year, a district-by-district report of the expenditures  
29 reported pursuant to paragraphs (a) and (b). The report shall  
30 include total expenditures, a detailed analysis showing  
31 expenditures for each program, and such other data as may be

1 useful for management of the educational system. The  
2 Commissioner of Education shall also compute cost factors  
3 relative to the base student allocation for each funded  
4 program in s. 1011.62(1)(c).

5 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

6 (a) Each district shall expend at least the percent of  
7 the funds generated by each of the programs listed herein on  
8 the aggregate total school costs for such programs:

9 1. Kindergarten and grades 1, 2, and 3, 90 percent.

10 2. Grades 4, 5, 6, 7, and 8, 80 percent.

11 3. Grades 9, 10, 11, and 12, 80 percent.

12 4. Programs for exceptional students, on an aggregate  
13 program basis, 90 percent.

14 5. Grades 7 through 12 career and technical education  
15 programs, on an aggregate program basis, 80 percent.

16 6. Students-at-risk programs, on an aggregate program  
17 basis, 80 percent.

18 7. Juvenile justice programs, on an aggregate program  
19 basis, 80 percent.

20 8. Any new program established and funded under s.  
21 1011.62(1)(c), that is not included under subparagraphs 1.-6.,  
22 on an aggregate basis as appropriate, 80 percent.

23 (b) Funds for inservice training established in s.  
24 1011.62(3) and for categorical programs established in s.  
25 1011.62(5) shall be expended for the costs of the identified  
26 programs as provided by law and in accordance with the rules  
27 of the State Board of Education.

28 Section 532. Section 1010.21, Florida Statutes, is  
29 created to read:

30 1010.21 Indirect costs.--District school boards shall  
31 assess district indirect costs only for services received by



1 the program or institution against which such cost is  
2 assessed. When assigning each specific indirect cost to  
3 multiple programs or institutions, district school boards  
4 shall identify one basis for the assessment of such cost and  
5 shall maintain the same basis for assigning such cost to each  
6 program or institution.

7 Section 533. Section 1010.215, Florida Statutes, is  
8 created to read:

9 1010.215 Educational funding accountability.--

10 (1) As used in this section, the term:

11 (a) "Administrative personnel" means those employees  
12 responsible for management functions such as the development  
13 of broad policies and implementation of those policies through  
14 the direction of personnel.

15 (b) "Educational support personnel" means  
16 district-based and school-based employees, including  
17 professional staff, technicians, secretaries, clerks, skilled  
18 workers, transportation employees, food service employees, and  
19 custodial and maintenance workers.

20 (c) "Instructional personnel" means classroom  
21 teachers, including substitute teachers.

22 (d) "Instructional specialists" means staff members  
23 responsible for providing student personnel services,  
24 librarians, and media specialists.

25 (e) "Instructional support personnel" means aides or  
26 assistants to instructional personnel or instructional  
27 specialists.

28 (f) "Managers" means instructional and  
29 noninstructional employees with some managerial and  
30 supervisory functions, although primarily responsible for  
31

1 general operations. This category includes only  
2 district-based employees.

3 (2) Each district school board must classify each  
4 employee of the district school board into one of the  
5 following categories:

6 (a) Instructional personnel;

7 (b) Instructional specialists;

8 (c) Instructional support personnel;

9 (d) Administrative personnel;

10 (e) Managers; or

11 (f) Educational support personnel.

12

13 The district school board shall notify each employee of such  
14 classification.

15 (3)(a) The school public accountability report to  
16 parents must include the number of employees in each of the  
17 categories listed in subsection (2), by work location.  
18 However, this does not include the number of temporary  
19 substitute employees.

20 (b) Any teacher-to-student ratio or class size measure  
21 required by law or State Board of Education rule must be  
22 computed by dividing the number of students in membership at  
23 the school by the number of full-time equivalent instructional  
24 personnel pursuant to paragraph (2)(a). Class size reports for  
25 exceptional student education shall be computed by dividing  
26 the number of exceptional students in membership by the number  
27 of full-time equivalent exceptional education classroom  
28 teachers who are classified as instructional personnel  
29 pursuant to paragraph (2)(a).

30 (4)(a) All expenditures within the general and special  
31 revenue funds for each district school board, including

1 salaries, benefits, purchased services, energy services,  
2 materials and supplies, capital outlay, and miscellaneous  
3 expenditures, for the following purposes are classified as  
4 administrative expenditures:

- 5 1. District school board.
- 6 2. General administration.
- 7 3. School administration, excluding support  
8 expenditures.
- 9 4. Facilities acquisition and construction at the  
10 district level.
- 11 5. Fiscal services.
- 12 6. Central services at the district level.

13 (b) All expenditures within the general and special  
14 revenue funds for each district school board, including  
15 salaries, benefits, purchased services, energy services,  
16 materials and supplies, capital outlay, and miscellaneous  
17 expenditures, for the following purposes are classified as  
18 instructional expenditures:

- 19 1. Instruction.
- 20 2. Instructional support services, including student  
21 personnel services, instructional media services, instruction  
22 and curriculum development, and instructional staff training  
23 services.
- 24 3. School administration, including support  
25 expenditures.
- 26 4. Facilities acquisition and construction at the  
27 school level.
- 28 5. Food services.
- 29 6. Central services at the school level.
- 30 7. Student transportation services.
- 31 8. Operation of plant.

1           9. Maintenance of plant.

2  
3           Definitions for the functions specified in this subsection are  
4           specified in State Board of Education rules.

5           (5) The annual school public accountability report  
6           required by ss. 1001.42(16) and 1008.345 must include a school  
7           financial report. The purpose of the school financial report  
8           is to better inform parents and the public concerning how  
9           revenues were spent to operate the school during the prior  
10           fiscal year. Each school's financial report must follow a  
11           uniform, districtwide format that is easy to read and  
12           understand.

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

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

22           1. Teachers, excluding substitute teachers, and  
23           education paraprofessionals who provide direct classroom  
24           instruction to students enrolled in programs classified by s.  
25           1011.62 as:

- 26           a. Basic programs;  
27           b. Students-at-risk programs;  
28           c. Special programs for exceptional students;  
29           d. Career education programs; and  
30           e. Adult programs.  
31           2. Substitute teachers.

1           3. Other instructional personnel, including  
2 school-based instructional specialists and their assistants.

3           4. Contracted instructional services, including  
4 training for instructional staff and other contracted  
5 instructional services.

6           5. School administration, including school-based  
7 administrative personnel and school-based education support  
8 personnel.

9           6. The following materials, supplies, and operating  
10 capital outlay:

11           a. Textbooks;

12           b. Computer hardware and software;

13           c. Other instructional materials;

14           d. Other materials and supplies; and

15           e. Library media materials.

16           7. Food services.

17           8. Other support services.

18           9. Operation and maintenance of the school plant.

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

24           (6) Based on the classifications in this section, each  
25 district school board shall annually submit a report by  
26 January 1, which identifies and summarizes administrative  
27 expenditures and instructional expenditures by fund for the  
28 preceding fiscal year. The report shall also state the number  
29 of unweighted full-time equivalent students enrolled in the  
30 school district. The total amount of administrative  
31 expenditures shall be divided by the number of unweighted

1 full-time equivalent students to determine the administrative  
2 expenditures per student. This calculation is to be made  
3 separately for the general and the special revenue funds. In  
4 addition, the report shall reflect the number of employees in  
5 each category outlined in subsection (2) and the percentage of  
6 employees in each category, excluding the number of temporary  
7 substitute employees. This report shall be submitted to the  
8 commissioner and shall be made available to the public. The  
9 school public accountability report shall contain notification  
10 of the availability of this report.

11 Section 534. Section 1010.22, Florida Statutes, is  
12 created to read:

13 1010.22 Cost accounting and reporting for workforce  
14 education.--

15 (1) Each school district and each community college  
16 shall account for expenditures of all state, local, federal,  
17 and other funds in the manner prescribed by the State Board of  
18 Education.

19 (2) Each school district and each community college  
20 shall report expenditures for workforce education in  
21 accordance with requirements prescribed by the State Board of  
22 Education.

23 (3) The Department of Education, in cooperation with  
24 school districts and community colleges, shall develop and  
25 maintain a database of valid comparable information on  
26 workforce education which will meet both state and local  
27 needs.

28 Section 535. Section 1010.23, Florida Statutes, is  
29 created to read:

30  
31

1           1010.23 Cost accounting and reporting for community  
2 colleges.--Community colleges shall provide an annual report  
3 on the cost of operations as provided in s. 1011.84.

4           Section 536. Section 1010.24, Florida Statutes, is  
5 created to read:

6           1010.24 Cost accounting and reporting for  
7 universities.--Universities shall provide an annual  
8 expenditure analysis report as provided in s. 1011.90.

9           Section 537. Part III of chapter 1010 shall be  
10 entitled "Audit Requirements and Procedures" and shall consist  
11 of ss. 1010.30-1010.34.

12           Section 538. Section 1010.30, Florida Statutes, is  
13 created to read:

14           1010.30 Audits required.--School districts, community  
15 colleges, universities, and other institutions and agencies  
16 under the supervision of the State Board of Education are  
17 subject to the audit provisions under chapter 11.

18           Section 539. Section 1010.33, Florida Statutes, is  
19 created to read:

20           1010.33 Financial and performance audits.--Each  
21 district school board and community college board of trustees,  
22 and university board of trustees is authorized to have an  
23 audit of their accounts and records by an independent  
24 certified public accountant retained by them and paid from  
25 their public funds. These audits are in addition to those  
26 required by ss. 11.45 and 218.39.

27           Section 540. Section 1010.34, Florida Statutes, is  
28 created to read:

29           1010.34 Audits of direct-support organizations and  
30 citizen support organizations.--Audits of school district,  
31 community college, and state university direct-support

1 organizations and citizen support organizations are subject to  
2 the audit provisions of ss. 215.981, 1013.77(4), 1004.23(5),  
3 and 1004.70(6), as applicable.

4 Section 541. Part IV of chapter 1010 shall be entitled  
5 "Provisions Relating to Bonding" and shall consist of ss.  
6 1010.40-1010.619.

7 Section 542. Section 1010.40, Florida Statutes, is  
8 created to read:

9 1010.40 Proposals for issuing bonds.--Whenever the  
10 residents of a school district in this state shall desire the  
11 issuance of bonds by such school district for the purpose of  
12 acquiring, building, enlarging, furnishing, or otherwise  
13 improving buildings or school grounds, or for any other  
14 exclusive use of the public schools within such school  
15 district, they shall present to the district school board a  
16 petition signed by not less than 25 percent of the duly  
17 qualified electors residing within the school district,  
18 setting forth in general terms the amount of the bonds desired  
19 to be issued, the purpose thereof, and that the proceeds  
20 derived from the sale of such bonds shall be used for the  
21 purposes set forth in the petition. The requirement for such  
22 petition may be dispensed with and the proposition of issuing  
23 bonds for the purposes as herein outlined may be initiated by  
24 the district school board of the said district; however,  
25 nothing contained in this section shall repeal any of the  
26 provisions of ss. 100.201-100.221, 100.241, 100.261-100.341,  
27 and 100.351.

28 Section 543. Section 1010.41, Florida Statutes, is  
29 created to read:

30 1010.41 Procedure of district school boards with  
31 reference to proposals for issuing bonds.--It shall be the



1 duty of the district school board to plan the school financial  
2 program of the district so that, insofar as practicable,  
3 needed capital outlay expenditures can be made without the  
4 necessity of issuing bonds. Whenever the district school board  
5 proposes an issue of bonds or has received any petition  
6 proposing the issuance of bonds, as provided in s. 1010.40,  
7 the said board shall forthwith proceed as follows:

8 (1) The district school board, after considering  
9 recommendations submitted by the district school  
10 superintendent, shall determine whether in its opinion the  
11 projects for which bonds are proposed to be issued are  
12 essential for the school program of the district.

13 (2) If the proposed projects are deemed essential by  
14 the district school board or if the proposed projects are  
15 rejected in whole or in part, the district school board shall,  
16 if practicable, prepare a plan for carrying out the projects,  
17 or at least part of the projects, with current funds which  
18 have been or can be set aside for that purpose.

19 (3) If the district school board determines that any  
20 portion of the projects cannot be carried out so that all  
21 costs can be met from the proceeds of a special district  
22 millage voted for that purpose or from district current funds  
23 which are not needed for salaries of teachers or other  
24 necessary expenses of operating the schools or from such funds  
25 which can reasonably be expected to be available by the time  
26 the projects are completed, or cannot be completed on the  
27 basis of a loan against district current funds, approved in  
28 accordance with s. 1011.14, the district school board shall  
29 then determine the amount of bonds necessary to be issued to  
30 complete the projects as proposed for the district and shall  
31 adopt and transmit to the Department of Education a resolution

1 setting forth the proposals with reference to the projects and  
2 the proposed plan for financing the projects, said resolution  
3 to be in such form and contain such information as may be  
4 prescribed by the State Board of Education. If the Department  
5 of Education shall determine that the issuance of bonds as  
6 proposed is unnecessary or is unnecessary in the amount and  
7 according to the plan proposed, and shall notify the district  
8 school board accordingly, the district school board shall then  
9 amend its resolution to conform to the recommendation of the  
10 Department of Education, and no further action shall be taken  
11 for a period of at least 1 year on the proposal for a bond  
12 issue unless, within 30 days thereafter, a petition signed by  
13 at least 35 percent of the qualified electors within the  
14 district is received by the school board requesting that an  
15 election be called to vote bonds for the purposes set forth  
16 and in an amount which shall not exceed the amount of bonds  
17 proposed by the district school board. If such a petition is  
18 received by the district school board, as provided herein, or  
19 if the resolution proposing a bond issue has been approved by  
20 the Department of Education, the school board shall then  
21 proceed at its next ensuing meeting to adopt a resolution  
22 authorizing that an election be held for the purpose of  
23 determining whether bonds shall be issued as proposed.

24 Section 544. Section 1010.42, Florida Statutes, is  
25 created to read:

26 1010.42 Publication of resolution.--It shall be the  
27 duty of the district school board, when the resolution  
28 proposing a bond issue has been approved by the Department of  
29 Education or when such a proposal has been rejected by the  
30 Department of Education and a new petition signed by 35  
31 percent of the qualified electors of the district has been

1 presented, and when the resolution authorizing an election has  
2 been adopted as set forth above, to cause such resolution to  
3 be published at least once each week for 2 consecutive weeks  
4 in some newspaper published in the district. This resolution  
5 may also include a notice of election as prescribed in s.  
6 1010.43.

7 Section 545. Section 1010.43, Florida Statutes, is  
8 created to read:

9 1010.43 Notice of election; qualifications of  
10 electors.--The district school board shall also, at the  
11 meeting at which is passed the resolution provided for in s.  
12 1010.41, order that an election shall be held in the school  
13 district to determine whether or not there shall be issued by  
14 the district the bonds provided for in such resolution, in  
15 which election only the duly qualified electors thereof shall  
16 vote; and prior to the time of holding such election, the  
17 district school board shall cause to be published at least  
18 once each week for 2 consecutive weeks in a newspaper  
19 published in the district a notice of the holding of such  
20 election, which shall specify the time and place or places of  
21 the holding thereof. The resolution prescribed in s. 1010.41  
22 may be incorporated in and published as a part of the notice  
23 prescribed in this section.

24 Section 546. Section 1010.44, Florida Statutes, is  
25 created to read:

26 1010.44 Conduct of election; form of ballot;  
27 appointment of inspectors; canvassing returns.--The election,  
28 provided for in s. 1010.43, shall be held at the place or  
29 several places in said district where the last general  
30 election was held throughout said district, unless the  
31 district school board shall otherwise order; and the district

1 school board shall appoint inspectors for the election and  
2 cause to be prepared and furnished to said inspectors the  
3 ballots to be used at said election; the form of ballots for  
4 such election shall be: "For bonds" or "Against bonds." The  
5 inspectors shall make returns to the said district school  
6 board immediately after the said election, and the said school  
7 board shall hold a special meeting as soon thereafter as  
8 practicable for the purpose of canvassing said election  
9 returns and shall determine and certify to the result thereof.

10 Section 547. Section 1010.45, Florida Statutes, is  
11 created to read:

12 1010.45 Result of election held.--If it shall appear  
13 by the result of said election that a majority of the votes  
14 cast shall be "For bonds," the district school board shall be  
15 authorized and required to issue the bonds authorized by said  
16 election for the purposes specified in the resolution as  
17 published, not to exceed the amount therein named; but, if the  
18 majority of the votes cast shall have been "Against bonds," no  
19 bonds shall be issued.

20 Section 548. Section 1010.46, Florida Statutes, is  
21 created to read:

22 1010.46 If election adverse, no second election within  
23 6 months.--If the result of the said election shall be adverse  
24 to the issuance of said bonds, no election shall be held for  
25 such purpose within 6 months thereafter; except, however, in  
26 the event such election shall result or shall have resulted in  
27 an equal number of votes being cast for the issuance of said  
28 bonds as shall be cast adverse to issuance of bonds, the  
29 district school board may call and order another or second  
30 election within said district to have determined the question  
31 of whether the bonds specified in the original petition and

1 resolution shall be issued by said district, after giving  
2 notice as provided for by s. 1010.43, and it shall not be  
3 necessary to have presented to the district school board  
4 further petitions to order said second election.

5 Section 549. Section 1010.47, Florida Statutes, is  
6 created to read:

7 1010.47 Receiving bids and sale of bonds.--

8 (1) In case the issuance of bonds shall be authorized  
9 at said election, or in case any bonds outstanding against the  
10 district are being refunded, the district school board shall  
11 cause notice to be given by publication in some newspaper  
12 published in the district that said board will receive bids  
13 for the purchase of the bonds at the office of the  
14 superintendent of said district. The notice shall be published  
15 twice and the first publication shall be given not less than  
16 30 days prior to the date set for receiving the bids. Said  
17 notice shall specify the amount of the bonds offered for sale  
18 and shall state whether the bids shall be sealed bids or  
19 whether the bonds are to be sold at auction, shall give the  
20 schedule of maturities of the proposed bonds and such other  
21 pertinent information as may be prescribed by rules of the  
22 State Board of Education. Bidders may be invited to name the  
23 rate of interest which the bonds are to bear or the district  
24 school board may name rates of interest and invite bids  
25 thereon. In addition to publication of notice of the proposed  
26 sale as set forth above, the district school board shall also  
27 notify in writing at least three recognized bond dealers in  
28 the state and shall also at the same time notify the  
29 Department of Education concerning the proposed sale,  
30 enclosing a copy of the advertisement.

1           (2) All bonds and refunding bonds issued as provided  
2 by law shall be sold to the highest and best bidder at such  
3 public sale unless sold at a better price or yield basis  
4 within 30 days after failure to receive an acceptable bid at a  
5 duly advertised public sale; provided, that at no time shall  
6 bonds or refunding bonds be sold or exchanged at less than par  
7 value except as specifically authorized by the Department of  
8 Education; and provided, further, that the district school  
9 board shall have the right to reject all bids and cause a new  
10 notice to be given in like manner inviting other bids for such  
11 bonds, or to sell all or any part of such bonds to the State  
12 Board of Education at a price and yield basis which shall not  
13 be less advantageous to the district school board than that  
14 represented by the highest and best bid received. In the  
15 marketing of said bonds the district school board shall be  
16 entitled to have such assistance as can be rendered by the  
17 Division of Bond Finance, the Commissioner of Education, or  
18 any other public state officer or agency. In determining the  
19 highest and best bidder for bonds offered for sale, the net  
20 interest cost to the school board as shown in standard bond  
21 tables shall govern; provided, that the determination of the  
22 district school board as to the highest and best bidder shall  
23 be final.

24           Section 550. Section 1010.48, Florida Statutes, is  
25 created to read:

26           1010.48 Bidders to give security.--The district school  
27 board may require of all bidders for said bonds that they give  
28 security by bond or by a deposit to the district school board  
29 that the bidder shall comply with the terms of the bid, and  
30 any bidder whose bid shall be accepted shall be liable to the  
31 district school board for all damages on account of the

1 nonperformance of the terms of such bid or to a forfeiture of  
2 the deposit required by the district school board.

3 Section 551. Section 1010.49, Florida Statutes, is  
4 created to read:

5 1010.49 Form and denomination of bonds.--The district  
6 school board may prescribe the denomination of the bonds to be  
7 issued, and such bonds may be issued with or without interest  
8 coupons in the discretion of the board. The form of the bonds  
9 to be issued may be prescribed by the State Board of Education  
10 on the recommendation of the Department of Legal Affairs. The  
11 schedule of maturities of the proposed bonds shall be so  
12 arranged that the total payments required each year shall be  
13 as nearly equal as practicable. The schedule shall provide  
14 that all bonds are to be retired within a period of 20 years  
15 from the date of issuance unless a longer period is required  
16 and has been specifically approved by the Department of  
17 Education. All bonds issued hereunder which bear interest in  
18 excess of 2.99 percent shall be callable on terms prescribed  
19 by the district school board beginning not later than 10 years  
20 from the date of issuance.

21 Section 552. Section 1010.50, Florida Statutes, is  
22 created to read:

23 1010.50 Investment of fiduciary funds in bonds;  
24 security for deposit of public funds.--School district bonds  
25 authorized and issued under the provisions of this chapter  
26 shall be lawful investments for fiduciary and trust funds  
27 including all funds in the control of trustees, assignees,  
28 administrators, and executors, and may be accepted as security  
29 for all deposits of public funds.

30 Section 553. Section 1010.51, Florida Statutes, is  
31 created to read:

1           1010.51 Records to be kept and reports to be  
2 made.--The district school board shall maintain a complete  
3 record of all bonds issued under the provisions of this  
4 chapter, which record shall show upon what authority the bonds  
5 are issued, the amount for which issued, the persons to whom  
6 issued, the date of issuance, the purpose or purposes for  
7 which issued, the rate of interest to be paid, and the time  
8 and place of payment of each installment of principal and  
9 interest. This record shall be so arranged as to show the  
10 amount of principal and interest to be paid each year and  
11 shall also show the annual or semiannual payments which are  
12 made and the bonds which are canceled. In addition the  
13 district school superintendent shall file with the Department  
14 of Education in accordance with rules of the State Board of  
15 Education reports giving such information as may be required  
16 regarding any bonds which may be issued as provided herein.

17           Section 554. Section 1010.52, Florida Statutes, is  
18 created to read:

19           1010.52 Bonds may be validated; validity of  
20 bonds.--When an issue of bonds for any school district shall  
21 be authorized in the manner provided under the terms of this  
22 chapter, such bonds shall, in the discretion of the district  
23 school board, be subject to validation in the manner provided  
24 for in chapter 75. In lieu of validation as set forth in that  
25 chapter, the district school board may, in its discretion,  
26 submit to the Department of Legal Affairs all information  
27 relating to the issuance of bonds as provided in said chapter  
28 75, and an approving opinion of the Department of Legal  
29 Affairs shall be sufficient evidence that the bonds are valid.  
30 Bonds reciting that they are issued pursuant to the terms of  
31 this chapter shall, in any action or proceeding involving



1 their validity, be conclusively deemed to be fully authorized  
2 thereby, to have been issued, sold, executed, and delivered in  
3 conformity therewith, and with all other provisions of law  
4 applicable thereto, and shall be incontestable, anything  
5 herein or in other statutes to the contrary notwithstanding,  
6 unless such action or proceeding is begun before or within 30  
7 days after the date upon which the bonds are sold, paid for  
8 and delivered.

9 Section 555. Section 1010.53, Florida Statutes, is  
10 created to read:

11 1010.53 Proceeds; how expended.--The proceeds derived  
12 from the sale of said bonds shall be held by the district  
13 school board and shall be expended by said board for the  
14 purpose for which said bonds were authorized for said school  
15 district, and shall be held and expended in the manner  
16 following:

17 (1) The district school board shall deposit, or cause  
18 to be deposited, the proceeds arising from the sale of each  
19 issue of bonds in a separate bond construction fund account in  
20 the school depository.

21 (2) All or any part of the fund derived from the  
22 proceeds of any such bond issue that in the judgment of the  
23 district school board is not immediately needed may be placed  
24 in the following securities maturing not later than the time  
25 when the funds are reasonably expected to be needed:

26 (a) In investments listed in s. 218.415(16).

27 (b) In any bonds issued by the district; provided,  
28 such bonds are not in default and can be obtained at a price  
29 which will result in a net saving to the taxpayers of the  
30 district.

31

1           (c) In any obligations of the district school board  
2 approved in accordance with the provisions of ss. 1011.13,  
3 1011.14, and 1011.15.

4           (d) In any bonds issued by the State Board of  
5 Education or another school district.

6           Section 556. Section 1010.54, Florida Statutes, is  
7 created to read:

8           1010.54 Disposition of surplus of bond issue.--Should  
9 there remain any of the proceeds of the sale of school  
10 district bonds after the purpose and object for which the said  
11 bonds were issued shall have been carried out and performed by  
12 the district school board, the surplus then shall be held by  
13 the district school board and expended for the exclusive use  
14 of the public schools within the school district as the  
15 district school board may deem reasonable and proper.

16           Section 557. Section 1010.55, Florida Statutes, is  
17 created to read:

18           1010.55 Additional bond issues.--After the issuance by  
19 any school district of bonds in the manner authorized in this  
20 chapter, the qualified electors of such school district may  
21 thereafter, from time to time, in the manner herein provided  
22 for, authorize one or more additional bond issues as they may  
23 determine upon.

24           Section 558. Section 1010.56, Florida Statutes, is  
25 created to read:

26           1010.56 Board of Administration to act as fiscal agent  
27 in issuance and sale of motor vehicle anticipation  
28 certificates.--

29           (1) In aid of the provisions of s. 18, Art. XII of the  
30 State Constitution of 1885 as adopted by s. 9(d), Art. XII,  
31 1968 revised constitution and the additional provisions of s.

1 9(d), the State Board of Administration may upon request of  
2 the State Board of Education, act as fiscal agent for the  
3 State Board of Education in the issuance and sale of any or  
4 all bonds or motor vehicle tax anticipation certificates,  
5 including any refunding of bonds, certificates or interest  
6 coupons thereon which may be issued pursuant to the above  
7 cited provisions of the State Constitution and upon request of  
8 the State Board of Education the State Board of Administration  
9 may take over the management, control, bond trusteeship,  
10 administration, custody and payment of any or all debt service  
11 or other funds or assets now or hereafter available for any  
12 bonds or certificates issued for the purpose of obtaining  
13 funds for the use of any school board or to pay, fund or  
14 refund any bonds or certificates theretofore issued for such  
15 purpose. The State Board of Education may from time to time  
16 provide by its duly adopted resolution or resolutions the  
17 duties said fiscal agent shall perform as authorized by this  
18 section and such duties may be changed, modified or repealed  
19 by subsequent resolution or resolutions as the State Board of  
20 Education may deem appropriate, provided, however, that such  
21 changes shall only affect the duties of the State Board of  
22 Administration as fiscal agent and shall in nowise affect or  
23 modify the paramount constitutional authority of the State  
24 Board of Education nor affect, modify or impair the contract  
25 rights of persons holding or owning said obligations so  
26 authorized to be issued.

27 (2) No such bonds or motor vehicle tax anticipation  
28 certificates shall ever be issued by the State Board of  
29 Administration until after the adoption of a resolution  
30 requesting the issuance thereof by the State Board of  
31

1 Education for and on behalf of the district for which such  
2 obligations are to be issued.

3 (3) All such bonds or certificates issued pursuant to  
4 this act shall be issued in the name of the State Board of  
5 Education but shall be issued for and on behalf of the school  
6 board requesting the issuance thereof and shall be issued  
7 pursuant to any rules adopted by the State Board of Education  
8 which are not in conflict with the provisions of s. 18, Art.  
9 XII of the State Constitution of 1885 as adopted by s. 9(d),  
10 Art. XII, 1968 revised constitution, and the additional  
11 provisions of s. 9(d).

12 (4) The proceeds of any sale of original bonds or  
13 original certificates shall be deposited in the State Treasury  
14 to the credit of the particular construction account for which  
15 the original bonds or original certificates were issued and  
16 shall be under the direct control and supervision of the State  
17 Board of Education, and withdrawals from such construction  
18 accounts shall be made only upon warrants signed by the  
19 Comptroller and drawn upon the Treasurer. Such warrants shall  
20 be issued by the Comptroller only when the vouchers requesting  
21 such warrants are accompanied by the certificates of the State  
22 Board of Education to the effect that such withdrawals are  
23 proper expenditures for the cost of the particular  
24 construction account against which the requested warrants are  
25 to be drawn.

26 (5) The State Board of Administration shall annually  
27 determine the amounts necessary to meet the debt service  
28 requirements of all bonds or certificates administered by it  
29 pursuant to this section and shall certify to the State Board  
30 of Education said amounts needed. The State Board of  
31 Education, upon being satisfied that said amounts are correct,

1 shall pay said amounts direct to the State Board of  
2 Administration for application by said State Board of  
3 Administration as provided under the terms of the resolutions  
4 authorizing the issuance of said bonds or certificates and as  
5 provided in s. 18, Art. XII of the State Constitution of 1885  
6 as adopted by s. 9(d), Art. XII, 1968 revised constitution,  
7 and the additional provisions of s. 9(d).

8 (6) The expenses of the State Board of Administration  
9 incident to the issuance and sale of any bonds or certificates  
10 issued under the provisions of the constitution and under the  
11 provisions of this section shall be paid from the proceeds of  
12 the sale of the bonds or certificates or from the funds  
13 distributable to each county under the provisions of s. 18(a),  
14 Art. XII of the Constitution of 1885 as adopted by s. 9(d),  
15 Art. XII, 1968 revised constitution. All other expenses of the  
16 State Board of Administration for services rendered  
17 specifically for, or which are properly chargeable to the  
18 account of any bonds or certificates issued for and on behalf  
19 of any district school board under the above cited provisions  
20 of the State Constitution shall be paid from the funds  
21 distributable to each county under the provisions of s. 18(a),  
22 Art. XII of the State Constitution of 1885 as adopted by s.  
23 9(d), Art. XII, 1968 revised constitution; but general  
24 expenses of the State Board of Administration for services  
25 rendered all the districts alike shall be prorated among them  
26 and paid from the funds distributable to each district on the  
27 same basis as such funds are distributable under the  
28 provisions of s. 18(a), Art. XII of the State Constitution of  
29 1885 as adopted by s. 9(d), Art. XII, 1968 revised  
30 constitution.

1       (7) The provisions of this section contemplate that it  
2 will aid the State Board of Education and better serve the  
3 purposes contemplated by s. 18, Art. XII of the State  
4 Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968  
5 revised constitution, and the additional provisions of s. 9(d)  
6 and not be inconsistent therewith.

7       Section 559. Section 1010.57, Florida Statutes, is  
8 created to read:

9       1010.57 Bonds payable from motor vehicle license tax  
10 funds; instruction units computed.--

11       (1) For the purpose of administering the provisions of  
12 s. 9(d), Art. XII of the State Constitution as amended in  
13 1972, the number of current instruction units in districts  
14 shall be computed annually by the Department of Education by  
15 multiplying the number of full-time equivalent students in  
16 programs under s. 1011.62(1)(c) in each district by the cost  
17 factors established in the General Appropriations Act and  
18 dividing by 23, except that all basic program cost factors  
19 shall be one, and the special program cost factors for  
20 hospital and homebound I and for community service shall be  
21 zero. Full-time equivalent membership for students residing in  
22 Department of Children and Family Services residential care  
23 facilities or identified as Department of Juvenile Justice  
24 students shall not be included in this computation. Any  
25 portion of the fund not expended during any fiscal year may be  
26 carried forward in ensuing budgets and shall be temporarily  
27 invested as prescribed by law or rules of the State Board of  
28 Education.

29       (2) Whenever the State Board of Education shall issue  
30 bonds or certificates for and on behalf of any district school  
31 board, or whenever any district school board shall issue bonds

1 or certificates repayable from motor vehicle license tax  
2 funds, the aggregate number of instruction units in such  
3 district in any future school fiscal year, as authorized under  
4 the amendment contained in s. 18, Art. XII of the State  
5 Constitution of 1885 as amended and adopted by reference in s.  
6 9(d), Art. XII of the Constitution of 1968, to the full extent  
7 necessary to pay all principal of and interest on, and  
8 reserves for, bonds or certificates issued for and on behalf  
9 of such district or by such district school board in any  
10 school fiscal year, as the same shall become due and payable,  
11 shall be not less than the aggregate number of instruction  
12 units in such district for the school fiscal year preceding  
13 the school fiscal year in which such bonds or certificates are  
14 issued, computed in accordance with the statutes in force in  
15 the school fiscal year preceding the school fiscal year in  
16 which such bonds or certificates are issued.

17 (3) The provisions of this section are not intended  
18 to, and shall not, be applicable to, or confer any rights on,  
19 any district to payments from said motor vehicle license taxes  
20 except to the full extent necessary to pay all principal of  
21 and interest on, and reserves for, bonds or certificates so  
22 issued by such district school board and by said State Board  
23 of Education for and on behalf of such school districts, in  
24 each future school fiscal year as the same shall mature and  
25 become due; and except for such purpose, all payments of the  
26 amounts of said motor vehicle license taxes distributable  
27 under the provisions of s. 18, Art. XII of the State  
28 Constitution of 1885 as amended and adopted by reference in s.  
29 9(d), Art. XII of the Constitution of 1968 shall continue to  
30 be made and distributed to such districts in the manner  
31

1 provided by said amendment and the general laws of Florida in  
2 force and effect at the time of such distributions.

3 Section 560. Section 1010.58, Florida Statutes, is  
4 created to read:

5 1010.58 Procedure for determining number of  
6 instruction units for community colleges.--The number of  
7 instruction units for community colleges shall be determined  
8 from the full-time equivalent students in the community  
9 college, provided that full-time equivalent students may not  
10 be counted more than once in determining instruction units.  
11 Instruction units for community colleges shall be computed as  
12 follows:

13 (1) One unit for each 12 full-time equivalent students  
14 at a community college for the first 420 students and one unit  
15 for each 15 full-time equivalent students for all over 420  
16 students, in other than career and technical education  
17 programs as defined by rules of the State Board of Education,  
18 and one unit for each 10 full-time equivalent students in  
19 career and technical education programs and compensatory  
20 education programs as defined by rules of the State Board of  
21 Education. Full-time equivalent students enrolled in a  
22 community college shall be defined by rules of the State Board  
23 of Education.

24 (2) For each 8 instruction units in a community  
25 college, 1 instruction unit or proportionate fraction of a  
26 unit shall be allowed for administrative and special  
27 instructional services, and for each 20 instruction units, 1  
28 instruction unit or proportionate fraction of a unit shall be  
29 allowed for student personnel services.

30 Section 561. Section 1010.59, Florida Statutes, is  
31 created to read:



1           1010.59 Interest rates.--All bonds issued by the State  
2 Board of Education pursuant to the provisions of s. 9(a), Art.  
3 XII of the State Constitution, as amended, may bear interest  
4 at such rate or rates as may be determined by the State Board  
5 of Education. However, the maximum rate of interest shall not  
6 exceed the rates authorized under the provisions of s. 215.84.

7           Section 562. Section 1010.60, Florida Statutes, is  
8 created to read:

9           1010.60 State Board of Education; issuance of bonds  
10 pursuant to s. 11(f), Art. VII, State Constitution.--

11           (1) Pursuant to s. 11(f), Art. VII of the State  
12 Constitution, the State Board of Education, supported by the  
13 building fee, the capital improvement fee, or any other  
14 revenue approved by the Legislature for facilities  
15 construction, is authorized to request the issuance of bonds  
16 or other forms of indebtedness pursuant to the State Bond Act  
17 to finance or refinance capital projects authorized by the  
18 Legislature. In order to take advantage of economic  
19 conditions, the Division of Bond Finance shall process  
20 requests by the State Board of Education to refinance capital  
21 projects under this section on a priority basis.

22           (2) The State Board of Education may approve the  
23 issuance of revenue bonds or other forms of indebtedness by a  
24 direct-support organization when such revenue bonds or other  
25 forms of indebtedness are used to finance or refinance capital  
26 projects which are to provide facilities necessary and  
27 desirable to serve the needs and purposes of the university,  
28 as determined by the systemwide strategic plan adopted by the  
29 State Board of Education, and when the project has been  
30 approved by the Legislature.

31

1           Section 563. Section 1010.61, Florida Statutes, is  
2 created to read:

3           1010.61 Powers.--The State Board of Education shall  
4 have all the powers necessary or advisable to carry out and  
5 effectuate the purposes and provisions of s. 1010.60 and this  
6 part and is hereby authorized:

7           (1) Pursuant to the State Bond Act, to borrow money  
8 and issue interest-bearing revenue certificates or other forms  
9 of indebtedness to acquire any projects approved by the  
10 Legislature and to provide for the payment of the same and for  
11 the rights of the holders thereof as herein provided.

12           (2) To pledge any trust funds which are available, and  
13 not otherwise obligated, for purposes of securing the revenue  
14 certificates and to combine such funds as the board may deem  
15 appropriate.

16           (3) To adopt such rules as may be necessary for  
17 carrying out the requirements of this part and to perform all  
18 acts and do all things necessary or convenient to carry out  
19 the powers granted herein.

20           Section 564. Section 1010.611, Florida Statutes, is  
21 created to read:

22           1010.611 Resolution for issuance of revenue  
23 certificates.--The issuance of revenue certificates under the  
24 provisions of this part and the State Bond Act shall be  
25 requested by resolution of the State Board of Education. Said  
26 revenue certificates shall bear interest at such rate or rates  
27 not exceeding the interest rate limitations set forth in s.  
28 215.84(3), provided that certificates may be sold at a  
29 reasonable discount to par not to exceed 3 percent, except  
30 that this limitation on discount does not apply to the portion  
31 of the discount that constitutes original issue discount. Said

1 revenue certificates may be issued in one or more series, may  
2 bear such date or dates, may be in such denomination or  
3 denominations, may mature at such time or times, not exceeding  
4 30 years from their respective dates, may be in such form,  
5 either coupon or registered, may carry such registration  
6 privileges, may be executed in such manner, may be payable in  
7 such medium of payment and at such place or places, may be  
8 subject to such terms of redemption, with or without premium,  
9 may contain such terms, covenants, and conditions, and may be  
10 declared or become due before the maturity date thereof as  
11 such resolution or other resolutions may provide. The revenue  
12 certificate may be sold at public sale by competitive bid or  
13 negotiated sale. Pending the preparation of the definitive  
14 certificates, interim receipts or certificates in such form  
15 and with such provisions as said board may determine may be  
16 issued to the purchaser or purchasers of certificates sold  
17 pursuant to this part. Said certificates and interim receipts  
18 shall be fully negotiable within the meaning and for all the  
19 purposes of the negotiable instruments law.

20 Section 565. Section 1010.612, Florida Statutes, is  
21 created to read:

22 1010.612 Powers to secure revenue certificates.--The  
23 State Board of Education, in connection with the issuance of  
24 revenue certificates to acquire any projects for an  
25 institution or in order to secure the payment of such revenue  
26 certificates and interest thereon, shall have power by  
27 resolution:

28 (1) To fix and maintain fees, rentals, and other  
29 charges from students and others using or being served by, or  
30 having the right to use, or having the right to be served by,  
31 such projects.

1       (2) To provide that such revenue certificates shall be  
2 secured by a first, exclusive, and closed lien on the income  
3 and revenue (but not the real property of such institution)  
4 derived from, and shall be payable from, fees, rentals, and  
5 other charges from students and others using or being served  
6 by, or having the right to use, or having the right to be  
7 served by, such project.

8       (3) To pledge and assign to, or in trust for the  
9 benefit of, the holder or holders of such revenue certificates  
10 an amount of the income and revenue derived from fees,  
11 rentals, and other charges from students and others using or  
12 being served by, or having the right to use, or having the  
13 right to be served by, such project.

14       (4) To covenant with or for the benefit of the holder  
15 or holders of such revenue certificates that so long as any of  
16 such revenue certificates shall remain outstanding and unpaid,  
17 such institution will fix, maintain, and collect in such  
18 installments as may be agreed upon an amount of the fees,  
19 rentals, and other charges from students and others using or  
20 being served by, or having the right to use, or having the  
21 right to be served by, such project, which shall be sufficient  
22 to pay when due such revenue certificates and interest  
23 thereon, and to create and maintain reasonable reserves  
24 therefor, and to pay the cost of operation and maintenance of  
25 such project, which costs of operation and maintenance shall  
26 be determined by the board in its absolute discretion.

27       (5) To make and enforce and agree to make and enforce  
28 parietal rules that shall ensure the use of such project by  
29 all students in attendance at such institutions to the maximum  
30 extent to which such project is capable of serving such  
31 students.

1           (6) To covenant that so long as any of such revenue  
2 certificates shall remain outstanding and unpaid, it will not,  
3 except upon such terms and conditions as may be determined:

4           (a) Voluntarily create or cause to be created any  
5 debt, lien, pledge, assignment, encumbrance or other charge  
6 having priority to the lien of such revenue certificates upon  
7 any of the income and revenues derived from fees, rentals, and  
8 other charges from students and others using or being served  
9 by, or having the right to use, or having the right to be  
10 served by, such project, or

11           (b) Convey or otherwise alienate such project or the  
12 real estate upon which such project shall be located, except  
13 at a price sufficient to pay all such revenue certificates  
14 then outstanding and interest accrued thereon, and then only  
15 in accordance with any agreements with the holder or holders  
16 of such revenue certificates.

17           (7) To covenant as to the procedure by which the terms  
18 of any contract with a holder or holders of such revenue  
19 certificates may be amended or abrogated, the amount of  
20 percentage of revenue certificates the holder or holders of  
21 which must consent thereto, and the manner in which such  
22 consent may be given.

23           (8) To vest in a trustee or trustees the right to  
24 receive all or any part of the income and revenue pledged and  
25 assigned to, or for the benefit of, the holder or holders of  
26 such revenue certificates and to hold, apply and dispose of  
27 the same and the right to enforce any covenant made to secure  
28 or pay or in relation to such revenue certificates; to execute  
29 and deliver a trust agreement or trust agreements which may  
30 set forth the powers and duties and the remedies available to  
31 such trustee or trustees and limiting the liabilities thereof

1 and describing what occurrences shall constitute events of  
2 default and prescribing the terms and conditions upon which  
3 such trustee or trustees or the holder or holders of revenue  
4 certificates of any specified amount or percentage of such  
5 revenue certificate may exercise such rights and enforce any  
6 and all such covenants and resort to such remedies as may be  
7 appropriate.

8 (9) To vest in a trustee or trustees or the holder or  
9 holders of any specified amount or percentage of revenue  
10 certificates the right to apply to any court of competent  
11 jurisdiction for and have granted the appointment of a  
12 receiver or receivers of the income and revenue pledged and  
13 assigned to or for the benefit of the holder or holders of  
14 such revenue certificates, which receiver or receivers may  
15 have and be granted such powers and duties as such court may  
16 order or decree for the protection of the revenue certificate  
17 holders.

18 (10) To make covenants with the holders of any bonds  
19 and to perform any other duties and responsibilities which are  
20 deemed necessary or advisable to enhance the security of such  
21 bonds, and the marketability thereof, and which are customary  
22 in accordance with the market requirements for the sale of  
23 such bonds.

24 Section 566. Section 1010.613, Florida Statutes, is  
25 created to read:

26 1010.613 Remedies of any holder of revenue  
27 certificates.--Any holder or holders of revenue certificates,  
28 including a trustee, or trustees for holders of such revenue  
29 certificates, shall have the right, in addition to all other  
30 rights, by mandamus or other suit, action, or proceeding in  
31 any court of competent jurisdiction to enforce his or her or

1 their rights against the State Board of Education to fix and  
2 collect such rentals and other charges adequate to carry out  
3 any agreement as to or pledge of such fees, rentals, or other  
4 charges, and require the State Board of Education to carry out  
5 any other covenants and agreements and to perform its duties  
6 under this part.

7 Section 567. Section 1010.614, Florida Statutes, is  
8 created to read:

9 1010.614 Validity of revenue certificates.--The  
10 revenue certificates bearing the signatures of officers in  
11 office on the date of the signing thereof shall be valid and  
12 binding obligations, notwithstanding that before the delivery  
13 thereof and payment therefor any or all of the persons whose  
14 signatures appear thereon shall have ceased to be officers of  
15 the State Board of Education. The validity of the revenue  
16 certificates shall not be dependent on nor affected by the  
17 validity or regularity of any proceedings to acquire the  
18 project financed by the revenue certificates or taken in  
19 connection therewith.

20 Section 568. Section 1010.615, Florida Statutes, is  
21 created to read:

22 1010.615 Prohibitions against obligating  
23 state.--Nothing in this part shall be construed to authorize  
24 the State Board of Education to contract a debt on behalf of,  
25 or in any way to obligate, the state, or to pledge, assign, or  
26 encumber in any way, or to permit the pledging, assigning, or  
27 encumbering in any way of, appropriations made by the  
28 Legislature.

29 Section 569. Section 1010.616, Florida Statutes, is  
30 created to read:

31

1           1010.616 Revenue certificate obligations of State  
2 Board of Education.--All revenue certificates issued pursuant  
3 to this part shall be obligations of the State Board of  
4 Education, payable only in accordance with the terms thereof  
5 and shall not be obligations general, special, or otherwise of  
6 the state. Such revenue certificates shall not be a bond or  
7 debt of the state, and shall not be enforceable against the  
8 state, nor shall payment thereof be enforceable out of any  
9 funds of the board other than the income and revenue pledged  
10 and assigned to, or in trust for the benefit of, the holder or  
11 holders of such revenue certificates.

12           Section 570. Section 1010.617, Florida Statutes, is  
13 created to read:

14           1010.617 Tax exemption and eligibility as legal  
15 investments.--

16           (1) The exercise of the powers granted by this part in  
17 all respects constitutes the performance of essential public  
18 functions for the benefit of the people of the state. All  
19 properties, revenues, or other assets of the State Board of  
20 Education for which revenue certificates are issued under this  
21 part, and all revenue certificates issued hereunder and the  
22 interest thereon, shall be exempt from all taxation by any  
23 agency or instrumentality of a county, municipality, or the  
24 state. The exemption granted by this section is not applicable  
25 to any tax imposed by chapter 220 on interest, income, or  
26 profits on debt obligations owned by corporations.

27           (2) All obligations issued pursuant to this part shall  
28 be and constitute legal investments without limitation for all  
29 public bodies and for all banks, savings banks, guardians,  
30 insurance funds, trustees, or other fiduciaries and shall be  
31 and constitute eligible securities to be deposited as



1 collateral for security of any state, county, municipal, or  
2 other public funds.

3 Section 571. Section 1010.618, Florida Statutes, is  
4 created to read:

5 1010.618 Supplemental nature of part; construction and  
6 purpose.--The powers conferred by this part shall be in  
7 addition to and supplemental to, and the limitations imposed  
8 by this part shall not affect, the powers conferred by any  
9 other law, general or special, and revenue certificates may be  
10 issued hereunder without any referendum, notwithstanding the  
11 provisions of any other such law and without regard to the  
12 procedure required by any other such law. Insofar as the  
13 provisions of this part are inconsistent with the provisions  
14 of any other law, general or special, the provisions of this  
15 part shall be controlling.

16 Section 572. Section 1010.619, Florida Statutes, is  
17 created to read:

18 1010.619 Board of Administration to act as fiscal  
19 agent.--Prior to the issuance of any revenue certificates, the  
20 State Board of Education may request the State Board of  
21 Administration to advise the State Board of Education as to  
22 the fiscal sufficiency of the proposed issue. Upon sale and  
23 delivery of any revenue certificates and disbursement of the  
24 proceeds thereof pursuant to this part, the State Board of  
25 Administration may upon request of the State Board of  
26 Education take over the management, control, administration,  
27 custody, and payment of any or all debt services or funds or  
28 assets now or hereafter available for any revenue certificates  
29 issued pursuant to this part. The State Board of  
30 Administration shall upon request of the State Board of  
31 Education invest all funds, including reserve funds, available

1 for any revenue certificates issued pursuant to this part in  
2 the manner provided in s. 215.47. The State Board of Education  
3 may from time to time provide by its duly adopted resolution  
4 the duties the State Board of Administration shall perform,  
5 and such duties may be changed, modified, or repealed by  
6 subsequent resolution as the State Board of Education may deem  
7 appropriate.

8 Section 573. Part V of chapter 1010 shall be entitled  
9 "Trust Funds" and shall consist of ss. 1010.70-1010.85.

10 Section 574. Section 1010.70, Florida Statutes, is  
11 created to read:

12 1010.70 Educational Enhancement Trust Fund.--Each  
13 fiscal year, at least 38 percent of the gross revenue from the  
14 sale of lottery tickets and other earned revenue, excluding  
15 application processing fees, shall be deposited in the  
16 Educational Enhancement Trust Fund as provided in s. 24.121.

17 Section 575. Section 1010.71, Florida Statutes, is  
18 created to read:

19 1010.71 State School Trust Fund.--

20 (1) The State School Trust Fund shall be derived from  
21 the following sources:

22 (a) The proceeds of all lands that have been or may  
23 hereafter be granted to the state by the United States for  
24 public school purposes;

25 (b) Donations to the state when the purpose is not  
26 specified;

27 (c) Appropriations by the state;

28 (d) The proceeds of escheated property or forfeitures;

29 and

30 (e) Twenty-five percent of the sales of public lands  
31 which are now or may hereafter be owned by the state.

1       (2) The land comprising part of the State School Trust  
2 Fund shall not be subject to taxes of any kind whatsoever, but  
3 shall enjoy constitutional immunity therefrom, nor shall taxes  
4 of any kind be imposed thereon; nor, since not subject to tax,  
5 shall the state or any state agency be liable for taxes or the  
6 equivalent thereof sought to be imposed upon said land. All  
7 outstanding tax sale certificates against land of the State  
8 School Trust Fund are hereby canceled.

9           Section 576. Section 1010.72, Florida Statutes, is  
10 created to read:

11       1010.72 Excellent Teaching Program Trust Fund.--

12       (1) The Excellent Teaching Program Trust Fund is  
13 created to be administered by the Department of Education.  
14 Funds must be credited to the trust fund as provided in  
15 chapter 98-309, Laws of Florida, to be used for the purposes  
16 set forth therein.

17       (2) Pursuant to the provisions of s. 19(f)(2), Art.  
18 III of the State Constitution, the Excellent Teaching Program  
19 Trust Fund shall, unless terminated sooner, be terminated on  
20 July 1, 2002. Prior to its scheduled termination, the trust  
21 fund shall be reviewed as provided in s. 215.3206(1) and (2).

22           Section 577. Section 1010.73, Florida Statutes, is  
23 created to read:

24       1010.73 State Student Financial Assistance Trust  
25 Fund.--

26       (1) The State Student Financial Assistance Trust Fund  
27 is hereby created, to be administered by the Department of  
28 Education. Funds shall be credited to the trust fund as  
29 provided in the General Appropriations Act or similar  
30 legislation, to be used for the purposes set forth therein.

31

1           (2) The department may transfer into this trust fund  
2 general revenue, private donations for the purpose of matching  
3 state funds, and federal receipts for scholarships and grant  
4 programs. An individual account code shall be established for  
5 each funded scholarship and grant program for auditing  
6 purposes.

7           (3) Notwithstanding the provisions of s. 216.301, and  
8 pursuant to s. 216.351, any balance in the trust fund at the  
9 end of any fiscal year shall remain in the trust fund and  
10 shall be available for carrying out the purposes of the trust  
11 fund.

12           Section 578. Section 1010.731, Florida Statutes, is  
13 created to read:

14           1010.731 Student Loan Guaranty Reserve Trust  
15 Fund.--Chapter 99-35, Laws of Florida, re-created the Student  
16 Loan Guaranty Reserve Trust Fund to be used by the Department  
17 of Education for the administration of the guaranteed student  
18 loan program as provided in s. 1009.92.

19           Section 579. Section 1010.74, Florida Statutes, is  
20 created to read:

21           1010.74 Educational Certification and Services Trust  
22 Fund.--The proceeds from the collection of certification fees,  
23 finances, penalties, and costs levied pursuant to s. 1012.59  
24 shall be remitted by the Department of Education to the  
25 Treasurer for deposit into and disbursed from the "Educational  
26 Certification and Services Trust Fund" as re-created by  
27 chapter 99-31, Laws of Florida.

28           Section 580. Section 1010.75, Florida Statutes, is  
29 created to read:

30           1010.75 Teacher Certification Examination Trust  
31 Fund.--The proceeds for the certification examination fee

1 levied pursuant to s. 1012.59 shall be remitted by the  
2 Department of Education to the Treasurer for deposit into and  
3 disbursed for the "Teacher Certification Examination Trust  
4 Fund" as re-created by chapter 99-28, Laws of Florida.

5 Section 581. Section 1010.76, Florida Statutes, is  
6 created to read:

7 1010.76 Educational Aids Trust Fund.--Chapter 99-27,  
8 Laws of Florida, re-created the Educational Aids Trust Fund to  
9 administer receipts and disbursements for federal grants  
10 received by the Department of Education.

11 Section 582. Section 1010.77, Florida Statutes, is  
12 created to read:

13 1010.77 Food and Nutrition Services Trust  
14 Fund.--Chapter 99-34, Laws of Florida, re-created the Food and  
15 Nutrition Services Trust Fund to record revenue and  
16 disbursements of Federal Food and Nutrition funds received by  
17 the Department of Education as authorized in s. 1006.06.

18 Section 583. Section 1010.78, Florida Statutes, is  
19 created to read:

20 1010.78 Projects, Contracts, and Grants Trust  
21 Fund.--There is created in the Department of Education the  
22 Projects, Contracts, and Grants Trust Fund. The personnel  
23 employed to plan and administer grants or contracts for  
24 specific projects shall be considered in time-limited  
25 employment not to exceed the duration of the grant or until  
26 completion of the project, whichever first occurs. Such  
27 employees shall not acquire retention rights under the Career  
28 Service System. Any employee holding permanent career service  
29 status in a Department of Education position who is appointed  
30 to a position under the Projects, Contracts, and Grants Trust  
31

1 Fund shall retain such permanent status in the career service  
2 position.

3 Section 584. Section 1010.79, Florida Statutes, is  
4 created to read:

5 1010.79 Sophomore Level Test Trust Fund.--Chapter  
6 99-26, Laws of Florida, re-created the Sophomore Level Test  
7 Trust Fund to record revenue and disbursements of examination  
8 fees received by the Department of Education as authorized in  
9 s. 1008.29.

10 Section 585. Section 1010.80, Florida Statutes, is  
11 created to read:

12 1010.80 Educational Media and Technology Trust  
13 Fund.--Chapter 99-25, Laws of Florida, re-created the  
14 Educational Media and Technology Trust Fund to record revenue  
15 and disbursements by the Department of Education for the cost  
16 of producing and disseminating educational materials and  
17 products as authorized in s. 1006.39.

18 Section 586. Section 1010.81, Florida Statutes, is  
19 created to read:

20 1010.81 Knott Data Center Working Capital Trust  
21 Fund.--Chapter 99-29, Laws of Florida, re-created the Knott  
22 Data Center Working Capital Trust Fund to record the revenue  
23 from fees paid for services provided by the Department of  
24 Education's data center and disbursements to pay the costs of  
25 operating the data center as authorized in s. 216.272.

26 Section 587. Section 1010.82, Florida Statutes, is  
27 created to read:

28 1010.82 Textbook Bid Trust Fund.--Chapter 99-36, Laws  
29 of Florida, re-created the Textbook Bid Trust Fund to record  
30 the revenue and disbursements of textbook bid performance  
31

1 deposits submitted to the Department of Education as required  
2 in s. 1006.32.

3 Section 588. Section 1010.83, Florida Statutes, is  
4 created to read:

5 1010.83 Institutional Assessment Trust Fund.--

6 (1) Chapter 99-32, Laws of Florida, re-created the  
7 Institutional Assessment Trust Fund to be administered by the  
8 Department of Education pursuant to this section and rules of  
9 the State Board of Education. The trust fund shall consist of  
10 all fees and fines imposed upon nonpublic colleges and schools  
11 pursuant to this chapter, including all fees collected from  
12 nonpublic colleges for participation in the common course  
13 designation and numbering system. The department shall  
14 maintain separate revenue accounts for independent colleges  
15 and universities; nonpublic career education; and the  
16 Department of Education.

17 (2) Funds from the trust fund shall be used for  
18 purposes including, but not limited to, the following:

19 (a) Authorized expenses of the respective boards in  
20 carrying out their required duties.

21 (b) Financial assistance programs for students who  
22 attend nonpublic institutions licensed by the board.

23 (c) Educational programs for the benefit of current  
24 and prospective owners, administrators, agents, authorized  
25 groups of individuals, and faculty of institutions receiving a  
26 license, a certificate of exemption, or an authorization by  
27 the board.

28 (d) Authorized expenses of the Department of Education  
29 incurred as a result of the inclusion of nonpublic colleges in  
30 the common course designation and numbering system.

31

1           (3) The board may utilize other individuals or  
2 entities to administer the programs authorized in subsection  
3 (2).

4           Section 589. Section 1010.84, Florida Statutes, is  
5 created to read:

6           1010.84 Displaced Homemaker Trust Fund.--Chapter  
7 99-33, Laws of Florida, re-created the Displaced Homemaker  
8 Trust Fund to record revenue and disbursements from fees as  
9 authorized in s. 446.50.

10          Section 590. Section 1010.85, Florida Statutes, is  
11 created to read:

12          1010.85 Phosphate Research Trust Fund.--Chapter 99-45,  
13 Laws of Florida, re-created the Phosphate Research Trust Fund  
14 to record the revenue and disbursements from tax on severance  
15 of phosphate rock as provided in s. 211.3103.

16          Section 591. Section 1010.86, Florida Statutes, is  
17 created to read:

18          1010.86 Administration of capital improvement and  
19 building fees trust funds.--The State Board of Education shall  
20 administer the Capital Improvement Fee Trust Fund and the  
21 Building Fee Trust Fund which include receipts from capital  
22 improvement and building student fee assessments, interest  
23 earnings, and subsidy grants. All funds, except those to be  
24 used for debt service payments, reserve requirements, and  
25 educational research centers for child development, pursuant  
26 to s. 1011.48, shall be used to fund projects appropriated by  
27 the Legislature. Projects funded pursuant to this section may  
28 be expanded by the use of supplemental funds such as grants,  
29 auxiliary enterprises, private donations, and other nonstate  
30 sources.

31



1 Section 592. Chapter 1011 shall be entitled "Planning  
2 and Budgeting" and shall consist of ss. 1011.01-1011.93.

3 Section 593. Part I of chapter 1011 shall be entitled  
4 "Preparation, Adoption, and Implementation of Budgets" and  
5 shall consist of ss. 1011.01-1011.57.

6 Section 594. Section 1011.01, Florida Statutes, is  
7 created to read:

8 1011.01 Budget system established.--

9 (1) The State Board of Education shall prepare and  
10 submit a coordinated K-20 education annual legislative budget  
11 request to the Governor and the Legislature on or before the  
12 date provided by the Governor and the Legislature. The board's  
13 legislative budget request must clearly define the needs of  
14 school districts, community colleges, universities, other  
15 institutions, organizations, programs, and activities under  
16 the supervision of the board and that are assigned by law or  
17 the General Appropriations Act to the Department of Education.

18 (2) There shall be established in each school  
19 district, community college, and university a budget system as  
20 prescribed by law and rules of the State Board of Education.

21 (3) Each district school board, each community college  
22 board of trustees, and each state university board of trustees  
23 shall prepare, adopt, and submit to the Commissioner of  
24 Education for review an annual operating budget. Operating  
25 budgets shall be prepared and submitted in accordance with the  
26 provisions of law, rules of the State Board of Education, the  
27 General Appropriations Act, and for district school boards in  
28 accordance with the provisions of ss. 200.065 and 1011.64.

29 Section 595. Section 1011.011, Florida Statutes, is  
30 created to read:

31

1           1011.011 Legislative capital outlay budget  
2 request.--The State Board of Education shall submit an  
3 integrated, comprehensive budget request for educational  
4 facilities construction and fixed capital outlay needs for  
5 school districts, community colleges, and universities  
6 pursuant to this section and 1013.46 and applicable provisions  
7 of chapter 216.

8           Section 596. Section 1011.012, Florida Statutes, is  
9 created to read:

10           1011.012 Annual capital outlay budget.--

11           (1) Each district school board, community college  
12 board of trustees, and university board of trustees shall,  
13 each year, adopt a capital outlay budget for the ensuing year  
14 in order that the capital outlay needs of the board for the  
15 entire year may be well understood by the public. This capital  
16 outlay budget shall be a part of the annual budget and shall  
17 be based upon and in harmony with the educational plant and  
18 ancillary facilities plan. This budget shall designate the  
19 proposed capital outlay expenditures by project for the year  
20 from all fund sources. The board may not expend any funds on  
21 any project not included in the budget, as amended.

22           (2) Each district school board must prepare its  
23 tentative district facilities work program as required by s.  
24 1013.35 before adopting the capital outlay budget.

25           Section 597. Part I.a. of chapter 1011 shall be  
26 entitled "District School Boards: Preparation, Adoption, and  
27 Implementation of Budgets" and shall consist of ss.  
28 1011.02-1011.24.

29           Section 598. Section 1011.02, Florida Statutes, is  
30 created to read:

31

1           1011.02 District school boards to adopt tentative  
2 budget.--

3           (1) On or before the date prescribed in rules of the  
4 State Board of Education, each district school board shall  
5 receive and examine the tentative budget submitted by the  
6 district school superintendent, and shall require such changes  
7 to be made, in keeping with the purposes of the school code,  
8 as may be to the best interest of the school program in the  
9 district.

10           (2) The district school board shall determine, within  
11 prescribed limits, the reserves to be allotted for  
12 contingencies, and the cash balance to be carried forward at  
13 the end of the year. If the school board shall require any  
14 changes to be made in receipts, in the reserves for  
15 contingencies, or in the cash balance to be carried forward at  
16 the end of the year, it shall also require necessary changes  
17 to be made in the appropriations for expenditures so that the  
18 budget, as changed, will not contain appropriations for  
19 expenditures and reserves in excess of, or less than,  
20 estimated receipts and balances.

21           (3) The proposed budget shall include an amount for  
22 local required effort for current operation, in accordance  
23 with the requirements of s. 1011.62(4).

24           (4) When a tentative budget has been prepared in  
25 accordance with rules of the State Board of Education, the  
26 proposed expenditures, plus transfers, and balances shall not  
27 exceed the estimated income, transfers, and balances. The  
28 budget and each of the parts thereof shall balance.

29           (5) The board shall adopt a tentative budget.

30           Section 599. Section 1011.03, Florida Statutes, is  
31 created to read:

1           1011.03 Public hearings; budget to be submitted to  
2 Department of Education.--

3           (1) Each district school board must cause a summary of  
4 its tentative budget, including the proposed millage levies as  
5 provided for by law, and graphs illustrating a historical  
6 summary of financial and demographic data, to be advertised at  
7 least one time as a full-page advertisement in the newspaper  
8 with the largest circulation published in the district or to  
9 be posted at the courthouse door if there be no such  
10 newspaper.

11           (2)(a) The advertisement must include a graph  
12 illustrating the historical summary of financial and  
13 demographic data for each of the following data values which  
14 shall be plotted along the vertical axis of each graph:

15           1. Total revenue provided to the school district from  
16 all sources for the corresponding fiscal year, including all  
17 federal, state, and local revenue.

18           2. Total revenue provided to the school district for  
19 the corresponding fiscal year for current operations.

20           3. Total revenue provided to the school district for  
21 the corresponding fiscal year for fixed capital outlay  
22 projects.

23           4. Total revenue provided to the school district for  
24 the corresponding fiscal year for debt service.

25           5. Total number of unweighted full-time equivalent  
26 students, inclusive of all programs listed in s. 1011.62.

27           6. Total revenue provided to the school district for  
28 current operations divided by the number of unweighted  
29 full-time equivalent students for the corresponding fiscal  
30 year.

31

1           7. Total number of employees of the school district  
2 for the corresponding fiscal year.

3           8. Total number of employees of the school district  
4 classified as instructional personnel under s. 1012.01 for the  
5 corresponding fiscal year.

6           (b) Each graph must include a separate histogram  
7 corresponding to the financial and demographic data for each  
8 of the following fiscal years, which shall be plotted along  
9 the horizontal axis of each graph:

10           1. Current fiscal year.

11           2. Fiscal year that is 5 years before the current  
12 fiscal year.

13           3. Fiscal year that is 10 years before the current  
14 fiscal year.

15           (c) The numeric value of the financial and demographic  
16 data corresponding to each histogram must be included in each  
17 graph.

18           (3) The advertisement of a district that has been  
19 required by the Legislature to increase classroom expenditures  
20 pursuant to s. 1011.64 must include the following statement:

21  
22 "This proposed budget reflects an increase in classroom  
23 expenditures as a percent of total current operating  
24 expenditures of XX percent over the (previous fiscal year)  
25 fiscal year. This increase in classroom expenditures is  
26 required by the Legislature because the district has performed  
27 below the required performance standard on XX of XX student  
28 performance standards for the (previous school year) school  
29 year. In order to achieve the legislatively required level of  
30 classroom expenditures as a percentage of total operating  
31 expenditures, the proposed budget includes an increase in

1 overall classroom expenditures of \$XX,XXX,XXX above the amount  
2 spent for this same purpose during the (previous fiscal year)  
3 fiscal year. In order to achieve improved student academic  
4 performance, this proposed increase is being budgeted for the  
5 following activities: (list activities and amount budgeted)."

6 (4) The advertisement shall appear adjacent to the  
7 advertisement required pursuant to s. 200.065. The State Board  
8 of Education may adopt rules necessary to provide specific  
9 requirements for the format of the advertisement.

10 (5) The board shall hold public hearings to adopt  
11 tentative and final budgets pursuant to s. 200.065. The  
12 hearings shall be primarily for the purpose of hearing  
13 requests and complaints from the public regarding the budgets  
14 and the proposed tax levies and for explaining the budget and  
15 proposed or adopted amendments thereto, if any. The district  
16 school board shall then require the superintendent to transmit  
17 forthwith two copies of the adopted budget to the Department  
18 of Education for approval as prescribed by law and rules of  
19 the State Board of Education.

20 Section 600. Section 1011.04, Florida Statutes, is  
21 created to read:

22 1011.04 Levying of taxes.--

23 (1) Upon receipt of the certificate of the property  
24 appraiser giving the assessed valuation of the county and of  
25 each of the special tax school districts pursuant to s.  
26 200.065, the district school board shall determine by  
27 resolution the amounts necessary to be raised for current  
28 operating purposes and for each district bond interest and  
29 sinking fund and the millage necessary to be levied for each  
30 such fund, including the voted millage. A certified copy of  
31 the resolution shall thereupon be filed with the county

1 property appraiser, and the district school board shall also  
2 order the property appraiser to assess the several millages  
3 certified by the school board against the appropriate taxable  
4 property in the school district.

5 (2) The property appraiser shall then assess the taxes  
6 as ordered by the district school board. Tax millages so  
7 assessed shall be clearly designated and separately identified  
8 as to source on the tax bill for other county taxes.

9 (3) The collector shall collect said taxes and pay  
10 over the same promptly as collected to the district school  
11 depository or depositories to be used as provided by law;  
12 provided, that all taxes authorized herein shall be assessed  
13 and collected on railroad, street railroad, sleeping car,  
14 parlor car, and telegraph company property in the manner now  
15 provided by law.

16 Section 601. Section 1011.05, Florida Statutes, is  
17 created to read:

18 1011.05 Implementation of the official budget.--The  
19 official budget shall give the appropriations and reserves  
20 therein the force and effect of fixed appropriations and  
21 reserves, and the same shall not be altered, amended, or  
22 exceeded except as authorized. However, if the actual  
23 receipts during any year are less than budgeted receipts, and  
24 any obligations are thereby incurred which cannot be met  
25 before the close of the year, such obligations shall be paid  
26 and accounted for in the ensuing fiscal year in the manner  
27 prescribed by rules of the State Board of Education and shall  
28 be payable out of the first funds available for that purpose.

29 Section 602. Section 1011.06, Florida Statutes, is  
30 created to read:

31 1011.06 Expenditures.--

1       (1) Expenditures shall be limited to the amount  
2 budgeted under the classification of accounts provided for  
3 each fund and to the total amount of the budget after the same  
4 have been amended as prescribed by law and rules of the State  
5 Board of Education. The school board shall endeavor to obtain  
6 maximum value for all expenditures.

7       (2) EXPENDITURES FROM DISTRICT AND OTHER  
8 FUNDS.--Expenditures from district and all other funds  
9 available for the public school program of any district shall  
10 be authorized by law and must be in accordance with procedures  
11 prescribed by the district school board. A district school  
12 board may establish policies that allow expenditures to exceed  
13 the amount budgeted by function and object, provided that the  
14 district school board approves the expenditure and amends the  
15 budget within timelines established by school board policies.

16       Section 603. Section 1011.07, Florida Statutes, is  
17 created to read:

18       1011.07 Internal funds.--

19       (1) The district school board shall be responsible for  
20 the administration and control of all local school funds  
21 derived by any public school from all activities or sources,  
22 and shall prescribe the principles and procedures to be  
23 followed in administering these funds consistent with  
24 regulations adopted by the State Board of Education.

25       (2) The State Board of Education shall adopt rules  
26 governing the procedures for the recording of the receipts,  
27 expenditures, deposits, and disbursements of internal funds.

28       Section 604. Section 1011.08, Florida Statutes, is  
29 created to read:

30       1011.08 Expenditures between July 1 and date budget  
31 becomes official.--During the period from July 1 to the date



1 the tentative budget becomes official, district school boards  
2 are authorized to approve ordinary expenditures, including  
3 salary payments, which are necessary for the approved school  
4 program.

5 Section 605. Section 1011.09, Florida Statutes, is  
6 created to read:

7 1011.09 Expenditure of funds by district school  
8 board.--All state funds apportioned to the credit of any  
9 district constitute a part of the district school fund of that  
10 district and must be budgeted and expended under authority of  
11 the district school board subject to the provisions of law and  
12 rules of the State Board of Education.

13 (1) A district school board shall credit interest or  
14 profits on investments to the specific budgeted fund, as  
15 defined by the accounting system required by s. 1010.01, that  
16 produced the earnings unless otherwise authorized by law or  
17 rules of the State Board of Education.

18 (2) A district school board may temporarily advance  
19 moneys from one fund, as defined by the accounting system  
20 required by s. 1010.01, to another fund when insufficient  
21 moneys are available to meet current obligations if the  
22 temporary advancement is repaid within 13 months, appropriate  
23 accounting records are maintained, and the temporary  
24 advancement does not restrict, impede, or limit implementation  
25 or fulfillment of the original purposes for which the moneys  
26 were received in the fund providing the advancement.

27 (3) Funds expended from school nonrecurring incentives  
28 or bonus type state or federal funded programs based on  
29 performance outcomes may not be used for measuring compliance  
30 with state or federal maintenance of effort, supplanting, or  
31 comparability standards.

1 Section 606. Section 1011.10, Florida Statutes, is  
2 created to read:

3 1011.10 Penalty.--

4 (1) Any member of a district school board or any  
5 district school superintendent who shall violate the  
6 provisions of this section shall be guilty of malfeasance and  
7 misfeasance in office, and shall be subject to removal from  
8 office by the Governor; and any contract or attempted contract  
9 entered into by any school officer or subordinate school  
10 officer, not within the purview or in violation of the  
11 provisions of this section shall be void, and no such contract  
12 or attempted contract shall be enforceable in any court.

13 (2) Each member of any district school board voting to  
14 incur an indebtedness against the district school funds in  
15 excess of the expenditure allowed by law, or in excess of any  
16 appropriation as adopted in the original official budget or  
17 amendments thereto, or to approve or pay any illegal charge  
18 against the said funds, and any chair of a district school  
19 board or district school superintendent who shall sign a  
20 warrant for payment of any such claim or bill of indebtedness  
21 against any of the said funds shall be personally liable for  
22 the amount, and shall be guilty of malfeasance in office and  
23 subject to removal by the Governor. It shall be the duty of  
24 the Auditor General or other state official charged by law  
25 with the responsibility for auditing school accounts, upon  
26 discovering any such illegal expenditure or expenditures in  
27 excess of the appropriations in the budget as officially  
28 amended, to certify such fact to the Department of Banking and  
29 Finance, which thereupon shall verify such fact and it shall  
30 be the duty of the said Department of Banking and Finance to  
31 advise the Department of Legal Affairs thereof, and it shall

1 be the duty of the said Department of Legal Affairs to cause  
2 to be instituted and prosecuted, either through its office or  
3 through any state attorney, proceedings at law or in equity  
4 against such member or members of a district school board or  
5 district school superintendent; provided, that if either of  
6 the said officers do not institute proceedings within 90 days  
7 after the audit has been certified to them by the Department  
8 of Banking and Finance then any taxpayer may institute suit in  
9 his or her own name in behalf of the district.

10 Section 607. Section 1011.11, Florida Statutes, is  
11 created to read:

12 1011.11 Certain provisions to be directory.--No  
13 irregularities of form or manner in the preparation or  
14 adoption of any budget under the provisions of this chapter  
15 shall invalidate either the budget adopted or the taxes levied  
16 therefor. However, the budget and the taxes levied must  
17 conform substantially to the principles and provisions of law  
18 and rules of the State Board of Education.

19 Section 608. Section 1011.12, Florida Statutes, is  
20 created to read:

21 1011.12 Purposes of and procedures in incurring school  
22 indebtedness.--Indebtedness for school purposes may be  
23 incurred only as follows:

24 (1) School districts may issue bonds creating a  
25 long-term indebtedness as prescribed by law.

26 (2) Notes may be issued for money borrowed in  
27 anticipation of the receipt of current school funds, included  
28 in the budget from the state, county, or districts, as  
29 authorized under s. 1011.13.

30 (3) Indebtedness may be incurred for certain purposes  
31 as authorized under s. 1011.14, s. 1011.15, or s. 1011.16.

1       (4) Bonds or revenue certificates issued on behalf of  
2 the district by the State Board of Education as authorized by  
3 s. 18, Art. XII of the State Constitution of 1885 as adopted  
4 by s. 9(d) of Art. XII, 1968 revised constitution, and the  
5 additional provisions of s. 9(d).

6           Section 609. Section 1011.13, Florida Statutes, is  
7 created to read:

8           1011.13 Current loans authorized under certain  
9 conditions.--Except as provided in subsection (2), for any  
10 fiscal year in which school funds are estimated to be  
11 insufficient at any time during that fiscal year to pay  
12 obligations created by the district school board in accordance  
13 with the official budget of the district, or a budget approved  
14 by the district school board which is prepared preliminarily  
15 to the tentative budget required by this chapter, the school  
16 board is authorized to negotiate a current loan to pay these  
17 obligations, providing for the repayment of that loan from the  
18 proceeds of revenues reasonably to be anticipated during the  
19 fiscal year in which the loan is made as prescribed below.  
20 However, the district school board shall, whenever possible,  
21 so arrange its expenditures as to make the incurring of  
22 current loans unnecessary. When it is deemed necessary for the  
23 benefit of the schools of the district for a current loan to  
24 be negotiated, the school board shall arrange for a loan in an  
25 amount not violative of federal arbitrage regulations and for  
26 the repayment of the loan, in accord with the other provisions  
27 of this section.

28           (1) CURRENT LOANS AGAINST DISTRICT FUND, DISTRICT  
29 CAPITAL PROJECTS FUNDS, AND DISTRICT INTEREST AND SINKING  
30 FUNDS.--

1        (a) District school boards are authorized and  
2 empowered to borrow money, to be retired from the district tax  
3 receipts anticipated in the operating budget, the district  
4 capital projects budget, and the debt service budget, at a  
5 rate of interest not to exceed the rate authorized under the  
6 provisions of s. 215.84, for the purpose of paying all  
7 outstanding obligations and for the further purpose of paying  
8 any and all lawful expenses incurred in operating the schools  
9 of the district. However, it is unlawful for any district  
10 school board to borrow any sum of money in any one year in  
11 excess of 80 percent of the amount as estimated by it in the  
12 official budget for the current fiscal year for the district  
13 to be available from the district tax. The sum so borrowed  
14 shall be paid in full before the school board is authorized to  
15 borrow money in any succeeding year.

16        (b) Nothing in paragraph (a) shall be construed to  
17 invalidate any outstanding debt of any district as now  
18 existing and now due, or to become due, or as requiring any  
19 school board to pay the same in full before being permitted to  
20 borrow 80 percent on the estimate for the next ensuing year.

21        (c) In the event that the county tax roll is subjected  
22 to litigation and the tax collector is prevented from  
23 collecting taxes on that roll, the following provisions shall  
24 apply:

25            1. The restriction of 80 percent in paragraph (b)  
26 shall not apply if the collection of taxes is delayed beyond  
27 May 1.

28            2. District school boards are authorized and empowered  
29 to borrow money, to be repaid from the district school fund  
30 for operating purposes, the district capital projects funds,  
31 and the district interest and sinking funds, at a rate not to

1 exceed the rate authorized under the provisions of s. 215.84,  
2 for the purposes of paying any and all lawful operating  
3 expense, capital expense, and required debt service necessary  
4 for the outstanding bond issues of such districts at the times  
5 that the funds are needed to prevent the bonds or interest  
6 payments from being in default. However, the amount of money  
7 so borrowed shall be limited to the amount of the district  
8 school fund and district interest and sinking fund tax  
9 receipts included in the official school budget for that year  
10 or the amount necessary to be borrowed to meet such  
11 obligations, whichever amount is the lesser. Any funds  
12 borrowed pursuant to the authority of this subsection shall,  
13 insofar as possible, be repaid during the fiscal year in which  
14 the loan was made. However, any such loan unpaid at the end  
15 of the fiscal year shall be repaid from the first available  
16 revenue in the next succeeding year.

17 (2) CURRENT LOANS PAYABLE FROM REVENUE PROCEEDS.--

18 (a) A district school board is also authorized to  
19 negotiate a current loan before the end of the fiscal year,  
20 the note or notes from which loan shall be issued no earlier  
21 than 60 days before the beginning of the subsequent fiscal  
22 year, to be repaid during the subsequent fiscal year from the  
23 proceeds of revenue reasonably anticipated to be received  
24 during that year. The proceeds of any loan obtained pursuant  
25 to this subsection shall be limited, and the district school  
26 board shall take any and all action necessary, to assure that  
27 the Internal Revenue Code and the regulations promulgated  
28 thereunder are not violated.

29 (b) Loans arranged pursuant to this subsection shall  
30 be negotiated in accordance with a budget approved by the  
31 district school board which is prepared preliminarily to the

1 tentative budget required by this chapter. Such loans shall  
2 be at a rate of interest not to exceed the rate of interest  
3 authorized under the provisions of s. 215.84 and shall not be  
4 in excess of amounts authorized under the Internal Revenue  
5 Code for arbitrage.

6 (c) The proceeds of any loan obtained pursuant to this  
7 subsection, or any interest earnings thereon, shall not be  
8 used to pay any expenses incurred in the fiscal year in which  
9 the loan is made; nor shall the proceeds of the loan or  
10 interest earnings thereon be in any way encumbered to pay  
11 expenses incurred in the fiscal year in which the loan is  
12 made, but shall be held in escrow until the subsequent fiscal  
13 year. Any outstanding loan issued pursuant to subsection (1)  
14 must be defeased not less than 5 business days prior to the  
15 issuance of any obligation pursuant to this subsection. All  
16 proceeds of any loan obtained pursuant to this subsection, and  
17 any interest earnings thereon, shall be placed at closing in  
18 an irrevocable escrow account and held until the beginning of  
19 the subsequent fiscal year. The school district shall maintain  
20 the integrity of such loan proceeds and related interest in  
21 its accounting records so as to be able to validate compliance  
22 with the provisions of this paragraph.

23 Section 610. Section 1011.14, Florida Statutes, is  
24 created to read:

25 1011.14 Obligations for a period of 1 year.--District  
26 school boards are authorized only under the following  
27 conditions to create obligations by way of anticipation of  
28 budgeted revenues accruing on a current basis without pledging  
29 the credit of the district or requiring future levy of taxes  
30 for certain purposes for a period of 1 year; however, such  
31 obligations may be extended from year to year with the consent

1 of the lender for a period not to exceed 4 years, or for a  
2 total of 5 years including the initial year of the loan:

3 (1) PURPOSES.--The purposes for which such obligations  
4 may be incurred within the intent of this section shall  
5 include only the purchase of school buses, land, and equipment  
6 for educational purposes; the erection of, alteration to, or  
7 addition to educational facilities; and the adjustment of  
8 insurance on educational property on a 5-year plan, as  
9 provided by rules of the State Board of Education.

10 (2) OBLIGATIONS MAY NOT EXCEED ONE-FOURTH OF DISTRICT  
11 AD VALOREM TAX REVENUE FOR OPERATIONS FOR THE PRECEDING  
12 YEAR.--No obligation of the nature prescribed herein may be  
13 incurred by any district school board when such proposed  
14 obligations exceed one-fourth of the revenue received during  
15 the preceding year for the district school fund for operating  
16 expense of the district.

17 (3) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the  
18 district school board proposes to incur obligations of the  
19 nature authorized in this section, it shall adopt and spread  
20 upon its minutes a resolution giving the nature of the  
21 obligations to be incurred, stating the plan of payment, and  
22 providing that such funds will be budgeted during the period  
23 of the loan from the current revenue to retire the obligations  
24 maturing during the year. This plan of payment shall not  
25 extend over a period longer than 1 year.

26 (4) INTEREST-BEARING NOTES AUTHORIZED.--Each district  
27 school board which has authorized the incurring of the  
28 obligations as provided in this section shall issue  
29 interest-bearing notes for the obligations. The notes shall  
30 provide the terms of payment and shall not bear interest in  
31 excess of the rate authorized under the provisions of s.



1 215.84. No additional obligations of a similar nature may be  
2 incurred against the funds of any school district when notes  
3 authorized under this subsection are still outstanding and  
4 unpaid when such proposed obligations together with the unpaid  
5 notes outstanding exceed one-fourth of the revenue of the  
6 preceding year, as defined in subsection (2).

7 Section 611. Section 1011.15, Florida Statutes, is  
8 created to read:

9 1011.15 Obligations to eliminate major emergency  
10 conditions.--The district school board of any district  
11 experiencing a major emergency condition in an existing school  
12 plant that demands immediate correction in order to prevent  
13 further damage to the building or equipment or to eliminate a  
14 safety hazard that constitutes an immediate danger to the  
15 students and other occupants is authorized to create an  
16 obligation for a period of 1 year by way of anticipation of  
17 revenues for capital outlay purposes accruing on a current  
18 basis without pledging the credit of the district. Such  
19 obligation may be extended from year to year with the consent  
20 of the lender for a period not to exceed 4 years, or for a  
21 total of 5 years including the initial year of the loan.  
22 Obligations occurring under this section may be repaid from  
23 funds to be received from taxes authorized by s. 1011.71(2)  
24 and from any other funds available to the district school  
25 board for the purpose under the following conditions:

26 (1) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the  
27 district school board proposes to incur obligations of the  
28 nature authorized in this section, it shall adopt and spread  
29 upon its minutes a resolution fully describing the emergency  
30 condition outlined above, giving the nature of the obligations  
31 to be incurred, stating the plan of payment, and providing

1 that such funds will be budgeted during the period of the loan  
2 from the current revenue to retire the obligations maturing  
3 during the year. This plan of payment shall not extend over a  
4 period longer than 1 year.

5 (2) INTEREST-BEARING NOTES AUTHORIZED.--Each district  
6 school board which has authorized the incurring of the  
7 obligations as provided in this section shall issue  
8 interest-bearing notes for the obligations. The notes shall  
9 provide the terms of payment and shall not bear interest in  
10 excess of the rate authorized in s. 1010.59.

11 Section 612. Section 1011.16, Florida Statutes, is  
12 created to read:

13 1011.16 Provisions for retirement of existing  
14 indebtedness which is unfunded or in default.--In any district  
15 in which there is any indebtedness outstanding against the  
16 district school fund which has not yet been funded, or at any  
17 time any such indebtedness is in default as to principal or  
18 interest, the district school board shall proceed as follows:

19 (1) PLAN FOR RETIRING INDEBTEDNESS TO BE  
20 PROPOSED.--The district school board shall prepare and propose  
21 a plan for retiring any unfunded indebtedness or any such  
22 indebtedness which is in default so that no creditor having a  
23 valid claim will be given a preferred status. This plan shall  
24 be so prepared as to show the funds needed for operating the  
25 schools on the most economical basis practicable, the amount  
26 of any other obligations which must be met each year, the  
27 total funds available each year for the entire school program,  
28 and the funds that can reasonably be spared for retirement of  
29 indebtedness without needlessly handicapping the school  
30 program and which can be budgeted each year for the retirement  
31 of such indebtedness.

1           (2) PROPOSAL TO BE SUBMITTED TO DEPARTMENT OF  
2 EDUCATION.--The proposal for funding and retiring all such  
3 indebtedness, when approved by the district school board,  
4 shall be submitted to the Department of Education for  
5 consideration. The district school board shall not attempt to  
6 retire any such indebtedness until this procedure has been  
7 followed and until it has had the benefit of the  
8 recommendations of the department. Upon receiving the  
9 proposal, the department shall determine the minimum funds  
10 which are, in its opinion, necessary for the operation of the  
11 school program in the district; shall determine what funds  
12 remain for retirement of indebtedness each year; shall  
13 determine whether the proposed plan is in accordance with  
14 these facts, and, if it is not, shall propose modifications in  
15 the plan in accordance with the facts. The recommendations of  
16 the department shall then be submitted to the district school  
17 board for consideration.

18           (3) WHEN PLAN TO BE EFFECTIVE.--The plan for retiring  
19 indebtedness, herein prescribed, shall become effective when  
20 the district school board and the Department of Education  
21 jointly agree upon the amount of funds necessary for operating  
22 the schools and the amount which can be budgeted each year for  
23 retiring indebtedness. When this plan has been agreed upon, it  
24 shall become the duty of the district school board to see that  
25 the amount approved for retiring indebtedness is incorporated  
26 in the budget each year, and the department shall see that  
27 this amount has been incorporated before the budget is  
28 approved, or, if such an amount can not reasonably be  
29 incorporated in the budget, as shown by evidence submitted by  
30 the district school board, determine the respects in which the  
31 plan should be modified, and to see that the budget includes

1 the amount for retiring indebtedness which can reasonably be  
2 included.

3 (4) FUNDING OUTSTANDING INDEBTEDNESS.--

4 (a) Each district school board having an outstanding  
5 indebtedness legally incurred and constituting an obligation  
6 or obligations payable from the district school fund is  
7 authorized to issue and sell interest-bearing coupon warrants  
8 in a sum or sums not to exceed the total amount of such  
9 indebtedness. Such coupon warrants shall bear interest at a  
10 rate not to exceed the rates authorized under the provisions  
11 of s. 215.84, shall be payable either annually or  
12 semiannually, and shall be in such form and denomination as  
13 the district school board issuing the same shall prescribe.  
14 None of such warrants shall be issued to run for a longer  
15 period of time than 10 years from the date of issue. Such  
16 warrants shall be numbered consecutively, beginning with  
17 number one, and each warrant shall have attached thereto  
18 interest coupons, each coupon bearing the number of its  
19 warrant and representing or calling for an annual or  
20 semiannual, as the case may be, payment of interest on its  
21 warrant.

22 (b) Each such warrant shall be signed by the chair and  
23 attested by the secretary of the district school board issuing  
24 the same, and shall have the seal of the district school board  
25 affixed thereto, and the interest coupons attached thereto  
26 shall be signed by, or bear the printed or lithographed  
27 facsimile signature of the chair and secretary. Each warrant  
28 and interest coupon shall be dated and shall bear the due  
29 date. Such warrants and interest coupons shall be issued upon,  
30 and payable from, the fund designated on the face thereof. The  
31 fund so designated shall be the district school fund. All

1 funds derived from the sale of interest-bearing coupon  
2 warrants, as herein provided, shall be used for the purpose of  
3 retiring the indebtedness for payment of which the warrants  
4 were issued, and for no other purpose, and any funds remaining  
5 from the sale of such warrants shall be applied to retiring  
6 the interest-bearing coupon warrants from which such funds  
7 were derived.

8 (5) FUNDING OR REFUNDING OTHER TYPES OF  
9 INDEBTEDNESS.--Any proposed plan for refunding any type of  
10 outstanding and legally incurred school indebtedness, not  
11 covered by this section, shall be submitted to the Department  
12 of Education for approval under rules of the State Board of  
13 Education. No such indebtedness may be refunded and no plan  
14 for refunding such indebtedness may be approved, unless the  
15 plan provides for retiring the indebtedness in reasonably  
16 equal annual installments over the period of years covered,  
17 unless other obligations to be retired during any of these  
18 years make adjustments necessary. No indebtedness of any type  
19 may be refunded on a sinking fund basis. The district school  
20 board shall provide that all refunding warrants, notes, or  
21 bonds shall be callable, upon proper notice, beginning not  
22 more than 10 years following the date of refunding. If any  
23 indebtedness outstanding against the county or district  
24 current school funds cannot be retired over a period of 10  
25 years as prescribed in this section, or cannot be funded or  
26 refunded by issuing interest-bearing coupon warrants, the  
27 Department of Education is authorized to cooperate with the  
28 school officials of the district in developing a practicable  
29 plan for refunding such indebtedness and, when such a plan has  
30 been developed, may approve an agreement with the district  
31 school officials for refunding such indebtedness to be retired

1 over a period of time which shall not exceed a maximum of 20  
2 years; and, if necessary, for refunding the indebtedness by  
3 issuing interest-bearing notes. Any funding or refunding  
4 obligations issued, as prescribed herein, are not and shall  
5 not be deemed to be additional bonds within the meaning of the  
6 Constitution and laws of Florida, and it shall not be  
7 necessary for such obligations to be submitted to, or approved  
8 by, a vote of the people of the district. In preparing and  
9 carrying out such a plan for funding or refunding the school  
10 indebtedness, the district school board and the district  
11 school superintendent shall follow the procedures prescribed  
12 in this section, supplemented by rules of the State Board of  
13 Education, except for the modifications which are herein  
14 authorized.

15 Section 613. Section 1011.17, Florida Statutes, is  
16 created to read:

17 1011.17 School funds to be paid to Treasurer or into  
18 depository.--

19 (1) Every tax collector, or other person having moneys  
20 which by law go to any district school fund shall at least  
21 once each month pay the same over to the depository or  
22 depositories designated by the district school board for such  
23 purpose, and shall provide said board with confirmation of the  
24 deposit. Every officer having moneys which by law go to any  
25 state school fund, shall pay the same to the Treasurer of the  
26 state, and the Treasurer shall see that these moneys are  
27 deposited to the credit of the proper state school fund.

28 (2) The district school board shall have the authority  
29 to designate that funds due it be placed for investment for  
30 its account with the State Board of Administration rather than  
31 be deposited, and said board may direct those persons having

1 moneys due it or due any state school fund to pay out such  
2 funds to the State Board of Administration to make authorized  
3 investments for its account.

4 Section 614. Section 1011.18, Florida Statutes, is  
5 created to read:

6 1011.18 School depositories; payments into and  
7 withdrawals from depositories.--

8 (1) SCHOOL FUNDS TO BE PAID INTO DEPOSITORIES.--The  
9 tax collector, the clerk of the circuit court, the  
10 superintendent, and all other persons having, receiving, or  
11 collecting any money payable to the school district shall  
12 promptly pay the same to the bank or banks selected by the  
13 district school board to receive funds for that purpose. No  
14 bank shall be so selected unless it is qualified as an  
15 approved depository as provided by law. Each bank receiving  
16 any school money as provided herein shall make a receipt for  
17 same.

18 (2) INVESTMENT OF FUNDS DUE.--The district school  
19 board shall have the authority to designate that funds due it  
20 be placed for investment for its account with the State Board  
21 of Administration rather than be deposited, and the district  
22 school board may direct those persons having moneys due it or  
23 due any state school fund to pay out such funds to the State  
24 Board of Administration to make authorized investments for its  
25 account.

26 (3) FUNDS ON DEPOSIT WITH EACH DEPOSITORY; OVERDRAWING  
27 ACCOUNTS PROHIBITED.--The district school board shall require  
28 an accurate and complete set of accounts to be maintained in  
29 the books and records for each fund on deposit in each  
30 district school depository. Each such account shall show the  
31 amount subject to withdrawal, the amount deposited, the amount

1 expended, and the balance of the account. In compliance with  
2 the provisions of this subsection, a district school board may  
3 maintain a separate checking account for each such fund or may  
4 utilize a single checking account for the deposit and  
5 withdrawal of moneys from all funds and segregate the various  
6 funds on the books and records only. No check or warrant shall  
7 be drawn in excess of the balance to the credit of the  
8 appropriate fund. The funds awaiting clearing may be invested  
9 in an approved county depository in instruments earning  
10 interest, such as repurchase agreements, savings accounts,  
11 etc. If repurchase agreements are involved, United States  
12 Treasury securities or GNMA's must be pledged as collateral  
13 for an amount to exceed the principal, interest, and a  
14 reasonable safety margin for protection against date-to-date  
15 price fluctuation.

16 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money  
17 drawn from any district school depository holding same as  
18 prescribed herein shall be upon a check or warrant drawn on  
19 authority of the district school board as prescribed by law.  
20 Each check or warrant shall be signed by the chair or, in his  
21 or her absence, the vice chair of the district school board  
22 and countersigned by the district school superintendent, with  
23 corporate seal of the school board affixed. However, as a  
24 matter of convenience, the corporate seal of the district  
25 school board may be printed upon the warrant and a proper  
26 record of such warrant shall be maintained. The district  
27 school board may by resolution, a copy of which must be  
28 delivered to the depository, provide for internal funds to be  
29 withdrawn from any district depository by a check duly signed  
30 by at least two bonded school employees designated by the  
31 board to be responsible for administering such funds. However,



1 the district school superintendent or his or her designee,  
2 after having been by resolution specifically authorized by the  
3 district school board, may transfer funds from one depository  
4 to another, within a depository, to another institution, or  
5 from another institution to a depository for investment  
6 purposes and may transfer funds in a similar manner when the  
7 transfer does not represent an expenditure, advance, or  
8 reduction of cash assets. Such transfer may be made by  
9 electronic, telephonic, or other medium; and each transfer  
10 shall be confirmed in writing and signed by the district  
11 school superintendent or his or her designee.

12 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The  
13 district school board is authorized to establish the form or  
14 forms of warrants, which are to be signed by the chair or, in  
15 his or her absence, the vice chair of the district school  
16 board and countersigned by the district school superintendent,  
17 for payment or disbursement of moneys out of the school  
18 depository and to change the form thereof from time to time as  
19 the district school board deems appropriate. If authorized in  
20 writing by the payee, such district school board warrants may  
21 provide for the direct deposit of funds to the account of the  
22 payee in any financial institution that is designated in  
23 writing by the payee and that has lawful authority to accept  
24 such deposits. The written authorization of the payee must be  
25 filed with the district school board. Direct deposit of funds  
26 may be by any electronic or other medium approved by the  
27 district school board for such purpose. The State Board of  
28 Education shall adopt rules prescribing minimum security  
29 measures that must be implemented by any district school board  
30 before establishing the system authorized in this subsection.

31

1           (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND  
2 THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

3           (a) Each district school board is authorized to  
4 contract with an approved service organization to provide  
5 self-insurance services, including, but not limited to, the  
6 evaluation, settlement, and payment of self-insurance claims  
7 on behalf of the district school board. Pursuant to such  
8 contract, the district school board may advance money to the  
9 service organization to be deposited in a special checking  
10 account for paying claims against the district school board  
11 under its self-insurance program. The special checking  
12 account shall be maintained in a designated district school  
13 depository. The district school board may replenish such  
14 account as often as necessary upon the presentation by the  
15 service organization of documentation for claims paid equal to  
16 the 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 superintendent or his  
22 or her designee.

23           (b) The district school board is authorized to  
24 contract with an insurance company or professional  
25 administrator who holds a valid certificate of authority  
26 issued by the Department of Insurance to provide any or all  
27 services that a third-party administrator is authorized by law  
28 to perform. Pursuant to such contract, the district school  
29 board may advance or remit money to the administrator to be  
30 deposited in a designated special checking account for paying  
31 claims against the district school board under its

1 self-insurance programs, and remitting premiums to the  
2 providers of insured benefits on behalf of the district school  
3 board and the participants in such programs, and otherwise  
4 fulfilling the obligations imposed upon the administrator by  
5 law and the contractual agreements between the district school  
6 board and the administrator. The special checking account  
7 shall be maintained in a designated district school  
8 depository. The district school board may replenish such  
9 account as often as necessary upon the presentation by the  
10 service organization of documentation for claims or premiums  
11 due paid equal to the amount of the requested reimbursement.  
12 Such replenishment shall be made by a warrant signed by the  
13 chair of the district school board and countersigned by the  
14 district school superintendent. Such replenishment may be made  
15 by 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. The provisions  
18 of strict accountability of all funds and an annual audit by  
19 an independent certified public accountant as provided in s.  
20 1001.42(10)(k) shall apply to this subsection.

21 Section 615. Section 1011.19, Florida Statutes, is  
22 created to read:

23 1011.19 Sources of district school fund.--The district  
24 school fund shall consist of funds derived from the district  
25 school tax levy; state appropriations; appropriations by  
26 county commissioners; local, state, and federal school food  
27 service funds; any and all other sources for school purposes;  
28 national forest trust funds and other federal sources; and  
29 gifts and other sources.

30 Section 616. Section 1011.20, Florida Statutes, is  
31 created to read:

1           1011.20 Apportionment and use of district school  
2 fund.--The district school fund shall be apportioned, expended  
3 and disbursed in the district solely for the support of the  
4 public schools of the district as prescribed by law; provided,  
5 however, that the district school fund shall also be used to  
6 pay the principal and interest on bonds legally issued and  
7 payable from said fund, together with other proper items of  
8 debt service against such fund, including any necessary  
9 refunding expense as prescribed by rules of the State Board of  
10 Education. The district school board shall, before the  
11 maturity of such bonds or other indebtedness and before  
12 interest due dates, deposit with the paying agent or make  
13 available, as designated in the resolution authorizing the  
14 issuance of the bonds or other legal evidences of  
15 indebtedness, sufficient funds with which to pay all principal  
16 and interest when due; provided, that when such funds have  
17 been so deposited with the paying agent or made available, all  
18 interest on the indebtedness represented by the maturing  
19 bonds, coupons or other evidences of indebtedness shall cease  
20 as of their maturity dates; and provided, further, that if any  
21 such bonds, coupons or other evidences of indebtedness are not  
22 presented for payment within 6 months after the date on which  
23 they mature, the funds shall be returned to the district  
24 school board and shall be placed by said board in the district  
25 school fund and the district school board shall pay said  
26 bonds, coupons or other evidences of indebtedness from said  
27 fund when presented for payment. Any holder of bonds, coupons  
28 or other indebtedness claiming interest after maturity on  
29 account of the fact that funds were not deposited with the  
30 paying agent or made available to pay such bonds, coupons or  
31 other indebtedness at maturity, shall be required to produce

1 evidence in the form of a letter from the paying agent or the  
2 district school board, respectively, acknowledging that the  
3 bonds, coupons and other evidences of indebtedness upon which  
4 interest is claimed were presented for payment, that no funds  
5 were available for the payment thereof, that such bonds,  
6 coupons and other evidences of indebtedness were presented for  
7 payment at least annually thereafter and that no funds were  
8 available to pay such indebtedness. The paying agent or the  
9 district school board, whichever has the duty of holding the  
10 funds, shall, upon request of the holder of defaulted bonds,  
11 coupons or other evidences of indebtedness, furnish to such  
12 holder the letter required herein. When such evidence is  
13 presented the district school fund shall be liable for the  
14 payment of principal and interest on the bonds, coupons or  
15 other evidences of indebtedness from maturity until paid at  
16 the rate prescribed on the face thereof. If at any time any  
17 bonds, coupons or other evidences of indebtedness are reduced  
18 to judgment, the district school fund shall be responsible for  
19 past due interest only at the rate prescribed by the bonds or  
20 other evidences of indebtedness and any rate of interest in  
21 excess of that amount shall be illegal and invalid. Such  
22 judgments shall bear interest at the rate of 5 percent per  
23 annum until paid. When any proposal for refunding the  
24 indebtedness against said district school fund has been  
25 prepared and approved by the State Board of Education, as  
26 required by law, and when the holders of at least 80 percent  
27 of the outstanding indebtedness against said fund have agreed  
28 in writing to the refunding plan, the district school board  
29 shall be authorized to pay, out of the district school fund,  
30 from and after that date, on the original and refunding bonds  
31 or other evidences of indebtedness only the rate of interest

1 which has been agreed upon for the refunding bonds or other  
2 evidences of indebtedness and no owner or holder of a bond,  
3 coupon or other evidence of indebtedness shall be entitled to  
4 a higher rate of interest after that date; provided, that such  
5 owner or holder shall be given the option by the district  
6 school board of receiving payment in cash for all principal  
7 and interest due on the bonds and coupons or other evidence of  
8 indebtedness he or she holds at the same rate at which the  
9 remaining indebtedness has been refunded.

10 Section 617. Section 1011.21, Florida Statutes, is  
11 created to read:

12 1011.21 Source and use of district interest and  
13 sinking fund.--The district interest and sinking fund of any  
14 school district shall comprise the proceeds of the tax levied  
15 for the purpose of paying the principal and interest of bonds  
16 outstanding against the district as provided in this chapter  
17 and in addition such funds as may accrue to the credit of the  
18 district interest and sinking fund from interest on deposits,  
19 investments or other sources. The district interest and  
20 sinking fund in each district shall be used to pay the  
21 principal and interest on bonds legally issued against the  
22 district and other proper items of debt service against such  
23 district, including any necessary refunding expense as  
24 prescribed by rules of the State Board of Education. The  
25 district school board shall, before the maturity of bonds and  
26 before interest due dates, deposit with the paying agent or  
27 make available, as designated in the resolution authorizing  
28 the issuance of bonds, sufficient money of the district  
29 interest and sinking fund with which to pay all principal and  
30 interest when due; provided, that when such money has been so  
31 deposited with the paying agent or made available, all

1 interest on the indebtedness represented by the maturing bonds  
2 or coupons shall cease as of their maturity dates; and  
3 provided, further, that if any such bonds or coupons are not  
4 presented for payment within 6 months after the date on which  
5 they mature, the money shall be returned to the district  
6 school board and shall be held by said board as a reserve fund  
7 in the account of the district interest and sinking fund until  
8 the bonds and coupons are presented for payment. Any holder  
9 of bonds or coupons claiming interest after maturity shall be  
10 required to produce evidence in the form of a letter from the  
11 paying agent or the district school board of the district,  
12 respectively, acknowledging that the bonds or coupons upon  
13 which interest is claimed were presented for payment upon  
14 maturity, that no funds were available for the payment  
15 thereof, that such bonds or coupons were presented for payment  
16 at least annually thereafter and that no funds were available  
17 to pay such bonds or coupons. The paying agent or the  
18 district school board, whichever has the duty of holding the  
19 money shall, upon request of the holder of defaulted bonds or  
20 coupons, furnish to such holder the letter required herein.  
21 When such evidence is presented, the district interest and  
22 sinking fund shall be liable for the payment of principal and  
23 interest on the bonds and coupons from maturity until paid at  
24 the rate prescribed on the face of the bonds. If at any time  
25 any bonds or coupons are reduced to judgment, the district  
26 interest and sinking fund shall be responsible for past due  
27 interest only at the rate prescribed by the bonds and any rate  
28 of interest in excess of that amount shall be illegal and  
29 invalid. Such judgments shall bear interest at the rate of 5  
30 percent per annum until paid. When any proposal for refunding  
31 the indebtedness against any district has been prepared and

1 approved by the Department of Education, as required by law,  
2 and when the holders of at least 80 percent of the outstanding  
3 indebtedness represented by the bond issue have agreed in  
4 writing to the refunding plan, the district school board shall  
5 be authorized to pay, from and after that date on the original  
6 and refunding bonds from the district interest and sinking  
7 fund, only the rate of interest which has been agreed upon for  
8 the refunding bonds and no owner or holder of a bond or coupon  
9 shall be entitled to a higher rate of interest after that  
10 date; provided, that such owner or holder shall be given the  
11 option by the school board of receiving payment in cash for  
12 all principal and interest due on the bonds and coupons he or  
13 she holds at the same rate at which the remaining bonds and  
14 coupons have been refunded.

15 Section 618. Section 1011.22, Florida Statutes, is  
16 created to read:

17 1011.22 Interest and sinking funds may be invested in  
18 certain bonds, warrants, and notes.--Each district school  
19 board shall have the power at all times to invest the interest  
20 and sinking funds collected for the retirement of any bonds of  
21 the school district in any investment as authorized in s.  
22 1010.53(2). The district school board shall have authority at  
23 any time to use the interest and sinking fund of any district  
24 for purchasing, for the purpose of canceling and retiring,  
25 bonds outstanding against the interest and sinking fund of  
26 said district at any price which will result in a net saving  
27 to the taxpayers of the district; provided, always, that the  
28 district school board shall have the right to keep the  
29 interest and sinking fund on deposit earning the rate of  
30 interest agreed upon until such time as within its judgment it  
31



1 may be able to invest it in bonds, warrants, or notes to  
2 better advantage as herein provided for.

3 Section 619. Section 1011.23, Florida Statutes, is  
4 created to read:

5 1011.23 Disposition of balance in interest and sinking  
6 fund.--If all principal and interest outstanding against any  
7 school district shall have been paid, and there shall still  
8 remain a balance in the interest and sinking fund to the  
9 credit of that district, the district school board shall, by  
10 resolution, authorize this balance to be transferred to the  
11 credit of the district school fund.

12 Section 620. Section 1011.24, Florida Statutes, is  
13 created to read:

14 1011.24 Special district units.--For the purposes of  
15 funding through chapters 1011 and 1013, developmental research  
16 schools shall be designated as special school districts. Such  
17 districts shall be accountable to the Department of Education  
18 for budget requests and reports on expenditures.

19 Section 621. Part I.b. of chapter 1011 shall be  
20 entitled "Community Colleges: Preparation, Adoption, and  
21 Implementation of Budgets" and shall consist of ss.  
22 1011.30-1011.32.

23 Section 622. Section 1011.30, Florida Statutes, is  
24 created to read:

25 1011.30 Budgets for community colleges.--Each  
26 community college president shall recommend to the community  
27 college board of trustees a budget of income and expenditures  
28 at such time and in such form as the State Board of Education  
29 may prescribe. Upon approval of a budget by the community  
30 college board of trustees, such budget shall be transmitted to  
31 the Department of Education for review and approval. Rules of

1 the State Board of Education shall prescribe procedures for  
2 effecting budget amendments subsequent to the final approval  
3 of a budget for a given year.

4 Section 623. Section 1011.31, Florida Statutes, is  
5 created to read:

6 1011.31 Current loans to community college boards of  
7 trustees.--

8 (1) At any time the current funds on hand are  
9 insufficient to pay obligations created by a community college  
10 board of trustees in accordance with the approved budget of  
11 the community college, the community college board of trustees  
12 may request approval by the Commissioner of Education of a  
13 proposal to negotiate a current loan, with provisions for the  
14 repayment of such loan during the fiscal year in which the  
15 loan is made, in order to meet these obligations.

16 (2) The Commissioner of Education shall approve such  
17 proposal when, in his opinion, the proposal is reasonable and  
18 just, the expenditure is necessary, and revenues sufficient to  
19 meet the requirements of the loan can reasonably be  
20 anticipated.

21 Section 624. Section 1011.32, Florida Statutes, is  
22 created to read:

23 1011.32 Community College Facility Enhancement  
24 Challenge Grant Program.--

25 (1) The Legislature recognizes that the community  
26 colleges do not have sufficient physical facilities to meet  
27 the current demands of their instructional and community  
28 programs. It further recognizes that, to strengthen and  
29 enhance community colleges, it is necessary to provide  
30 facilities in addition to those currently available from  
31 existing revenue sources. It further recognizes that there are

1 sources of private support that, if matched with state  
2 support, can assist in constructing much needed facilities and  
3 strengthen the commitment of citizens and organizations in  
4 promoting excellence at each community college. Therefore, it  
5 is the intent of the Legislature to establish a program to  
6 provide the opportunity for each community college through its  
7 direct-support organization to receive and match challenge  
8 grants for instructional and community-related capital  
9 facilities within the community college.

10 (2) There is established the Community College  
11 Facility Enhancement Challenge Grant Program for the purpose  
12 of assisting the community colleges in building high priority  
13 instructional and community-related capital facilities  
14 consistent with s. 1004.65, including common areas connecting  
15 such facilities. The direct-support organizations that serve  
16 the community colleges shall solicit gifts from private  
17 sources to provide matching funds for capital facilities. For  
18 the purposes of this section, private sources of funds shall  
19 not include any federal or state government funds that a  
20 community college may receive.

21 (3) The Community College Capital Facilities Matching  
22 Program shall provide funds to match private contributions for  
23 the development of high priority instructional and  
24 community-related capital facilities, including common areas  
25 connecting such facilities, within the community colleges.

26 (4) Within the direct-support organization of each  
27 community college there must be established a separate capital  
28 facilities matching account for the purpose of providing  
29 matching funds from the direct-support organization's  
30 unrestricted donations or other private contributions for the  
31 development of high priority instructional and

1 community-related capital facilities, including common areas  
2 connecting such facilities. The Legislature shall appropriate  
3 funds for distribution to a community college after matching  
4 funds are certified by the direct-support organization and  
5 community college. The Public Education Capital Outlay and  
6 Debt Service Trust Fund shall not be used as the source of the  
7 state match for private contributions.

8 (5) A project may not be initiated unless all private  
9 funds for planning, construction, and equipping the facility  
10 have been received and deposited in the direct-support  
11 organization's matching account and the state's share for the  
12 minimum amount of funds needed to begin the project has been  
13 appropriated by the Legislature. The Legislature may  
14 appropriate the state's matching funds in one or more fiscal  
15 years for the planning, construction, and equipping of an  
16 eligible facility. However, these requirements shall not  
17 preclude the community college or direct-support organization  
18 from expending available funds from private sources to develop  
19 a prospectus, including preliminary architectural schematics  
20 and/or models, for use in its efforts to raise private funds  
21 for a facility. Additionally, any private sources of funds  
22 expended for this purpose are eligible for state matching  
23 funds should the project materialize as provided for in this  
24 section.

25 (6) To be eligible to participate in the Community  
26 College Facility Enhancement Challenge Grant Program, a  
27 community college, through its direct-support organization,  
28 shall raise a contribution equal to one-half of the total cost  
29 of a facilities construction project from private sources  
30 which shall be matched by a state appropriation equal to the  
31

1 amount raised for a facilities construction project, subject  
2 to the General Appropriations Act.

3 (7) If the state's share of the required match is  
4 insufficient to meet the requirements of subsection (6), the  
5 community college shall renegotiate the terms of the  
6 contribution with the donors. If the project is terminated,  
7 each private donation, plus accrued interest, reverts to the  
8 direct-support organization for remittance to the donor.

9 (8) By September 1 of each year, the State Board of  
10 Education shall transmit to the Legislature a list of projects  
11 which meet all eligibility requirements to participate in the  
12 Community College Facility Enhancement Challenge Grant Program  
13 and a budget request which includes the recommended schedule  
14 necessary to complete each project.

15 (9) In order for a project to be eligible under this  
16 program, it must be survey recommended under the provisions of  
17 s. 1013.31 and included in the community colleges 5-year  
18 capital improvement plan, and it must receive prior approval  
19 from the State Board of Education.

20 (10) A community college project may not be removed  
21 from the approved 3-year PECO priority list because of its  
22 successful participation in this program until approved by the  
23 Legislature and provided for in the General Appropriations  
24 Act. When such a project is completed and removed from the  
25 list, all other projects shall move up on the 3-year PECO  
26 priority list.

27 (11) Any project funds that are unexpended after a  
28 project is completed shall revert to the community college's  
29 direct-support organization capital facilities matching  
30 account. Fifty percent of such unexpended funds shall be  
31 reserved for the community college which originally received

1 the private contribution for the purpose of providing private  
2 matching funds for future facility construction projects as  
3 provided in this section. The balance of such unexpended funds  
4 shall be returned to the General Revenue Fund.

5 (12) The surveys, architectural plans, facility, and  
6 equipment shall be the property of the participating community  
7 college. A facility constructed under this section may be  
8 named in honor of a donor at the option of the community  
9 college district board of trustees. A facility may not be  
10 named after a living person without prior approval by the  
11 State Board of Education.

12 Section 625. Part I.c. of chapter 1011 shall be  
13 entitled "Universities: Preparation, Adoption, and  
14 Implementation of Budgets" and shall consist of ss.  
15 1011.40-1011.52.

16 Section 626. Section 1011.40, Florida Statutes, is  
17 created to read:

18 1011.40 Budgets for universities.--

19 (1) LEGISLATIVE BUDGET REQUEST.--The State Board of  
20 Education shall provide instructions, guidelines, and standard  
21 formats to be used by each university that will provide to the  
22 State Board of Education and the Legislature adequate  
23 information to support and justify the legislative budget  
24 requests submitted pursuant to ss. 216.023, 1013.60, and  
25 1011.90 for each university.

26 (2) OPERATING BUDGET.--Each university board of  
27 trustees shall adopt an operating budget for the operation of  
28 the university as prescribed by law and rules of the State  
29 Board of Education. Each university president shall prepare  
30 and implement the operating budget of the university as  
31 prescribed by law, rules of the State Board of Education.

1 policies of the university board of trustees, and provisions  
2 of the General Appropriations Act. The proposed expenditures,  
3 plus transfers, and balances shall not exceed the estimated  
4 income, transfers, and balances. The budget and each part  
5 thereof shall balance. If at any time the unencumbered balance  
6 in the education and general fund of the university board of  
7 trustees approved operating budget goes below five percent,  
8 the president shall provide written notification to the State  
9 Board of Education.

10 (3) EXPENDITURES.--Expenditures from any source of  
11 funds by any university shall not exceed the funds available.  
12 Expenditures shall not exceed the amount budgeted under each  
13 classification of accounts for each fund and the total amount  
14 of the budget, as amended as prescribed by rules of the State  
15 Board of Education. No expenditure of funds, contract, or  
16 agreement of any nature shall be made that requires additional  
17 appropriation of funds by the Legislature unless specifically  
18 authorized in advance by law or the General Appropriations  
19 Act.

20 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated  
21 in the General Appropriations Act for the operation of state  
22 universities shall be distributed by the State Board of  
23 Education to the universities bimonthly. The Executive Office  
24 of the Governor may modify this schedule if required to meet  
25 specific needs of a university.

26 Section 627. Section 1011.41, Florida Statutes, is  
27 created to read:

28 1011.41 University appropriations.--Funds for the  
29 general operations of universities shall be requested and  
30 appropriated as Aid to Local Governments Grants and Aids,  
31 subject to provisions of the General Appropriations Act.

1           Section 628. Section 1011.4105, Florida Statutes, is  
2 created to read:

3           1011.4105 Transition from state accounting system  
4 (FLAIR) to university accounting system.--

5           (1) Universities and colleges under the supervision of  
6 the State Board of Education shall use the state accounting  
7 system (FLAIR) for fiscal year 2002-2003. The universities  
8 shall not be required to provide funds to the Department of  
9 Banking and Finance for the utilization of FLAIR.

10           (2) Beginning with the 2003-2004 fiscal year any  
11 university may transition from FLAIR to the university's  
12 accounting system.

13           (3) To accomplish the transition from FLAIR to a  
14 university's accounting system the university board of  
15 trustees must submit to the State Board of Education a plan  
16 developed in cooperation with the State Comptroller (Chief  
17 Financial Officer.) The plan must contain the actions the  
18 university will take, or has taken, to implement this  
19 transition. The plan must provide time lines for completion of  
20 actions and the target date the university will have  
21 implemented and tested parallel systems with appropriate audit  
22 and internal controls in place that will enable the university  
23 to satisfactorily and timely perform all accounting and  
24 reporting functions required by State and Federal law and  
25 rules of the State Board of Education.

26           (4) When a university is ready to transition from  
27 FLAIR to its own system, the State Board of Education shall  
28 verify that the system the university has implemented and  
29 tested is adequate for the university, the university has  
30 appropriate audit and internal controls in place, the  
31 university has the resources required to operate and maintain



1 the system, and that the university and the State Comptroller  
2 (Chief Financial Officer) are prepared to implement the  
3 transition. The State Board of Education shall submit to the  
4 Executive Office of the Governor and the Chairs of the  
5 Appropriations Committees of the Senate and House of  
6 Representatives confirmation of this verification and the date  
7 the transition will be effective. Transition for any  
8 university shall not take place until after the State Board of  
9 Education has submitted this confirmation.

10 (5) The State Board of Education in cooperation with  
11 each university and the Department of Banking and Finance  
12 shall develop a plan and establish the deadline for all  
13 universities to have completed the transition from FLAIR. The  
14 Board shall submit a copy of this plan to the Executive Office  
15 of the Governor and the Chairs of the Appropriations  
16 Committees of the Senate and House of Representatives.

17 Section 629. Section 1011.4106, Florida Statutes, is  
18 created to read:

19 1011.4106 Trust fund dissolution.--Notwithstanding the  
20 provisions of s. 215.3206(2) and s. 215.3208(2), and pursuant  
21 to s. 216.351, Florida Statutes, all unexpended balances as of  
22 June 30, 2002 in the following state university system trust  
23 funds are hereby appropriated to the appropriate accounts of  
24 each university based upon the original source of the trust  
25 fund revenue and any accrued interest: the Education/General  
26 Student and Other Fees Trust Fund, the Experiment Station  
27 Federal Grant Trust Fund, the Experiment Station Incidental  
28 Trust Fund, the Extension Service Federal Grant Trust Fund,  
29 the Extension Service Incidental Trust Fund, the Incidental  
30 Trust Fund, the UF Health Center Operations and Maintenance  
31 Trust Fund, the Operations and Maintenance Trust Fund, and all

1 other trust funds in the State Treasury for universities.  
2 Expenditure of these funds by each university must be based on  
3 the laws, rules, grant agreements, or other legal controlling  
4 factors associated with all trust fund balances which are  
5 appropriated to local accounts pursuant to this section, and  
6 included in each university board of trustees' approved  
7 operating budget. Each university shall be responsible for the  
8 payment of outstanding debts or obligations associated with  
9 these funds.

10           Section 630. Section 1011.411, Florida Statutes, is  
11 created to read:

12           1011.411 Budgets for sponsored research at  
13 universities.--Funds for sponsored research at each university  
14 shall be budgeted and expended pursuant to s. 1004.22.

15           Section 631. Section 1011.42, Florida Statutes, is  
16 created to read:

17           1011.42 University depositories; deposits into and  
18 withdrawals from depositories.--

19           (1) The board of trustees of each university shall  
20 designate the depositories in which any university funds may  
21 be deposited. No bank shall be designated unless it is a  
22 qualified depository as provided by Florida Statutes.

23           (2) All funds received by a university, from whatever  
24 source and for whatever purpose, shall promptly be deposited  
25 in a board of trustees approved qualified depository.

26           (3) The board of trustees shall require an accurate  
27 and complete set of accounts to be maintained in the books and  
28 records for each fund on deposit in each university  
29 depository. Each account shall show the amount subject to  
30 withdrawal, the amount deposited, the amount expended, and the  
31 balance of the account.

1       (4) The university may maintain a separate checking  
2 account for each fund or may utilize a single checking account  
3 for the deposit and withdrawal of moneys from all funds and  
4 segregate the various funds on the books and records only. No  
5 check or withdrawal shall be drawn in excess of the balance to  
6 the credit of the appropriate fund.

7       (5) Funds awaiting clearing may be invested in  
8 investments earning interest in a qualified depository, in the  
9 State Treasury, and in the State Board of Administration.  
10 Investments of university funds shall comply with the  
11 requirements of Florida Statutes for the investment of public  
12 funds by local government. Due diligence shall be exercised to  
13 assure that the highest available amount of earnings is  
14 obtained on investments.

15       (6) The university president or his designee, after  
16 having been specifically authorized by the university board of  
17 trustees, may transfer funds from one depository to another,  
18 within a depository, to another institution, or from another  
19 institution to a depository for investment purposes and may  
20 transfer funds in a similar manner when the transfer does not  
21 represent an expenditure, advance, or reduction of cash  
22 assets.

23       (7) The university board of trustees shall  
24 specifically designate and spread upon the minutes of the  
25 board the legal name and position title of any university  
26 employee authorized to sign checks to pay legal obligations of  
27 the university.

28       Section 632. Section 1011.43, Florida Statutes, is  
29 created to read:

30       1011.43 Investment of university agency and activity  
31 funds; earnings used for scholarships.--Each university is

1 authorized to invest available agency and activity funds and  
2 to use the earnings from such investments for student  
3 scholarships and loans. The university board of trustees shall  
4 provide procedures for the administration of these  
5 scholarships and loans by rules.

6 Section 633. Section 1011.45, Florida Statutes, is  
7 created to read:

8 1011.45 End of year balance of funds.--Unexpended  
9 amounts in any fund in a university current year operating  
10 budget shall be carried forward and included as the balance  
11 forward for that fund in the approved operating budget for the  
12 following year.

13 Section 634. Section 1011.47, Florida Statutes, is  
14 created to read:

15 1011.47 Auxiliary enterprises; contracts, grants, and  
16 donations.--As used in s. 19(f)(3), Art. III of the State  
17 Constitution, the term:

18 (1) "Auxiliary enterprises" includes activities that  
19 directly or indirectly provide a product or a service, or  
20 both, to a university or its students, faculty, or staff and  
21 for which a charge is made. These auxiliary enterprises are  
22 business activities of a university which require no support  
23 from the General Revenue Fund, and include activities such as  
24 housing, bookstores, student health services, continuing  
25 education programs, food services, college stores, operation  
26 of vending machines, specialty shops, day care centers, golf  
27 courses, student activities programs, data center operations,  
28 and intercollegiate athletics programs.

29 (2) "Contracts, grants, and donations" includes  
30 noneducational and general funding sources in support of  
31 research, public services, and training. The term includes

1 grants and donations, sponsored-research contracts, and  
2 Department of Education funding for developmental research  
3 schools and other activities for which the funds are deposited  
4 outside the State Treasury.

5 Section 635. Section 1011.48, Florida Statutes, is  
6 created to read:

7 1011.48 Establishment of educational research centers  
8 for child development.--

9 (1) Upon approval of the university president, the  
10 student government association of any state university may  
11 establish an educational research center for child development  
12 in accordance with the provisions of this section. Each such  
13 center shall be a child day care center established to provide  
14 care for the children of students, both graduate and  
15 undergraduate, faculty, and other staff and employees of the  
16 university and to provide an opportunity for interested  
17 schools or departments of the university to conduct  
18 educational research programs and establish internship  
19 programs within such centers. Whenever possible, such center  
20 shall be located on the campus of the university. There shall  
21 be a director of each center, selected by the board of  
22 directors of the center.

23 (2) There shall be a board of directors for each  
24 educational research center for child development, consisting  
25 of the president of the university or his or her designee, the  
26 student government president or his or her designee, the chair  
27 of each department participating in the center or his or her  
28 designee, and one parent for each 50 children enrolled in the  
29 center, elected by the parents of children enrolled in the  
30 center. The director of the center shall be an ex officio,  
31 nonvoting member of the board. The board shall establish local

1 policies and perform local oversight and operational guidance  
2 for the center.

3 (3) Each center is authorized to charge fees for the  
4 care and services it provides. Such fees must be approved by  
5 the State Board of Education and may be imposed on a sliding  
6 scale based on ability to pay or any other factors deemed  
7 relevant by the board.

8 (4) The State Board of Education is authorized and  
9 directed to promulgate rules for the establishment, operation,  
10 and supervision of educational research centers for child  
11 development. Such rules shall include, but need not be limited  
12 to: a defined method of establishment of and participation in  
13 the operation of centers by the appropriate student government  
14 associations; guidelines for the establishment of an intern  
15 program in each center; and guidelines for the receipt and  
16 monitoring of funds from grants and other sources of funds  
17 consistent with existing laws.

18 (5) Each educational research center for child  
19 development shall be funded by a portion of the Capital  
20 Improvement Trust Fund fee established by the State Board of  
21 Education pursuant to s. 1009.24(7). Each university that  
22 establishes a center shall receive a portion of such fees  
23 collected from the students enrolled at that university,  
24 usable only at that university, equal to 22.5 cents per  
25 student per credit hour taken per term, based on the summer  
26 term and fall and spring semesters. This allocation shall be  
27 used by the university only for the establishment and  
28 operation of a center as provided by this section and rules  
29 promulgated hereunder. Said allocation may be made only after  
30 all bond obligations required to be paid from such fees have  
31 been met.

1           Section 636. Section 1011.49, Florida Statutes, is  
2 created to read:

3           1011.49 Assent to Smith-Lever Act; university board of  
4 trustees authorized to receive grants.--The Legislature, in  
5 behalf of and for the state, assents to, and gives its assent  
6 to, the provisions and requirements of the Act of Congress  
7 commonly known as the "Smith-Lever Act," and all acts  
8 supplemental thereto, and the University of Florida Board of  
9 Trustees, having supervision over and control of the  
10 University of Florida, located at Gainesville, may receive the  
11 grants of money appropriated under said Act of Congress and  
12 organize and conduct agricultural and home economics extension  
13 work, which shall be carried on in connection with the  
14 University of Florida Institute of Food and Agricultural  
15 Sciences, in accordance with the terms and conditions  
16 expressed in said Act of Congress.

17           Section 637. Section 1011.50, Florida Statutes, is  
18 created to read:

19           1011.50 Agricultural experiment stations; assent to  
20 Act of Congress; federal appropriation.--The objects and  
21 purposes contained in the Act of Congress entitled "An Act to  
22 provide for an increased annual appropriation for agricultural  
23 experiment stations and regulating the expenditure thereof"  
24 are assented to; and the Board of Trustees of the University  
25 of Florida is authorized to accept and receive the annual  
26 appropriations for the use and benefit of the agricultural  
27 experiment station fund of the Institute of Food and  
28 Agricultural Sciences of the University of Florida, located at  
29 Gainesville, upon the terms and conditions contained in said  
30 Act of Congress.

1           Section 638. Section 1011.501, Florida Statutes, is  
2 created to read:

3           1011.501 Assent to ss. 1444 and 1445 of the Food and  
4 Agriculture Act of 1977; board of trustees authorized to  
5 receive grants, etc.--The assent of Legislature is given to  
6 the provisions and requirements of ss. 1444 and 1445 of the  
7 Act of Congress commonly known as the "Food and Agriculture  
8 Act of 1977" and all acts supplemental thereto. The Board of  
9 Trustees of the Florida Agricultural and Mechanical University  
10 may receive grants of money appropriated under said sections  
11 of said act and may organize and conduct agricultural  
12 extension work and conduct agricultural research, which shall  
13 be carried on in connection with the College of Engineering  
14 Sciences, Technology and Agriculture of said Florida  
15 Agricultural and Mechanical University, in accordance with the  
16 terms and conditions expressed in the Act of Congress  
17 aforsaid.

18           Section 639. Section 1011.51, Florida Statutes, is  
19 created to read:

20           1011.51 Independent postsecondary endowment grants.--  
21           (1) The Legislature finds and declares that accredited  
22 baccalaureate-degree-granting independent nonprofit colleges  
23 and universities are an integral part of the higher education  
24 system in this state; that significant numbers of persons  
25 choose to utilize these institutions for obtaining higher  
26 education; that the burdens on public colleges and  
27 universities are lessened because of the students that choose  
28 to utilize these institutions for their higher education; that  
29 having a strong system of baccalaureate-degree-granting  
30 independent nonprofit colleges and universities will improve  
31 the educational, economic, and social well-being of the state;



1 and that creation of a state program to provide matching  
2 endowment grants will improve the academic excellence of these  
3 institutions and enhance educational opportunities for Florida  
4 citizens, furthering the improvement of the overall  
5 educational system in the state.

6 (2) There is established the Florida Postsecondary  
7 Endowment Grants Program to be administered by the Department  
8 of Education. The program shall provide matching endowment  
9 grants to independent nonprofit colleges and universities in  
10 Florida that meet the requirements of this section. The  
11 Legislature shall designate funds for the program to be  
12 transferred to the Grants and Donations Trust Fund from  
13 available sources. All funds transferred to the trust fund,  
14 or retained in the trust fund, shall be invested in accordance  
15 with the provisions of chapter 215. Notwithstanding the  
16 provisions of s. 216.301 and pursuant to s. 216.351, any  
17 undisbursed balance remaining in the trust fund for the  
18 program and income from investments and interest related  
19 thereto shall remain in the trust fund and shall increase the  
20 total funds available for such matching endowment grants.

21 (3) The matching endowment grants made available under  
22 this section shall be made available to any independent  
23 nonprofit college or university which:

24 (a) Is located in and chartered by the state.

25 (b) Is accredited by the Commission on Colleges of the  
26 Southern Association of Colleges and Schools.

27 (c) Grants baccalaureate degrees.

28 (d) Is not a state university or community college.

29 (e) Has a secular purpose, so long as the receipt of  
30 state aid by students at the institution would not have the  
31 primary effect of advancing or impeding religion or result in

1 an excessive entanglement between the state and any religious  
2 sect.

3 (4)(a) The amounts appropriated for the program shall  
4 be allocated by the Department of Education to each  
5 independent nonprofit college or university that meets the  
6 criteria of subsection (3) in the following manner:

7 1. Each such college or university that raises an  
8 endowment contribution of at least \$50,000, but no more than  
9 \$75,000, from private sources shall receive a matching  
10 endowment grant equal to 70 percent of the private  
11 contribution.

12 2. Each such college or university that raises an  
13 endowment contribution in excess of \$75,000, but no more than  
14 \$100,000, from private sources shall receive a matching  
15 endowment grant equal to 75 percent of the private  
16 contribution.

17 3. Each such college or university that raises an  
18 endowment contribution in excess of \$100,000, but no more than  
19 \$125,000, from private sources shall receive a matching  
20 endowment grant equal to 80 percent of the private  
21 contribution.

22 4. Each such college or university that raises an  
23 endowment contribution in excess of \$125,000 from private  
24 sources shall receive a matching endowment grant equal to 100  
25 percent of the private contribution.

26 (b) The private sources may include combined  
27 contributions for a common purpose, but shall not include  
28 separate unrelated contributions. The state endowment  
29 matching grant shall be disbursed to the independent nonprofit  
30 college or university upon certification by the college or  
31

1 university that it has received and deposited the  
2 proportionate amount specified in this subsection.

3 (c) Contributions may also be eligible for matching if  
4 there is a commitment to make a donation of \$125,000, and an  
5 initial payment of \$25,000 is accompanied by a written pledge  
6 to provide the balance within 4 years after the date of such  
7 initial payment. Payments on the balance must be at least  
8 \$25,000 per year and shall be made on or before the  
9 anniversary date of the initial payment. No matching  
10 endowment grant shall be disbursed prior to collection of the  
11 total pledged contribution from the private source, but a  
12 pledged contribution shall encumber the matching endowment  
13 grant for that independent nonprofit college or university.

14 (5)(a) By July 1 of each year, each independent  
15 nonprofit college or university that desires to participate in  
16 the program shall certify to the department its eligibility.  
17 The department, upon receipt and acceptance of such  
18 certifications, shall reserve an equal amount of the  
19 additional funds for the program transferred to the Grants and  
20 Donations Trust Fund for that fiscal year for each independent  
21 nonprofit college or university that is eligible to  
22 participate. An eligible independent nonprofit college or  
23 university shall have 3 fiscal years within which to encumber  
24 its share of trust funds reserved during the first 3 fiscal  
25 years. After the third fiscal year, if any independent  
26 nonprofit college or university does not fully utilize or  
27 encumber its share of reserved trust funds for any single  
28 fiscal year, such reserved funds shall be available in  
29 subsequent fiscal years for the purposes of this program.

30 (b) Each eligible institution shall certify to the  
31 department its contributions for the year ending June 30.

1 1989. Only the qualified new contributions above the certified  
2 base shall be calculated for the purpose of allocating grants  
3 during the first 3 years of the program. In subsequent years,  
4 only the qualified new contributions above the certified prior  
5 year base shall be calculated for the purpose of allocating  
6 such grants.

7 (6) Matching endowment grants made pursuant to this  
8 section to a qualified independent nonprofit college or  
9 university shall be placed in a separate restricted endowment  
10 by such institution. The interest or other income accruing  
11 from the endowment shall be expended exclusively for  
12 professorships, library resources, scientific and technical  
13 equipment, and nonathletic scholarships. Moreover, the funds  
14 in the endowment shall not be used for pervasively sectarian  
15 instruction, religious worship, or theology or divinity  
16 programs or resources. The records of the endowment shall be  
17 subject to review by the department and audit or examination  
18 by the Auditor General and the Office of Program Policy  
19 Analysis and Government Accountability. If any institution  
20 receiving a matching endowment grant pursuant to this section  
21 ceases operations and undergoes dissolution proceedings, then  
22 all funds received pursuant to this section from the state  
23 shall be returned.

24 (7) The State Board of Education shall adopt rules  
25 necessary to implement this section.

26 (8) This section shall be implemented to the extent  
27 specifically funded and authorized by law.

28 Section 640. Section 1011.52, Florida Statutes, is  
29 created to read:

30 1011.52 Appropriation to first accredited medical  
31 school.--

1           (1) Subject to the provisions hereinafter set forth,  
2 the Legislature shall provide an annual appropriation to the  
3 first accredited medical school. Payments of moneys from such  
4 appropriation shall be made semiannually at the beginning of  
5 the first and third quarters.

6           (2) In order for a medical school to qualify under the  
7 provisions of this section and to be entitled to the benefits  
8 herein, such medical school:

9           (a) Must be primarily operated and established to  
10 offer, afford, and render a medical education to residents of  
11 the state qualifying for admission to such institution;

12           (b) Must be operated by a municipality or county of  
13 this state, or by a nonprofit organization heretofore or  
14 hereafter established exclusively for educational purposes;

15           (c) Must, upon the formation and establishment of an  
16 accredited medical school, transmit and file with the  
17 Department of Education documentary proof evidencing the facts  
18 that such institution has been certified and approved by the  
19 council on medical education and hospitals of the American  
20 Medical Association and has adequately met the requirements of  
21 that council in regard to its administrative facilities,  
22 administrative plant, clinical facilities, curriculum, and all  
23 other such requirements as may be necessary to qualify with  
24 the council as a recognized, approved, and accredited medical  
25 school;

26           (d) Must certify to the Department of Education the  
27 name, address, and educational history of each student  
28 approved and accepted for enrollment in such institution for  
29 the ensuing school year.

30           (3) The Department of Education shall, within 60 days  
31 of the receipt of the student enrollment of the medical

1 school, pay to the school, each year, the amount appropriated  
2 for students accepted and approved for enrollment in such  
3 medical institution, provided each medical student is a legal  
4 resident of the state or, if the student is not of legal age,  
5 his or her parents or legal guardian are residents of the  
6 state at the time of the student's acceptance and approval as  
7 a medical student. In the event a student resigns or is  
8 dismissed from such medical institution for any reason  
9 whatsoever before the end of a school year, then the medical  
10 institution shall, within 30 days from such dismissal or  
11 resignation, remit to the state, through the Department of  
12 Education, a pro rata amount of the sum before paid by the  
13 state to the medical institution, which amount is to be  
14 computed by dividing the total number of days in the school  
15 year into the sum paid for that student and multiplying the  
16 result by the total number of days remaining in such school  
17 year after such resignation or dismissal.

18 (4) Such institution is prohibited from expending any  
19 of the sums received under the terms of this section for any  
20 purposes whatsoever, except for the operation and maintenance  
21 of a medical school and for medical research. The institution  
22 is further prohibited from expending any sums received under  
23 the terms of this section for the construction or erection of  
24 any buildings of any kind, nature, or description or for the  
25 maintenance and operation of a hospital in any form or manner  
26 whatsoever.

27 Section 641. Part I.d. of chapter 1011 shall be  
28 entitled "Florida School for the Deaf and the Blind:  
29 Preparation, Adoption, and Implementation of Budgets" and  
30 shall consist of ss. 1011.55-1011.57.

31

1           Section 642. 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 643. 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

1 trustees may prescribe. The board of trustees shall adopt  
2 procedures for the approval of budget amendments.

3 Section 644. Section 1011.57, Florida Statutes, is  
4 created to read:

5 1011.57 Florida School for the Deaf and the Blind;  
6 board of trustees; management flexibility.--

7 (1) Notwithstanding the provisions of ss. 216.031,  
8 216.181, and 216.262 to the contrary and pursuant to the  
9 provisions of s. 216.351, but subject to any guidelines  
10 imposed in the General Appropriations Act, funds for the  
11 operation of the Florida School for the Deaf and the Blind  
12 shall be requested and appropriated within budget entities,  
13 program components, program categories, lump sums, or special  
14 categories. Funds appropriated to the Florida School for the  
15 Deaf and the Blind for each program category, lump sum, or  
16 special category may be transferred to traditional categories  
17 for expenditure by the board of trustees of the school. The  
18 board of trustees shall develop an annual operating budget  
19 that allocates funds by program component and traditional  
20 expenditure category.

21 (2) Notwithstanding the provisions of s. 216.181 and  
22 pursuant to the provisions of s. 216.351, but subject to any  
23 requirements imposed in the General Appropriations Act, no  
24 lump-sum plan is required to implement the special categories,  
25 program categories, or lump-sum appropriations. Upon release  
26 of the special categories, program categories, or lump-sum  
27 appropriations to the board of trustees, the Comptroller, upon  
28 the request of the board of trustees, shall transfer or  
29 reallocate funds to or among accounts established for  
30 disbursement purposes. The board of trustees shall maintain  
31 records to account for the original appropriation.



1           (3) Notwithstanding the provisions of ss. 216.031,  
2 216.181, 216.251, and 216.262 to the contrary and pursuant to  
3 the provisions of s. 216.351, but subject to any requirements  
4 imposed in the General Appropriations Act, the board of  
5 trustees shall establish the authorized positions and may  
6 amend such positions, within the total funds authorized  
7 annually in the appropriations act.

8           Section 645. Part II of chapter 1011 shall be entitled  
9 "Funding for School Districts" and shall consist of ss.  
10 1011.60-1011.77.

11           Section 646. Section 1011.60, Florida Statutes, is  
12 created to read:

13           1011.60 Minimum requirements of the Florida Education  
14 Finance Program.--Each district which participates in the  
15 state appropriations for the Florida Education Finance Program  
16 shall provide evidence of its effort to maintain an adequate  
17 school program throughout the district and shall meet at least  
18 the following requirements:

19           (1) ACCOUNTS AND REPORTS.--Maintain adequate and  
20 accurate records, including a system of internal accounts for  
21 individual schools, and file with the Department of Education,  
22 in correct and proper form on or before the date due as fixed  
23 by law or rule, each annual or periodic report that is  
24 required by rules of the State Board of Education.

25           (2) MINIMUM TERM.--Operate all schools for a term of  
26 at least 180 actual teaching days as prescribed in s.  
27 1003.01(14) or the equivalent on an hourly basis as specified  
28 by rules of the State Board of Education each school year. The  
29 State Board of Education may prescribe procedures for  
30 altering, and, upon written application, may alter, this  
31 requirement during a national, state, or local emergency as it

1 may apply to an individual school or schools in any district  
2 or districts if, in the opinion of the board, it is not  
3 feasible to make up lost days, and the apportionment may, at  
4 the discretion of the Commissioner of Education and if the  
5 board determines that the reduction of school days is caused  
6 by the existence of a bona fide emergency, be reduced for such  
7 district or districts in proportion to the decrease in the  
8 length of term in any such school or schools. A strike, as  
9 defined in s. 447.203(6), by employees of the school district  
10 may not be considered an emergency.

11 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the  
12 appointment, promotion, transfer, suspension, and dismissal of  
13 personnel.

14 (a) Such rules must conform to applicable law and  
15 rules of the State Board of Education and must include the  
16 duties and responsibilities of the district school  
17 superintendent and school board pertaining to these and other  
18 personnel matters.

19 (b) All personnel shall be paid in accordance with  
20 payroll period schedules adopted by the school board and  
21 included in the official salary schedule.

22 (c) No salary payment shall be paid to any employee in  
23 advance of service being rendered.

24 (d) District school boards may authorize a maximum of  
25 six paid legal holidays which shall apply to the 196 days of  
26 service.

27 (e) Such rules may include reasonable time for  
28 vacation and absences for further professional studies for  
29 personnel employed on a 12-month basis.

30 (f) Such rules must require 12 calendar months of  
31 service for such principals as prescribed by rules of the

1 State Board of Education and must require 10 months to include  
2 not less than 196 days of service, excluding Sundays and other  
3 holidays, for all members of the instructional staff, with any  
4 such service on a 12-month basis to include reasonable  
5 allowance for vacation or further study as prescribed by the  
6 school board in accordance with rules of the State Board of  
7 Education.

8 (4) SALARY SCHEDULES.--Expend funds for salaries in  
9 accordance with a salary schedule or schedules adopted by the  
10 school board in accordance with the provisions of law and  
11 rules of the State Board of Education. Expenditures for  
12 salaries of instructional personnel must include compensation  
13 based on employee performance demonstrated under s. 1012.34.

14 (5) BUDGETS.--Observe fully at all times all  
15 requirements of law and rules of the State Board of Education  
16 relating to the preparation, adoption, and execution of  
17 budgets for district school boards.

18 (6) MINIMUM FINANCIAL EFFORT REQUIRED.--Make the  
19 minimum financial effort required for the support of the  
20 Florida Education Finance Program as prescribed in the current  
21 year's General Appropriations Act.

22 (7) DISTRICT EDUCATIONAL PLANNING.--Maintain a system  
23 of planning and evaluation as required by law.

24 (8) MINIMUM CLASSROOM EXPENDITURE  
25 REQUIREMENTS.--Comply with the minimum classroom expenditure  
26 requirements and associated reporting pursuant to s. 1011.64.

27 Section 647. Section 1011.61, Florida Statutes, is  
28 created to read:

29 1011.61 Definitions.--Notwithstanding the provisions  
30 of s. 228.041, the following terms are defined as follows for  
31 the purposes of the Florida Education Finance Program:

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

4       (a) A "full-time student" is one student on the  
5 membership roll of one school program or a combination of  
6 school programs listed in s. 1011.62(1)(c) for the school year  
7 or the equivalent for:

8           1. Instruction in a standard school, comprising not  
9 less than 900 net hours for a student in or at the grade level  
10 of 4 through 12, or not less than 720 net hours for a student  
11 in or at the grade level of kindergarten through grade 3 or in  
12 an authorized prekindergarten exceptional program.

13           2. Instruction in a double-session school or a school  
14 utilizing an experimental school calendar approved by the  
15 Department of Education, comprising not less than the  
16 equivalent of 810 net hours in grades 4 through 12 or not less  
17 than 630 net hours in kindergarten through grade 3; or

18           3. Instruction comprising the appropriate number of  
19 net hours set forth in subparagraph 1. or subparagraph 2. for  
20 students who, within the past year, have moved with their  
21 parents for the purpose of engaging in the farm labor or fish  
22 industries, if a plan furnishing such an extended school day  
23 or week, or a combination thereof, has been approved by the  
24 commissioner. Such plan may be approved to accommodate the  
25 needs of migrant students only or may serve all students in  
26 schools having a high percentage of migrant students. The plan  
27 described in this subparagraph is optional for any school  
28 district and is not mandated by the state.

29       (b) A "part-time student" is a student on the active  
30 membership roll of a school program or combination of school  
31

1 programs listed in s. 1011.62(1)(c) who is less than a  
2 full-time student.

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

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

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

10 (I) A full-time student, except a postsecondary or  
11 adult student or a senior high school student enrolled in  
12 adult education when such courses are required for high school  
13 graduation, in a combination of programs listed in s.  
14 1011.62(1)(c) shall be a fraction of a full-time equivalent  
15 membership in each special program equal to the number of net  
16 hours per school year for which he or she is a member, divided  
17 by the appropriate number of hours set forth in subparagraph  
18 (a)1. or subparagraph (a)2.; the difference between that  
19 fraction or sum of fractions and the maximum value as set  
20 forth in subsection (4) for each full-time student is presumed  
21 to be the balance of the student's time not spent in such  
22 special education programs and shall be recorded as time in  
23 the appropriate basic program.

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

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

1 than 180 days is limited to students enrolled in juvenile  
2 justice education programs.

3  
4 The department shall determine and implement an equitable  
5 method of equivalent funding for experimental schools and for  
6 schools operating under emergency conditions, which schools  
7 have been approved by the department under the provisions of  
8 s. 1003.01(14) to operate for less than the minimum school  
9 day.

10 (2) A "full-time equivalent student" is a student in  
11 grades 4 through 8 who is participating in a student-teacher  
12 adviser program conducted during homeroom period, who is a  
13 fraction of a full-time equivalent membership based on net  
14 hours in the program, with a maximum of 36 net hours in any  
15 fiscal year. Each district program shall be approved by the  
16 Department of Education.

17 (3) For the purpose of calculating the "current  
18 operation program," a student is in membership until he or she  
19 withdraws or until the close of the 11th consecutive school  
20 day of his or her absence, whichever comes first.

21 (4) The maximum value for funding a student in  
22 kindergarten through grade 12 or in a prekindergarten program  
23 for exceptional children as provided in s. 1003.21(1)(e),  
24 except for a student as set forth in sub-sub-subparagraph  
25 (1)(c)1.b.(I), is one full-time equivalent student membership  
26 for a school year or equivalent.

27 (5) The "Florida Education Finance Program" includes  
28 all programs and costs as provided in s. 1011.62.

29 (6) "Basic programs" include, but are not limited to,  
30 language arts, mathematics, art, music, physical education,  
31 science, and social studies.

1           Section 648. Section 1011.62, Florida Statutes, is  
2 created to read:

3           1011.62 Funds for operation of schools.--If the annual  
4 allocation from the Florida Education Finance Program to each  
5 district for operation of schools is not determined in the  
6 annual appropriations act or the substantive bill implementing  
7 the annual appropriations act, it shall be determined as  
8 follows:

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

13           (a) Determination of full-time equivalent  
14 membership.--During each of several school weeks, including  
15 scheduled intersessions of a year-round school program during  
16 the fiscal year, a program membership survey of each school  
17 shall be made by each district by aggregating the full-time  
18 equivalent student membership of each program by school and by  
19 district. The department shall establish the number and  
20 interval of membership calculations, except that for basic and  
21 special programs such calculations shall not exceed nine for  
22 any fiscal year. The district's full-time equivalent  
23 membership shall be computed and currently maintained in  
24 accordance with regulations of the commissioner.

25           (b) Determination of base student allocation.--The  
26 base student allocation for the Florida Education Finance  
27 Program for kindergarten through grade 12 shall be determined  
28 annually by the Legislature and shall be that amount  
29 prescribed in the current year's General Appropriations Act.

30           (c) Determination of programs.--Cost factors based on  
31 desired relative cost differences between the following

1 programs shall be established in the annual General  
2 Appropriations Act. The Commissioner of Education shall  
3 specify a matrix of services and intensity levels to be used  
4 by districts in the determination of the two weighted cost  
5 factors for exceptional students with the highest levels of  
6 need. For these students, the funding support level shall fund  
7 the exceptional students' education program, with the  
8 exception of extended school year services for students with  
9 disabilities.

10 1. Basic programs.--

11 a. Kindergarten and grades 1, 2, and 3.

12 b. Grades 4, 5, 6, 7, and 8.

13 c. Grades 9, 10, 11, and 12.

14 2. Programs for exceptional students.--

15 a. Support Level IV.

16 b. Support Level V.

17 3. Secondary career education programs.--

18 4. English for Speakers of Other Languages.--

19 (d) Annual allocation calculation.--

20 1. The Department of Education is authorized and  
21 directed to review all district programs and enrollment  
22 projections and calculate a maximum total weighted full-time  
23 equivalent student enrollment for each district for the K-12  
24 FEFP.

25 2. Maximum enrollments calculated by the department  
26 shall be derived from enrollment estimates used by the  
27 Legislature to calculate the FEFP. If two or more districts  
28 enter into an agreement under the provisions of s.  
29 1001.42(4)(d), after the final enrollment estimate is agreed  
30 upon, the amount of FTE specified in the agreement, not to  
31 exceed the estimate for the specific program as identified in



1 paragraph (c), may be transferred from the participating  
2 districts to the district providing the program.

3 3. As part of its calculation of each district's  
4 maximum total weighted full-time equivalent student  
5 enrollment, the department shall establish separate enrollment  
6 ceilings for each of two program groups. Group 1 shall be  
7 composed of basic programs for grades K-3, grades 4-8, and  
8 grades 9-12. Group 2 shall be composed of students in  
9 exceptional student education programs, English for Speakers  
10 of Other Languages programs, and all vocational programs in  
11 grades 7-12.

12 a. The weighted enrollment ceiling for group 2  
13 programs shall be calculated by multiplying the final  
14 enrollment conference estimate for each program by the  
15 appropriate program weight. The weighted enrollment ceiling  
16 for program group 2 shall be the sum of the weighted  
17 enrollment ceilings for each program in the program group,  
18 plus the increase in weighted full-time equivalent student  
19 membership from the prior year for clients of the Department  
20 of Children and Family Services and the Department of Juvenile  
21 Justice.

22 b. If, for any calculation of the FEFP, the weighted  
23 enrollment for program group 2, derived by multiplying actual  
24 enrollments by appropriate program weights, exceeds the  
25 enrollment ceiling for that group, the following procedure  
26 shall be followed to reduce the weighted enrollment for that  
27 group to equal the enrollment ceiling:

28 (I) The weighted enrollment ceiling for each program  
29 in the program group shall be subtracted from the weighted  
30 enrollment for that program derived from actual enrollments.  
31

1           (II) If the difference calculated under  
2 sub-sub-subparagraph (I) is greater than zero for any program,  
3 a reduction proportion shall be computed for the program by  
4 dividing the absolute value of the difference by the total  
5 amount by which the weighted enrollment for the program group  
6 exceeds the weighted enrollment ceiling for the program group.

7           (III) The reduction proportion calculated under  
8 sub-sub-subparagraph (II) shall be multiplied by the total  
9 amount of the program group's enrollment over the ceiling as  
10 calculated under sub-sub-subparagraph (I).

11           (IV) The prorated reduction amount calculated under  
12 sub-sub-subparagraph (III) shall be subtracted from the  
13 program's weighted enrollment. For any calculation of the  
14 FEFP, the enrollment ceiling for group 1 shall be calculated  
15 by multiplying the actual enrollment for each program in the  
16 program group by its appropriate program weight.

17           c. For program group 2, the weighted enrollment  
18 ceiling shall be a number not less than the sum obtained by:

19           (I) Multiplying the sum of reported FTE for all  
20 programs in the program group that have a cost factor of 1.0  
21 or more by 1.0, and

22           (II) By adding this number to the sum obtained by  
23 multiplying the projected FTE for all programs with a cost  
24 factor less than 1.0 by the actual cost factor.

25           4. Following completion of the weighted enrollment  
26 ceiling calculation as provided in subparagraph 3., a  
27 supplemental capping calculation shall be employed for those  
28 districts that are over their weighted enrollment ceiling. For  
29 each such district, the total reported unweighted FTE  
30 enrollment for group 2 programs shall be compared with the  
31 total appropriated unweighted FTE enrollment for group 2

1 programs. If the total reported unweighted FTE for group 2 is  
2 greater than the appropriated unweighted FTE, then the excess  
3 unweighted FTE up to the unweighted FTE transferred from group  
4 2 to group 1 for each district by the Public School FTE  
5 Estimating Conference shall be funded at a weight of 1.0 and  
6 added to the funded weighted FTE computed in subparagraph 3.

7 (e) Funding model for exceptional student education  
8 programs.--

9 1.a. The funding model uses basic, at-risk, support  
10 levels IV and V for exceptional students and vocational  
11 Florida Education Finance Program cost factors, and a  
12 guaranteed allocation for exceptional student education  
13 programs. Exceptional education cost factors are determined by  
14 using a matrix of services to document the services that each  
15 exceptional student will receive. The nature and intensity of  
16 the services indicated on the matrix shall be consistent with  
17 the services described in each exceptional student's  
18 individual education plan.

19 b. In order to generate funds using one of the two  
20 weighted cost factors, a matrix of services must be completed  
21 at the time of the student's initial placement into an  
22 exceptional student education program and at least once every  
23 3 years by personnel who have received approved training.  
24 Nothing listed in the matrix shall be construed as limiting  
25 the services a school district must provide in order to ensure  
26 that exceptional students are provided a free, appropriate  
27 public education.

28 c. Students identified as exceptional, in accordance  
29 with chapter 6A-6, Florida Administrative Code, who do not  
30 have a matrix of services as specified in sub-subparagraph b.  
31 shall generate funds on the basis of full-time-equivalent

1 student membership in the Florida Education Finance Program at  
2 the same funding level per student as provided for basic  
3 students. Additional funds for these exceptional students will  
4 be provided through the guaranteed allocation designated in  
5 subparagraph 2.

6 2. For students identified as exceptional who do not  
7 have a matrix of services, there is created a guaranteed  
8 allocation to provide these students with a free appropriate  
9 public education, in accordance with s. 1001.42(4)(m) and  
10 rules of the State Board of Education, which shall be  
11 allocated annually to each school district in the amount  
12 provided in the General Appropriations Act. These funds shall  
13 be in addition to the funds appropriated on the basis of  
14 full-time-equivalent student membership in the Florida  
15 Education Finance Program, and the amount allocated for each  
16 school district shall not be recalculated during the year.  
17 These funds shall be used to provide special education and  
18 related services for exceptional students.

19 (f) Supplemental academic instruction; categorical  
20 fund.--

21 1. There is created a categorical fund to provide  
22 supplemental academic instruction to students in kindergarten  
23 through grade 12. This section may be cited as the  
24 "Supplemental Academic Instruction Categorical Fund."

25 2. Categorical funds for supplemental academic  
26 instruction shall be allocated annually to each school  
27 district in the amount provided in the General Appropriations  
28 Act. These funds shall be in addition to the funds  
29 appropriated on the basis of full-time equivalent student  
30 (FTE) membership in the Florida Education Finance Program and  
31 shall be included in the total potential funds of each

1 district. These funds shall be used to provide supplemental  
2 academic instruction to students enrolled in the K-12 program.  
3 Supplemental instruction strategies may include, but are not  
4 limited to: modified curriculum, reading instruction,  
5 after-school instruction, tutoring, mentoring, class size  
6 reduction, extended school year, intensive skills development  
7 in summer school, and other methods for improving student  
8 achievement. Supplemental instruction may be provided to a  
9 student in any manner and at any time during or beyond the  
10 regular 180-day term identified by the school as being the  
11 most effective and efficient way to best help that student  
12 progress from grade to grade and to graduate.

13 3. Effective with the 1999-2000 fiscal year, funding  
14 on the basis of FTE membership beyond the 180-day regular term  
15 shall be provided in the FEFP only for students enrolled in  
16 juvenile justice education programs. Funding for instruction  
17 beyond the regular 180-day school year for all other K-12  
18 students shall be provided through the supplemental academic  
19 instruction categorical fund and other state, federal, and  
20 local fund sources with ample flexibility for schools to  
21 provide supplemental instruction to assist students in  
22 progressing from grade to grade and graduating.

23 4. The Florida State University School, as a  
24 developmental research school, is authorized to expend from  
25 its FEFP or Lottery Enhancement Trust Fund allocation the cost  
26 to the student of remediation in reading, writing, or  
27 mathematics for any graduate who requires remediation at a  
28 postsecondary institution.

29 5. Beginning in the 1999-2000 school year, dropout  
30 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
31

1 (b), and (c), and 1003.54 shall be included in Group 1  
2 programs under subparagraph (1)(d)3.

3 (g) Education for speakers of other languages.--

4 1. A school district shall be eligible to report  
5 full-time equivalent student membership in the ESOL program in  
6 the Florida Education Finance Program provided the following  
7 conditions are met:

8 a. The school district has a plan approved by the  
9 Department of Education.

10 b. The eligible student is identified and assessed as  
11 limited English proficient based on assessment criteria.

12 c.(I) An eligible student may be reported for funding  
13 in the ESOL program for a base period of 3 years. However, a  
14 student whose English competency does not meet the criteria  
15 for proficiency after 3 years in the ESOL program may be  
16 reported for a fourth, fifth, and sixth year of funding,  
17 provided his or her limited English proficiency is assessed  
18 and properly documented prior to his or her enrollment in each  
19 additional year beyond the 3-year base period.

20 (II) If a student exits the program and is later  
21 reclassified as limited English proficient, the student may be  
22 reported in the ESOL program for funding for an additional  
23 year, or extended annually for a period not to exceed a total  
24 of 6 years pursuant to this paragraph, based on an annual  
25 evaluation of the student's status.

26 d. An eligible student may be reported for funding in  
27 the ESOL program for membership in ESOL instruction in English  
28 and ESOL instruction or home language instruction in the basic  
29 subject areas of mathematics, science, social studies, and  
30 computer literacy.

31

1        (h) Small, isolated high schools.--Districts which  
2 levy the maximum nonvoted discretionary millage, exclusive of  
3 millage for capital outlay purposes levied pursuant to s.  
4 1011.71(2), may calculate full-time equivalent students for  
5 small, isolated high schools by multiplying the number of  
6 unweighted full-time equivalent students times 2.75; provided  
7 the percentage of students at such school passing both parts  
8 of the high school competency test, as defined by law and  
9 rule, has been equal to or higher than such percentage for the  
10 state or district, whichever is greater. For the purpose of  
11 this section, the term "small, isolated high school" means any  
12 high school which is located no less than 28 miles by the  
13 shortest route from another high school; which has been  
14 servng students primarily in basic studies provided by  
15 sub-subparagraphs (c)1.b. and c. and may include subparagraph  
16 (c)4.; and which has a membership of no more than 100  
17 students, but no fewer than 28 students, in grades 9 through  
18 12.

19        (i) Calculation of full-time equivalent membership  
20 with respect to instruction from community colleges or  
21 universities.--Students enrolled in community college or  
22 university dual enrollment instruction pursuant to s. 1007.27  
23 may be included in calculations of full-time equivalent  
24 student memberships for basic programs for grades 9 through 12  
25 by a district school board. Such students may also be  
26 calculated as the proportional shares of full-time equivalent  
27 enrollments they generate for the community college or  
28 university conducting the dual enrollment instruction. Early  
29 admission students shall be considered dual enrollments for  
30 funding purposes. Students may be enrolled in dual enrollment  
31 instruction provided by an eligible independent college or

1 university and may be included in calculations of full-time  
2 equivalent student memberships for basic programs for grades 9  
3 through 12 by a district school board. However, those  
4 provisions of law which exempt dual enrolled and early  
5 admission students from payment of instructional materials,  
6 registration, matriculation, and laboratory fees shall not  
7 apply to students who select the option of enrolling in an  
8 eligible independent institution. An independent college or  
9 university which is located and chartered in Florida, is not  
10 for profit, is accredited by the Commission on Colleges of the  
11 Southern Association of Colleges and Schools or the  
12 Accrediting Commission of the Association of Independent  
13 Colleges and Schools, and which confers degrees as defined in  
14 s. 1005.02 shall be eligible for inclusion in the dual  
15 enrollment or early admission program. Students enrolled in  
16 dual enrollment instruction shall be exempt from the payment  
17 of registration, matriculation, and laboratory fees. No  
18 student enrolled in college credit mathematics or English dual  
19 enrollment instruction shall be funded as a dual enrollment  
20 unless the student has successfully completed the relevant  
21 section of the entry-level examination required pursuant to s.  
22 1008.30.

23 (j) Coenrollment.--If a high school student wishes to  
24 earn high school credits from a community college and enrolls  
25 in one or more adult secondary education courses at the  
26 community college, the community college shall be reimbursed  
27 for the costs incurred because of the high school student's  
28 coenrollment as provided in the General Appropriations Act.

29 (k) Instruction in exploratory career  
30 education.--Students in grades 7 through 12 who are enrolled  
31 for more than four semesters in exploratory career education



1 may not be counted as full-time equivalent students for this  
2 instruction.

3 (1) Calculation of additional full-time equivalent  
4 membership based on international baccalaureate examination  
5 scores of students.--A value of 0.24 full-time equivalent  
6 student membership shall be calculated for each student  
7 enrolled in an international baccalaureate course who receives  
8 a score of 4 or higher on a subject examination. A value of  
9 0.3 full-time equivalent student membership shall be  
10 calculated for each student who receives an international  
11 baccalaureate diploma. Such value shall be added to the total  
12 full-time equivalent student membership in basic programs for  
13 grades 9 through 12 in the subsequent fiscal year. The school  
14 district shall distribute to each classroom teacher who  
15 provided international baccalaureate instruction:

16 1. A bonus in the amount of \$50 for each student  
17 taught by the International Baccalaureate teacher in each  
18 international baccalaureate course who receives a score of 4  
19 or higher on the international baccalaureate examination.

20 2. An additional bonus of \$500 to each International  
21 Baccalaureate teacher in a school designated performance grade  
22 category "D" or "F" who has at least one student scoring 4 or  
23 higher on the international baccalaureate examination,  
24 regardless of the number of classes taught or of the number of  
25 students scoring a 4 or higher on the international  
26 baccalaureate examination.

27  
28 Bonuses awarded to a teacher according to this paragraph shall  
29 not exceed \$2,000 in any given school year and shall be in  
30 addition to any regular wage or other bonus the teacher  
31 received or is scheduled to receive.

1           (m) Calculation of additional full-time equivalent  
2 membership based on Advanced International Certificate of  
3 Education examination scores of students.--A value of 0.24  
4 full-time equivalent student membership shall be calculated  
5 for each student enrolled in a full-credit Advanced  
6 International Certificate of Education course who receives a  
7 score of 2 or higher on a subject examination. A value of 0.12  
8 full-time equivalent student membership shall be calculated  
9 for each student enrolled in a half-credit Advanced  
10 International Certificate of Education course who receives a  
11 score of 1 or higher on a subject examination. A value of 0.3  
12 full-time equivalent student membership shall be calculated  
13 for each student who received an Advanced International  
14 Certificate of Education diploma. Such value shall be added to  
15 the total full-time equivalent student membership in basic  
16 programs for grades 9 through 12 in the subsequent fiscal  
17 year. The school district shall distribute to each classroom  
18 teacher who provided Advanced International Certificate of  
19 Education instruction:  
20           1. A bonus in the amount of \$50 for each student  
21 taught by the Advanced International Certificate of Education  
22 teacher in each full-credit Advanced International Certificate  
23 of Education course who receives a score of 2 or higher on the  
24 Advanced International Certificate of Education examination. A  
25 bonus in the amount of \$25 for each student taught by the  
26 Advanced International Certificate of Education teacher in  
27 each half-credit Advanced International Certificate of  
28 Education course who receives a score of 1 or higher on the  
29 Advanced International Certificate of Education examination.  
30           2. An additional bonus of \$500 to each Advanced  
31 International Certificate of Education teacher in a school

1 designated performance grade category "D" or "F" who has at  
2 least one student scoring 2 or higher on the full-credit  
3 Advanced International Certificate of Education examination,  
4 regardless of the number of classes taught or of the number of  
5 students scoring a 2 or higher on the full-credit Advanced  
6 International Certificate of Education examination.

7 3. Additional bonuses of \$250 each to teachers of  
8 half-credit Advanced International Certificate of Education  
9 classes in a school designated performance grade category "D"  
10 or "F" which has at least one student scoring a 1 or higher on  
11 the half-credit Advanced International Certificate of  
12 Education examination in that class. The maximum additional  
13 bonus for a teacher awarded in accordance with this  
14 subparagraph shall not exceed \$500 in any given school year.  
15 Teachers receiving an award under subparagraph 2. are not  
16 eligible for a bonus under this subparagraph.

17  
18 Bonuses awarded to a teacher according to this paragraph shall  
19 not exceed \$2,000 in any given school year and shall be in  
20 addition to any regular wage or other bonus the teacher  
21 received or is scheduled to receive.

22 (n) Calculation of additional full-time equivalent  
23 membership based on college board advanced placement scores of  
24 students.--A value of 0.24 full-time equivalent student  
25 membership shall be calculated for each student in each  
26 advanced placement course who receives a score of 3 or higher  
27 on the College Board Advanced Placement Examination for the  
28 prior year and added to the total full-time equivalent student  
29 membership in basic programs for grades 9 through 12 in the  
30 subsequent fiscal year. Each district must allocate at least  
31 80 percent of the funds provided to the district for advanced

1 placement instruction, in accordance with this paragraph, to  
2 the high school that generates the funds. The school district  
3 shall distribute to each classroom teacher who provided  
4 advanced placement instruction:

5 1. A bonus in the amount of \$50 for each student  
6 taught by the Advanced Placement teacher in each advanced  
7 placement course who receives a score of 3 or higher on the  
8 College Board Advanced Placement Examination.

9 2. An additional bonus of \$500 to each Advanced  
10 Placement teacher in a school designated performance grade  
11 category "D" or "F" who has at least one student scoring 3 or  
12 higher on the College Board Advanced Placement Examination,  
13 regardless of the number of classes taught or of the number of  
14 students scoring a 3 or higher on the College Board Advanced  
15 Placement Examination.

16  
17 Bonuses awarded to a teacher according to this paragraph shall  
18 not exceed \$2,000 in any given school year and shall be in  
19 addition to any regular wage or other bonus the teacher  
20 received or is scheduled to receive.

21 (o) Year-round-school programs.--The Commissioner of  
22 Education is authorized to adjust student eligibility  
23 definitions, funding criteria, and reporting requirements of  
24 statutes and rules in order that year-round-school programs  
25 may achieve equivalent application of funding requirements  
26 with non-year-round-school programs.

27 (p) Extended-school-year program.--It is the intent of  
28 the Legislature that students be provided additional  
29 instruction by extending the school year to 210 days or more.  
30 Districts may apply to the Commissioner of Education for funds  
31 to be used in planning and implementing an

1 extended-school-year program. The Department of Education  
2 shall recommend to the Legislature the policies necessary for  
3 full implementation of an extended school year.

4 (g) Determination of the basic amount for current  
5 operation.--The basic amount for current operation to be  
6 included in the Florida Education Finance Program for  
7 kindergarten through grade 12 for each district shall be the  
8 product of the following:

9 1. The full-time equivalent student membership in each  
10 program, multiplied by

11 2. The cost factor for each program, adjusted for the  
12 maximum as provided by paragraph (c), multiplied by

13 3. The base student allocation.

14 (r) Computation for funding through the Florida  
15 Education Finance Program.--The State Board of Education may  
16 adopt rules establishing programs and courses for which the  
17 student may earn credit toward high school graduation.

18 (2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.--The  
19 Commissioner of Education shall annually compute for each  
20 district the current year's district cost differential. The  
21 district cost differential shall be calculated by adding each  
22 district's price level index as published in the Florida Price  
23 Level Index for the most recent 3 years and dividing the  
24 resulting sum by 3. The result for each district shall be  
25 multiplied by 0.008 and to the resulting product shall be  
26 added 0.200; the sum thus obtained shall be the cost  
27 differential for that district for that year.

28 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING  
29 EXPENDITURE.--Of the amount computed in subsections (1) and  
30 (2), a percentage of the base student allocation per full-time  
31 equivalent student or other funds shall be expended for

1 educational training programs as determined by the district  
2 school board as provided in s. 1012.98.

3 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL  
4 EFFORT.--The Legislature shall prescribe the aggregate  
5 required local effort for all school districts collectively as  
6 an item in the General Appropriations Act for each fiscal  
7 year. The amount that each district shall provide annually  
8 toward the cost of the Florida Education Finance Program for  
9 kindergarten through grade 12 programs shall be calculated as  
10 follows:

11 (a) Estimated taxable value calculations.--

12 1.a. Not later than 2 working days prior to July 19,  
13 the Department of Revenue shall certify to the Commissioner of  
14 Education its most recent estimate of the taxable value for  
15 school purposes in each school district and the total for all  
16 school districts in the state for the current calendar year  
17 based on the latest available data obtained from the local  
18 property appraisers. Not later than July 19, the Commissioner  
19 of Education shall compute a millage rate, rounded to the next  
20 highest one one-thousandth of a mill, which, when applied to  
21 95 percent of the estimated state total taxable value for  
22 school purposes, would generate the prescribed aggregate  
23 required local effort for that year for all districts. The  
24 Commissioner of Education shall certify to each district  
25 school board the millage rate, computed as prescribed in this  
26 subparagraph, as the minimum millage rate necessary to provide  
27 the district required local effort for that year.

28 b. The General Appropriations Act shall direct the  
29 computation of the statewide adjusted aggregate amount for  
30 required local effort for all school districts collectively  
31 from ad valorem taxes to ensure that no school district's

1 revenue from required local effort millage will produce more  
2 than 90 percent of the district's total Florida Education  
3 Finance Program calculation, and the adjustment of the  
4 required local effort millage rate of each district that  
5 produces more than 90 percent of its total Florida Education  
6 Finance Program entitlement to a level that will produce only  
7 90 percent of its total Florida Education Finance Program  
8 entitlement in the July calculation.

9       2. As revised data are received from property  
10 appraisers, the Department of Revenue shall amend the  
11 certification of the estimate of the taxable value for school  
12 purposes. The Commissioner of Education, in administering the  
13 provisions of subparagraph (9)(a)2., shall use the most recent  
14 taxable value for the appropriate year.

15       (b) Final calculation.--

16       1. The Department of Revenue shall, upon receipt of  
17 the official final assessed value of property from each of the  
18 property appraisers, certify to the Commissioner of Education  
19 the taxable value total for school purposes in each school  
20 district, subject to the provisions of paragraph (d). The  
21 commissioner shall use the official final taxable value for  
22 school purposes for each school district in the final  
23 calculation of the annual Florida Education Finance Program  
24 allocations.

25       2. For the purposes of this paragraph, the official  
26 final taxable value for school purposes shall be the taxable  
27 value for school purposes on which the tax bills are computed  
28 and mailed to the taxpayers, adjusted to reflect final  
29 administrative actions of value adjustment boards and judicial  
30 decisions pursuant to part I of chapter 194. By September 1 of  
31 each year, the Department of Revenue shall certify to the

1 commissioner the official prior year final taxable value for  
2 school purposes. For each county that has not submitted a  
3 revised tax roll reflecting final value adjustment board  
4 actions and final judicial decisions, the Department of  
5 Revenue shall certify the most recent revision of the official  
6 taxable value for school purposes. The certified value shall  
7 be the final taxable value for school purposes, and no further  
8 adjustments shall be made, except those made pursuant to  
9 subparagraph (9)(a)2.

10 (c) Equalization of required local effort.--

11 1. The Department of Revenue shall include with its  
12 certifications provided pursuant to paragraph (a) its most  
13 recent determination of the assessment level of the prior  
14 year's assessment roll for each county and for the state as a  
15 whole.

16 2. The Commissioner of Education shall adjust the  
17 required local effort millage of each district for the current  
18 year, computed pursuant to paragraph (a), as follows:

19 a. The equalization factor for the prior year's  
20 assessment roll of each district shall be multiplied by 95  
21 percent of the taxable value for school purposes shown on that  
22 roll and by the prior year's required local-effort millage,  
23 exclusive of any equalization adjustment made pursuant to this  
24 paragraph. The dollar amount so computed shall be the  
25 additional required local effort for equalization for the  
26 current year.

27 b. Such equalization factor shall be computed as the  
28 quotient of the prior year's assessment level of the state as  
29 a whole divided by the prior year's assessment level of the  
30 county, from which quotient shall be subtracted 1.

31



1           c. The dollar amount of additional required local  
2 effort for equalization for each district shall be converted  
3 to a millage rate, based on 95 percent of the current year's  
4 taxable value for that district, and added to the required  
5 local effort millage determined pursuant to paragraph (a).

6           3. Notwithstanding the limitations imposed pursuant to  
7 s. 1011.71(1), the total required local-effort millage,  
8 including additional required local effort for equalization,  
9 shall be an amount not to exceed 10 minus the maximum millage  
10 allowed as nonvoted discretionary millage, exclusive of  
11 millage authorized pursuant to s. 1011.71(2). Nothing herein  
12 shall be construed to allow a millage in excess of that  
13 authorized in s. 9, Art. VII of the State Constitution.

14           4. For the purposes of this chapter, the term  
15 "assessment level" means the value-weighted mean assessment  
16 ratio for the county or state as a whole, as determined  
17 pursuant to s. 195.096, or as subsequently adjusted. In the  
18 event a court has adjudicated that the department failed to  
19 establish an accurate estimate of an assessment level of a  
20 county and recomputation resulting in an accurate estimate  
21 based upon the evidence before the court was not possible,  
22 that county shall be presumed to have an assessment level  
23 equal to that of the state as a whole.

24           5. If, in the prior year, taxes were levied against an  
25 interim assessment roll pursuant to s. 193.1145, the  
26 assessment level and prior year's nonexempt assessed valuation  
27 used for the purposes of this paragraph shall be those of the  
28 interim assessment roll.

29           (d) Exclusion.--

30           1. In those instances in which:

1           a. There is litigation either attacking the authority  
2 of the property appraiser to include certain property on the  
3 tax assessment roll as taxable property or contesting the  
4 assessed value of certain property on the tax assessment roll,  
5 and

6           b. The assessed value of the property in contest  
7 involves more than 6 percent of the total nonexempt assessment  
8 roll, the plaintiff shall provide to the district school board  
9 of the county in which the property is located and to the  
10 Department of Education a certified copy of the petition and  
11 receipt for the good faith payment at the time they are filed  
12 with the court.

13           2. For purposes of computing the required local effort  
14 for each district affected by such petition, the Department of  
15 Education shall exclude from the district's total nonexempt  
16 assessment roll the assessed value of the property in contest  
17 and shall add the amount of the good faith payment to the  
18 district's required local effort.

19           (e) Recomputation.--Following final adjudication of  
20 any litigation on the basis of which an adjustment in taxable  
21 value was made pursuant to paragraph (d), the department shall  
22 recompute the required local effort for each district for each  
23 year affected by such adjustments, utilizing taxable values  
24 approved by the court, and shall adjust subsequent allocations  
25 to such districts accordingly.

26           (5) CATEGORICAL FUNDS.--

27           (a) In addition to the basic amount for current  
28 operations for the FEFP as determined in subsection (1) the  
29 Legislature may appropriate categorical funding for specified  
30 programs, activities, or purposes.

31

1        (b) If a district school board finds and declares in a  
2 resolution adopted at a regular meeting of the school board  
3 that the funds received for any of the following categorical  
4 appropriations are urgently needed to maintain school  
5 board-specified academic classroom instruction, the board may  
6 consider and approve an amendment to the school district  
7 operating budget transferring the identified amount of the  
8 categorical funds to the appropriate account for expenditure:

9            1. Funds for student transportation.

10           2. Funds for In-service Educational Personnel  
11 Training.

12           3. Funds for Safe Schools.

13           4. Funds for Public School Technology.

14           5. Funds for Teacher Recruitment and Retention.

15           6. Funds for Supplemental Academic Instruction.

16        (c) Each district school board shall include in its  
17 annual financial report to the Department of Education the  
18 amount of funds the board transferred from each of the  
19 categorical funds identified in this subsection and the  
20 specific academic classroom instruction for which the  
21 transferred funds were expended. The Department of Education  
22 shall provide instructions and specify the format to be used  
23 in submitting this required information as a part of the  
24 district annual financial report.

25           (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

26           (a) Annually, in an amount to be determined by the  
27 Legislature through the General Appropriations Act, there  
28 shall be added to the basic amount for current operation of  
29 the FEFP qualified districts a sparsity supplement which shall  
30 be computed as follows:

31

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count;

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count;

**CODING:**Words ~~stricken~~ are deletions; words underlined are additions.

1           3. For districts that have a levy value per FTE as  
2 calculated in subparagraph 1. higher than the state average  
3 calculated in subparagraph 2., a sparsity wealth adjustment  
4 shall be calculated as the product of the difference between  
5 the state average levy value per FTE calculated in  
6 subparagraph 2. and the district's levy value per FTE  
7 calculated in subparagraph 1. and the district's FTE student  
8 count and -1;

9           4. Each district's sparsity supplement allocation  
10 shall be calculated by adding the amount calculated as  
11 specified in paragraphs (a) and (b) and the wealth adjustment  
12 amount calculated in this paragraph.

13           (7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In  
14 those districts where there is a decline between prior year  
15 and current year unweighted FTE students, 50 percent of the  
16 decline in the unweighted FTE students shall be multiplied by  
17 the prior year calculated FTEFP per unweighted FTE student and  
18 shall be added to the allocation for that district. For this  
19 purpose, the calculated FTEFP shall be computed by multiplying  
20 the weighted FTE students by the base student allocation and  
21 then by the district cost differential. If a district  
22 transfers a program to another institution not under the  
23 authority of the district's school board, including a charter  
24 technical career center, the decline is to be multiplied by a  
25 factor of 0.15.

26           (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may  
27 annually in the General Appropriations Act determine a  
28 percentage increase in funds per K-12 unweighted FTE as a  
29 minimum guarantee to each school district. The guarantee shall  
30 be calculated from prior year base funding per unweighted FTE  
31 student which shall include the adjusted FTE dollars as

1 provided in subsection (9), quality guarantee funds, and  
2 actual nonvoted discretionary local effort from taxes. From  
3 the base funding per unweighted FTE, the increase shall be  
4 calculated for the current year. The current year funds from  
5 which the guarantee shall be determined shall include the  
6 adjusted FTE dollars as provided in subsection (9) and  
7 potential nonvoted discretionary local effort from taxes. A  
8 comparison of current year funds per unweighted FTE to prior  
9 year funds per unweighted FTE shall be computed. For those  
10 school districts which have less than the legislatively  
11 assigned percentage increase, funds shall be provided to  
12 guarantee the assigned percentage increase in funds per  
13 unweighted FTE student. Should appropriated funds be less than  
14 the sum of this calculated amount for all districts, the  
15 commissioner shall prorate each district's allocation. This  
16 provision shall be implemented to the extent specifically  
17 funded.

18 (9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT  
19 FOR CURRENT OPERATION.--The total annual state allocation to  
20 each district for current operation for the FEFP shall be  
21 distributed periodically in the manner prescribed in the  
22 General Appropriations Act.

23 (a) The basic amount for current operation for the  
24 FEFP as determined in subsection (1), multiplied by the  
25 district cost differential factor as determined in subsection  
26 (2), plus the amounts provided for categorical components  
27 within the FEFP, plus the amount for the sparsity supplement  
28 as determined in subsection (6), the decline in full-time  
29 equivalent students as determined in subsection (7), and the  
30 quality assurance guarantee as determined in subsection (8),  
31 less the required local effort as determined in subsection

1 (4). If the funds appropriated for the purpose of funding the  
2 total amount for current operation as provided in this  
3 paragraph are not sufficient to pay the state requirement in  
4 full, the department shall prorate the available state funds  
5 to each district in the following manner:

6 1. Determine the percentage of proration by dividing  
7 the sum of the total amount for current operation, as provided  
8 in this paragraph for all districts collectively, and the  
9 total district required local effort into the sum of the state  
10 funds available for current operation and the total district  
11 required local effort.

12 2. Multiply the percentage so determined by the sum of  
13 the total amount for current operation as provided in this  
14 paragraph and the required local effort for each individual  
15 district.

16 3. From the product of such multiplication, subtract  
17 the required local effort of each district; and the remainder  
18 shall be the amount of state funds allocated to the district  
19 for current operation.

20 (b) The amount thus obtained shall be the net annual  
21 allocation to each school district. However, if it is  
22 determined that any school district received an  
23 underallocation or overallocation for any prior year because  
24 of an arithmetical error, assessment roll change, full-time  
25 equivalent student membership error, or any allocation error  
26 revealed in an audit report, the allocation to that district  
27 shall be appropriately adjusted. If the Department of  
28 Education audit adjustment recommendation is based upon  
29 controverted findings of fact, the Commissioner of Education  
30 is authorized to establish the amount of the adjustment based  
31 on the best interests of the state.

1       (c) The amount thus obtained shall represent the net  
2 annual state allocation to each district; however,  
3 notwithstanding any of the provisions herein, each district  
4 shall be guaranteed a minimum level of funding in the amount  
5 and manner prescribed in the General Appropriations Act.

6           Section 649. Section 1011.64, Florida Statutes, is  
7 created to read:

8           1011.64 School district minimum classroom expenditure  
9 requirements.--

10          (1) The Legislature may require any school district  
11 that fails to meet minimum academic performance standards to  
12 increase emphasis on classroom instruction activities from  
13 operating funds, including, but not limited to, those provided  
14 for the operation of schools pursuant to s. 1011.62.

15          (2) For the purpose of implementing the provisions of  
16 this section, the Legislature shall prescribe minimum academic  
17 performance standards and minimum classroom expenditure  
18 requirements for districts not meeting such minimum academic  
19 performance standards in the General Appropriations Act.

20          (a) Minimum academic performance standards may be  
21 based on, but are not limited to, district performance grades  
22 determined pursuant to s. 1008.34(8).

23          (b) School district minimum classroom expenditure  
24 requirements shall be calculated pursuant to subsection (3).

25          (3)(a) Annually the Department of Education shall  
26 calculate for each school district:

27           1. Total K-12 operating expenditures, which are  
28 defined as the amount of total general fund expenditures for  
29 K-12 programs as reported in accordance with the accounts and  
30 codes prescribed in the most recent issuance of the Department  
31 of Education publication entitled "Financial and Program Cost



1 Accounting and Reporting for Florida Schools" and as included  
2 in the most recent annual financial report submitted to the  
3 Commissioner of Education, less the pupil transportation  
4 revenue allocation from the state appropriation for that  
5 purpose, amounts transferred to other funds, and increases to  
6 the amount of the general fund unreserved ending fund balance  
7 when the total unreserved ending fund balance is in excess of  
8 5 percent of the total general fund revenues.

9 2. Expenditures for classroom instruction, which shall  
10 be the sum of the general fund expenditures for K-12  
11 instruction and instructional staff training.

12 (b) The department shall annually calculate for each  
13 district, and for the entire state, the percentage of  
14 classroom expenditures to total operating expenditures as  
15 calculated pursuant to subparagraphs (a)1. and 2.

16 (4) In order for the Department of Education to  
17 monitor the implementation of this section, each school  
18 district which is required to increase emphasis on classroom  
19 activities from operating funds pursuant to subsection (1)  
20 shall submit to the department the following two reports in a  
21 format determined by the department:

22 (a) An initial report, which shall include the  
23 proposed budget actions identified for increased classroom  
24 expenditures, a description of how such actions are designed  
25 to improve student achievement, and a copy of the published  
26 statement required by s. 1011.03(3). This report shall be  
27 submitted within 30 days after final budget approval as  
28 provided in s. 200.065.

29 (b) A final report, prepared at the end of each fiscal  
30 year, which shall include, but is not limited to, information  
31 that clearly indicates the degree of each district's

1 compliance or noncompliance with the requirements of this  
2 section. If not fully compliant, the district shall include a  
3 statement which has been adopted at a public hearing and  
4 signed by the district school superintendent and district  
5 school board members, which explains why the requirements of  
6 this section have not been met.

7 (c) The department shall provide annual summaries of  
8 these two reports to the Governor, the President of the  
9 Senate, and the Speaker of the House of Representatives.

10 Section 650. Section 1011.65, Florida Statutes, is  
11 created to read:

12 1011.65 Florida Education Finance Program  
13 Appropriation Allocation Conference.--Prior to the  
14 distribution of any funds appropriated in the General  
15 Appropriations Act for the K-12 Florida Education Finance  
16 Program formula and for the formula-funded categorical  
17 programs, the Commissioner of Education shall conduct an  
18 allocation conference. Conference principals shall include  
19 representatives of the Department of Education, the Executive  
20 Office of the Governor, and the Appropriations Committees of  
21 the Senate and the House of Representatives. Conference  
22 principals shall discuss and agree to all conventions,  
23 including rounding conventions, and methods of computation to  
24 be used to calculate Florida Education Finance Program and  
25 categorical entitlements of the districts for the fiscal year  
26 for which the appropriations are made. These conventions and  
27 calculation methods shall remain in effect until further  
28 agreements are reached in subsequent allocation conferences  
29 called by the commissioner for that purpose. The commissioner  
30 shall also, prior to each recalculation of Florida Education  
31 Finance Program and categorical allocations of the districts,

1 provide conference principals with all data necessary to  
2 replicate those allocations precisely. This data shall include  
3 a matrix by district by program of all full-time equivalent  
4 changes made by the department as part of its administration  
5 of state full-time equivalent caps.

6 Section 651. Section 1011.66, Florida Statutes, is  
7 created to read:

8 1011.66 Distribution of funds in first quarter.--Upon  
9 the request of any school district whose net state FEFP  
10 funding is less than 60 percent of its gross state and local  
11 FEFP funding, the Department of Education shall distribute to  
12 that school district in the first quarter of the fiscal year  
13 an amount from the funds appropriated for the FEFP in the  
14 General Appropriations Act up to a maximum of 15 percent of  
15 that school district's gross state and local FEFP funding or  
16 that school district's net state FEFP funding, whichever is  
17 less.

18 Section 652. Section 1011.67, Florida Statutes, is  
19 created to read:

20 1011.67 Funds for instructional materials.--The  
21 department is authorized to allocate and distribute to each  
22 district an amount as prescribed annually by the Legislature  
23 for instructional materials for student membership in basic  
24 and special programs in grades K-12, which will provide for  
25 growth and maintenance needs. For purposes of this section,  
26 unweighted full-time equivalent students enrolled in the  
27 laboratory schools in state universities are to be included as  
28 school district students and reported as such to the  
29 department. The annual allocation shall be determined as  
30 follows:

31

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

3       (a) Subtract from that district's projected full-time  
4 equivalent membership of students in basic and special  
5 programs in grades K-12 used in determining the initial  
6 allocation of the Florida Education Finance Program, the prior  
7 year's full-time equivalent membership of students in basic  
8 and special programs in grades K-12 for that district.

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

13       (c) The amount thus determined shall be that  
14 district's initial allocation for growth for the school year.  
15 However, the department shall recompute and adjust the initial  
16 allocation based on actual full-time equivalent student  
17 membership data for that year.

18       (2) The maintenance of the instructional materials  
19 allocation for each school district shall be calculated by  
20 multiplying each district's prior year full-time equivalent  
21 membership of students in basic and special programs in grades  
22 K-12 by the allocation for maintenance of a set of  
23 instructional materials as provided for in the General  
24 Appropriations Act. The amount thus determined shall be that  
25 district's initial allocation for maintenance for the school  
26 year; however, the department shall recompute and adjust the  
27 initial allocation based on such actual full-time equivalent  
28 student membership data for that year.

29       (3) In the event the funds appropriated are not  
30 sufficient for the purpose of implementing this section in  
31 full, the department shall prorate the funds available for

1 instructional materials after first funding in full each  
2 district's growth allocation.

3 Section 653. Section 1011.68, Florida Statutes, is  
4 created to read:

5 1011.68 Funds for student transportation.--The annual  
6 allocation to each district for transportation to public  
7 school programs, including charter schools as provided in s.  
8 1002.33(18)(b), of students in membership in kindergarten  
9 through grade 12, in migrant and exceptional student programs  
10 below kindergarten, and in any other state-funded  
11 prekindergarten program shall be determined as follows:

12 (1) Subject to the rules of the State Board of  
13 Education, each district shall determine the membership of  
14 students who are transported:

15 (a) By reason of living 2 miles or more from school;

16 (b) By reason of being students with disabilities or  
17 enrolled in a teenage parent program, regardless of distance  
18 to school;

19 (c) By reason of being in a state prekindergarten  
20 program, regardless of distance from school;

21 (d) By reason of being career and technical, dual  
22 enrollment, or students with disabilities transported from one  
23 school center to another to participate in an instructional  
24 program or service; or students with disabilities, transported  
25 from one designation to another in the state, provided one  
26 designation is a school center and provided the student's  
27 individual educational plan (IEP) identifies the need for the  
28 instructional program or service and transportation to be  
29 provided by the school district. A "school center" is defined  
30 as a public school center, public community college, public  
31 university, or other facility rented, leased, or owned and

1 operated by the school district or another public agency. A  
2 "dual enrollment student" is defined as a public school  
3 student in membership in both a public secondary school  
4 program and a public community college or a public university  
5 program under a written agreement to partially fulfill ss.  
6 229.814 and 240.115 and earning full-time equivalent  
7 membership under s. 1011.62(1)(i);  
8 (e) With respect to elementary school students whose  
9 grade level does not exceed grade 6, by reason of being  
10 subjected to hazardous walking conditions en route to or from  
11 school as provided in s. 1006.23. Such rules shall, when  
12 appropriate, provide for the determination of membership under  
13 this paragraph for less than 1 year to accommodate the needs  
14 of students who require transportation only until such  
15 hazardous conditions are corrected.  
16 (f) By reason of being a pregnant student or student  
17 parent, and the child of a student parent as provided in s.  
18 1003.54, regardless of distance from school.  
19 (2) The allocation for each district shall be  
20 calculated annually in accordance with the following formula:  
21  
22 T = B + EX. The elements of this formula are defined as  
23 follows: T is the total dollar allocation for transportation.  
24 B is the base transportation dollar allocation prorated by an  
25 adjusted student membership count. The adjusted membership  
26 count shall be derived from a multiplicative index function in  
27 which the base student membership is adjusted by multiplying  
28 it by index numbers that individually account for the impact  
29 of the price level index, average bus occupancy, and the  
30 extent of rural population in the district. EX is the base  
31 transportation dollar allocation for disabled students

1 prorated by an adjusted disabled student membership count.  
2 The base transportation dollar allocation for disabled  
3 students is the total state base disabled student membership  
4 count weighted for increased costs associated with  
5 transporting disabled students and multiplying it by the prior  
6 year's average per student cost for transportation. The  
7 adjusted disabled student membership count shall be derived  
8 from a multiplicative index function in which the weighted  
9 base disabled student membership is adjusted by multiplying it  
10 by index numbers that individually account for the impact of  
11 the price level index, average bus occupancy, and the extent  
12 of rural population in the district. Each adjustment factor  
13 shall be designed to affect the base allocation by no more or  
14 less than 10 percent.

15 (3) The total allocation to each district for  
16 transportation of students shall be the sum of the amounts  
17 determined in subsection (2). If the funds appropriated for  
18 the purpose of implementing this section are not sufficient to  
19 pay the base transportation allocation and the base  
20 transportation allocation for disabled students, the  
21 Department of Education shall prorate the available funds on a  
22 percentage basis. If the funds appropriated for the purpose  
23 of implementing this section exceed the sum of the base  
24 transportation allocation and the base transportation  
25 allocation for disabled students, the base transportation  
26 allocation for disabled students shall be limited to the  
27 amount calculated in subsection (2), and the remaining balance  
28 shall be added to the base transportation allocation.

29 (4) No district shall use funds to purchase  
30 transportation equipment and supplies at prices which exceed  
31

1 those determined by the department to be the lowest which can  
2 be obtained, as prescribed in s. 1006.27(1).

3 (5) Funds allocated or apportioned for the payment of  
4 student transportation services may be used to pay for  
5 transportation of students to and from school on local general  
6 purpose transportation systems. Student transportation funds  
7 may also be used to pay for transportation of students to and  
8 from school in private passenger cars and boats when the  
9 transportation is for isolated students, or students with  
10 disabilities as defined by rule. Subject to the rules of the  
11 State Board of Education, each school district shall determine  
12 and report the number of assigned students using general  
13 purpose transportation private passenger cars and boats. The  
14 allocation per student must be equal to the allocation per  
15 student riding a school bus.

16 (6) Notwithstanding other provisions of this section,  
17 in no case shall any student or students be counted for  
18 transportation funding more than once per day. This provision  
19 includes counting students for funding pursuant to trips in  
20 school buses, passenger cars, or boats or general purpose  
21 transportation.

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

26 Section 654. Section 1011.69, Florida Statutes, is  
27 created to read:

28 1011.69 Equity in School-Level Funding Act.--

29 (1) This section may be cited as the "Equity in  
30 School-Level Funding Act."

31



1       (2)(a) Beginning in the 2000-2001 fiscal year,  
2 district school boards shall allocate to each school within  
3 the district at least 50 percent of the funds generated by  
4 that school based upon the Florida Education Finance Program  
5 as provided in s. 1011.62 and the General Appropriations Act,  
6 including gross state and local funds, discretionary lottery  
7 funds, and funds from the school district's current operating  
8 discretionary millage levy.

9       (b) Beginning in the 2001-2002 fiscal year, district  
10 school boards shall allocate to each school within the  
11 district at least 65 percent of the funds generated by that  
12 school based upon the Florida Education Finance Program as  
13 provided in s. 1011.62 and the General Appropriations Act,  
14 including gross state and local funds, discretionary lottery  
15 funds, and funds from the school district's current operating  
16 discretionary millage levy.

17       (c) Beginning in the 2002-2003 fiscal year, district  
18 school boards shall allocate to each school within the  
19 district at least 80 percent of the funds generated by that  
20 school based upon the Florida Education Finance Program as  
21 provided in s. 1011.62 and the General Appropriations Act,  
22 including gross state and local funds, discretionary lottery  
23 funds, and funds from the school district's current operating  
24 discretionary millage levy.

25       (d) Beginning in the 2003-2004 fiscal year, district  
26 school boards shall allocate to each school within the  
27 district at least 90 percent of the funds generated by that  
28 school based upon the Florida Education Finance Program as  
29 provided in s. 1011.62 and the General Appropriations Act,  
30 including gross state and local funds, discretionary lottery  
31

1 funds, and funds from the school district's current operating  
2 discretionary millage levy.

3  
4 Total funding for each school shall be recalculated during the  
5 year to reflect the revised calculations under the Florida  
6 Education Finance Program by the state and the actual weighted  
7 full-time equivalent students reported by the school during  
8 the full-time equivalent student survey periods designated by  
9 the Commissioner of Education. If the district school board is  
10 providing programs or services to students funded by federal  
11 funds, any eligible students enrolled in the schools in the  
12 district shall be provided federal funds. Only those districts  
13 that initially applied for charter school district status,  
14 pursuant to s. 1003.62, and have been approved by the State  
15 Board of Education are exempt from the provisions of this  
16 section.

17 (3) Funds allocated to a school pursuant to this  
18 section that are unused at the end of the fiscal year shall  
19 not revert to the district, but shall remain with the school.  
20 These carryforward funds may be used for any purpose provided  
21 by law at the discretion of the principal of the school.

22 (4) Recommendations made by the Governor's Equity in  
23 Educational Opportunity Task Force shall be reviewed to  
24 identify potential categorical funds to be included in the  
25 district allocation methodology required in subsection (2).

26 (5) Funds appropriated in the General Appropriations  
27 Act for supplemental academic instruction to be used for the  
28 purposes described in s. 1011.62(1)(f) are excluded from the  
29 school-level allocation under this section.

30 Section 655. Section 1011.70, Florida Statutes, is  
31 created to read:

1           1011.70 Medicaid certified school funding  
2 maximization.--

3           (1) Each school district, subject to the provisions of  
4 ss. 409.9071 and 409.908(21) and this section, is authorized  
5 to certify funds provided for a category of required Medicaid  
6 services termed "school-based services," which are  
7 reimbursable under the federal Medicaid program. Such services  
8 shall include, but not be limited to, physical, occupational,  
9 and speech therapy services, behavioral health services,  
10 mental health services, transportation services, Early  
11 Periodic Screening, Diagnosis, and Treatment (EPSDT)  
12 administrative outreach for the purpose of determining  
13 eligibility for exceptional student education, and any other  
14 such services, for the purpose of receiving federal Medicaid  
15 financial participation. Certified school funding shall not be  
16 available for the following services:

17           (a) Family planning.

18           (b) Immunizations.

19           (c) Prenatal care.

20           (2) The Department of Education shall monitor  
21 compliance of each participating school district with the  
22 Medicaid provider agreements. In addition, the department  
23 shall develop standardized recordkeeping procedures for the  
24 school districts that meet Medicaid requirements for audit  
25 purposes.

26           (3) Each school district's continued participation in  
27 certifying funds to be reimbursed for Medicaid expenditures is  
28 contingent upon the district providing to the department an  
29 annual accounting of how the federal Medicaid reimbursements  
30 are utilized.

31

1       (4) Funds generated pursuant to this section may be  
2 used for autism therapy services allowed by federal law.

3       (5) Developmental research schools, as authorized  
4 under s. 1002.32, shall be authorized to participate in the  
5 Medicaid certified school match program subject to the  
6 provisions of ss. 409.9071, 409.908(21), and 1011.70(1)-(4).

7       Section 656. Section 1011.71, Florida Statutes, is  
8 created to read:

9       1011.71 District school tax.--

10       (1) If the district school tax is not provided in the  
11 General Appropriations Act or the substantive bill  
12 implementing the General Appropriations Act, each school board  
13 desiring to participate in the state allocation of funds for  
14 current operation as prescribed by s. 1011.62(9) shall levy on  
15 the taxable value for school purposes of the district,  
16 exclusive of millage voted under the provisions of s. 9(b) or  
17 s. 12, Art. VII of the State Constitution, a millage rate not  
18 to exceed the amount certified by the commissioner as the  
19 minimum millage rate necessary to provide the district  
20 required local effort for the current year, pursuant to s.  
21 1011.62(4)(a)1. In addition to the required local effort  
22 millage levy, each school board may levy a nonvoted current  
23 operating discretionary millage. The Legislature shall  
24 prescribe annually in the appropriations act the maximum  
25 amount of millage a district may levy. The millage rate  
26 prescribed shall exceed zero mills but shall not exceed the  
27 lesser of 1.6 mills or 25 percent of the millage which is  
28 required pursuant to s. 1011.62(4), exclusive of millage  
29 levied pursuant to subsection (2).

30       (2) In addition to the maximum millage levy as  
31 provided in subsection (1), each school board may levy not

1 more than 2 mills against the taxable value for school  
2 purposes to fund:

3 (a) New construction and remodeling projects, as set  
4 forth in s. 1013.64(3)(b) and (6)(b) and included in the  
5 district's educational plant survey pursuant to s. 1013.31,  
6 without regard to prioritization, sites and site improvement  
7 or expansion to new sites, existing sites, auxiliary  
8 facilities, athletic facilities, or ancillary facilities.

9 (b) Maintenance, renovation, and repair of existing  
10 school plants or of leased facilities to correct deficiencies  
11 pursuant to s. 1013.15(2).

12 (c) The purchase, lease-purchase, or lease of school  
13 buses; drivers' education vehicles; motor vehicles used for  
14 the maintenance or operation of plants and equipment; security  
15 vehicles; or vehicles used in storing or distributing  
16 materials and equipment.

17 (d) The purchase, lease-purchase, or lease of new and  
18 replacement equipment.

19 (e) Payments for educational facilities and sites due  
20 under a lease-purchase agreement entered into by a school  
21 board pursuant to s. 1003.02(1)(f) or s. 1013.15(2), not  
22 exceeding, in the aggregate, an amount equal to three-fourths  
23 of the proceeds from the millage levied by a school board  
24 pursuant to this subsection.

25 (f) Payment of loans approved pursuant to ss. 1011.14  
26 and 1011.15.

27 (g) Payment of costs directly related to complying  
28 with state and federal environmental statutes and regulations  
29 governing school facilities.

30 (h) Payment of costs of leasing relocatable  
31 educational facilities, of renting or leasing educational

1 facilities and sites pursuant to s. 1013.15(2), or of renting  
2 or leasing buildings or space within existing buildings  
3 pursuant to s. 1013.15(4).

4  
5 Violations of these expenditure provisions shall result in an  
6 equal dollar reduction in the Florida Education Finance  
7 Program (FEFP) funds for the violating district in the fiscal  
8 year following the audit citation.

9 (3) These taxes shall be certified, assessed, and  
10 collected as prescribed in s. 1011.04 and shall be expended as  
11 provided by law.

12 (4) Nothing in s. 1011.62(4)(a)1. shall in any way be  
13 construed to increase the maximum school millage levies as  
14 provided for in subsection (1).

15 (5)(a) It is the intent of the Legislature that, by  
16 July 1, 2003, revenue generated by the millage levy authorized  
17 by subsection (2) should be used only for the costs of  
18 construction, renovation, remodeling, maintenance, and repair  
19 of the educational plant; for the purchase, lease, or  
20 lease-purchase of equipment, educational plants, and  
21 construction materials directly related to the delivery of  
22 student instruction; for the rental or lease of existing  
23 buildings, or space within existing buildings, originally  
24 constructed or used for purposes other than education, for  
25 conversion to use as educational facilities; for the opening  
26 day collection for the library media center of a new school;  
27 for the purchase, lease-purchase, or lease of school buses;  
28 and for servicing of payments related to certificates of  
29 participation issued for any purpose prior to the effective  
30 date of this act. Costs associated with the lease-purchase of  
31 equipment, educational plants, and school buses may include

1 the issuance of certificates of participation on or after the  
2 effective date of this act and the servicing of payments  
3 related to certificates so issued. For purposes of this  
4 section, "maintenance and repair" is defined in s. 1013.01.

5 (b) For purposes not delineated in paragraph (a) for  
6 which proceeds received from millage levied under subsection  
7 (2) may be legally expended, a district school board may spend  
8 no more than the following percentages of the amount the  
9 district spent for these purposes in fiscal year 1995-1996:

10 1. In fiscal year 2000-2001, 40 percent.

11 2. In fiscal year 2001-2002, 25 percent.

12 3. In fiscal year 2002-2003, 10 percent.

13 (c) Beginning July 1, 2003, revenue generated by the  
14 millage levy authorized by subsection (2) must be used only  
15 for the purposes delineated in paragraph (a).

16 (d) Notwithstanding any other provision of this  
17 subsection, if through its adopted facilities work program a  
18 district has clearly identified the need for an ancillary  
19 plant, has provided opportunity for public input as to the  
20 relative value of the ancillary plant versus an educational  
21 plant, and has obtained public approval, the district may use  
22 revenue generated by the millage levy authorized by subsection  
23 (2) for the construction, renovation, remodeling, maintenance,  
24 or repair of an ancillary plant.

25  
26 A district that violates these expenditure restrictions shall  
27 have an equal dollar reduction in funds appropriated to the  
28 district under s. 1011.62 in the fiscal year following the  
29 audit citation. The expenditure restrictions do not apply to  
30 any school district that certifies to the Commissioner of  
31 Education that all of the district's instructional space needs

1 for the next 5 years can be met from capital outlay sources  
2 that the district reasonably expects to receive during the  
3 next 5 years or from alternative scheduling or construction,  
4 leasing, rezoning, or technological methodologies that exhibit  
5 sound management.

6 (6) In addition to the maximum millage levied under  
7 this section and the General Appropriations Act, a school  
8 district may levy, by local referendum or in a general  
9 election, additional millage for school operational purposes  
10 up to an amount that, when combined with nonvoted millage  
11 levied under this section, does not exceed the 10-mill limit  
12 established in s. 9(b), Art. VII of the State Constitution.  
13 Any such levy shall be for a maximum of 4 years and shall be  
14 counted as part of the 10-mill limit established in s. 9(b),  
15 Art. VII of the State Constitution. Millage elections  
16 conducted under the authority granted pursuant to this section  
17 are subject to s. 1011.73. Funds generated by such additional  
18 millage do not become a part of the calculation of the Florida  
19 Education Finance Program total potential funds in 2001-2002  
20 or any subsequent year and must not be incorporated in the  
21 calculation of any hold-harmless or other component of the  
22 Florida Education Finance Program formula in any year. If an  
23 increase in required local effort, when added to existing  
24 millage levied under the 10-mill limit, would result in a  
25 combined millage in excess of the 10-mill limit, any millage  
26 levied pursuant to this subsection shall be considered to be  
27 required local effort to the extent that the district millage  
28 would otherwise exceed the 10-mill limit.

29 Section 657. Section 1011.72, Florida Statutes, is  
30 created to read:  
31



1           1011.72 Levy based on interim assessment roll;  
2 reimbursement to state for additional taxes collected upon  
3 reconciliation of roll.--In any year in which the base student  
4 allocation has been guaranteed to school districts through the  
5 use of state funds, a school district which levied taxes based  
6 on an interim assessment roll shall be required to reimburse  
7 the state in an amount equal to the additional taxes collected  
8 upon reconciliation of that roll. Beginning with the  
9 distribution following the delinquency date of the  
10 supplemental bills, the state shall withhold all funds  
11 otherwise available to that school district from the  
12 appropriation to the Florida Education Finance Program until  
13 such time as the state is completely reimbursed.

14           Section 658. Section 1011.73, Florida Statutes, is  
15 created to read:

16           1011.73 District millage elections.--

17           (1) MILLAGE AUTHORIZED NOT TO EXCEED TWO YEARS.--The  
18 district school board, pursuant to resolution adopted at a  
19 regular meeting, shall direct the county commissioners to call  
20 an election at which the electors within the school districts  
21 may approve an ad valorem tax millage as authorized in s. 9,  
22 Art. VII of the State Constitution. Such election may be held  
23 at any time, except that not more than one such election shall  
24 be held during any 12-month period. Any millage so authorized  
25 shall be levied for a period not in excess of 2 years or until  
26 changed by another millage election, whichever is the earlier.  
27 In the event any such election is invalidated by a court of  
28 competent jurisdiction, such invalidated election shall be  
29 considered not to have been held.

30           (2) MILLAGE AUTHORIZED NOT TO EXCEED FOUR YEARS.--The  
31 district school board, pursuant to resolution adopted at a

1 regular meeting, shall direct the county commissioners to call  
2 an election at which the electors within the school district  
3 may approve an ad valorem tax millage as authorized under s.  
4 1011.71(6). Such election may be held at any time, except that  
5 not more than one such election shall be held during any  
6 12-month period. Any millage so authorized shall be levied for  
7 a period not in excess of 4 years or until changed by another  
8 millage election, whichever is earlier. If any such election  
9 is invalidated by a court of competent jurisdiction, such  
10 invalidated election shall be considered not to have been  
11 held.

12 (3) HOLDING ELECTIONS.--All school district millage  
13 elections shall be held and conducted in the manner prescribed  
14 by law for holding general elections, except as provided in  
15 this chapter.

16 (4) FORM OF BALLOT.--

17 (a) The district school board may propose a single  
18 millage or two millages, with one for operating expenses and  
19 another for a local capital improvement reserve fund. When two  
20 millage figures are proposed, each millage must be voted on  
21 separately.

22 (b) The district school board shall provide the  
23 wording of the substance of the measure and the ballot title  
24 in the resolution calling for the election. The wording of the  
25 ballot must conform to the provisions of s. 101.161.

26 (5) QUALIFICATION OF ELECTORS.--All qualified electors  
27 of the school district are entitled to vote in the election to  
28 set the school tax district millage levy.

29 (6) RESULTS OF ELECTION.--When the school board  
30 proposes one tax levy for operating expenses and another for  
31 the local capital improvement reserve fund, the results shall

1 be considered separately. The tax levy shall be levied only in  
2 case a majority of the electors participating in the election  
3 vote in favor of the proposed special millage.

4 (7) EXPENSES OF ELECTION.--The cost of the publication  
5 of the notice of the election and all expenses of the election  
6 in the school district shall be paid by the district school  
7 board.

8 Section 659. Section 1011.74, Florida Statutes, is  
9 created to read:

10 1011.74 Source and use of district capital improvement  
11 fund.--The district capital improvement fund shall consist of  
12 funds derived from the sale of school district bonds  
13 authorized in s. 17, Art. XII of the State Constitution of  
14 1885 as amended, together with any other funds directed to be  
15 placed therein by regulations of the State Board of Education,  
16 and other similar funds which are to be used for capital  
17 outlay purposes within the district.

18 Section 660. Section 1011.75, Florida Statutes, is  
19 created to read:

20 1011.75 Gifted education exemplary program grants.--

21 (1) This section shall be known and may be cited as  
22 the "Challenge Grant Program for the Gifted."

23 (2) There is hereby created a grant program for  
24 education for the gifted which shall be administered by the  
25 Commissioner of Education in cooperation and consultation with  
26 appropriate organizations and associations concerned with  
27 education for the gifted and pursuant to rules adopted by the  
28 State Board of Education. The program may be implemented in  
29 any public school.

30 (3) Pursuant to policies and rules to be adopted by  
31 the State Board of Education, each district school board, two

1 or more district school boards in cooperation, or a public  
2 school principal through the district school board may submit  
3 to the commissioner a proposed program designed to effectuate  
4 an exemplary program for education for the gifted in a school,  
5 district, or group of districts. Consideration for funding  
6 shall be given to proposed programs of district school boards  
7 that are developed with the cooperation of a community  
8 college, public or private college, or university for the  
9 purpose of providing advanced accelerated instruction for  
10 public school students pursuant to s. 229.814. In order to be  
11 approved, a program proposal must include:

12 (a) Clearly stated goals and objectives expressed, to  
13 the maximum extent possible, in measurable terms;

14 (b) Information concerning the number of students,  
15 teachers, and other personnel to be involved in the program;

16 (c) The estimated cost of the program and the number  
17 of years for which it is to be funded;

18 (d) Provisions for evaluation of the program and for  
19 its integration into the general curriculum and financial  
20 program of the school district or districts at the end of the  
21 funded period; and

22 (e) Such other information and provisions as the  
23 commissioner requires.

24 (4) The commissioner shall review and approve,  
25 disapprove, or resubmit for modification all proposed programs  
26 for education for the gifted submitted. For those programs  
27 approved, the commissioner shall authorize distribution of  
28 funds equal to the cost of the program from funds appropriated  
29 to the Department of Education for exemplary program grants  
30 for education for the gifted as provided for by this act.  
31

1 These funds shall be in addition to any funds for education  
2 for the gifted provided pursuant to s. 1011.62.

3 Section 661. Section 1011.76, Florida Statutes, is  
4 created to read:

5 1011.76 Small School District Stabilization Program.--

6 (1) There is created the Small School District  
7 Stabilization Program to assist school districts in rural  
8 communities that document economic conditions or other  
9 significant community influences that negatively impact the  
10 school district. The purpose of the program is to provide  
11 technical assistance and financial support to maintain the  
12 stability of the educational program in the school district. A  
13 rural community means a county with a population of 75,000 or  
14 less; or a county with a population of 100,000 or less that is  
15 contiguous to a county with a population of 75,000 or less.

16 (2) In order to participate in this program, a school  
17 district must be located in a rural area of critical economic  
18 concern designated by the Executive Office of the Governor,  
19 and the district school board must submit a resolution to the  
20 Office of Tourism, Trade, and Economic Development requesting  
21 participation in the program. A rural area of critical  
22 economic concern must be a rural community, or a region  
23 composed of such, that has been adversely affected by an  
24 extraordinary economic event or a natural disaster or that  
25 presents a unique economic development concern or opportunity  
26 of regional impact. The resolution must be accompanied with  
27 documentation of the economic conditions in the community,  
28 provide information indicating the negative impact of these  
29 conditions on the school district's financial stability, and  
30 the school district must participate in a best financial  
31 management practices review to determine potential

1 efficiencies that could be implemented to reduce program costs  
2 in the district.

3 (3) The Office of Tourism, Trade, and Economic  
4 Development, in consultation with the Department of Education,  
5 shall review the resolution and other information required by  
6 subsection (2) and determine whether the school district is  
7 eligible to participate in the program. Factors influencing  
8 the office's determination may include, but are not limited  
9 to, reductions in the county tax roll resulting from business  
10 closures or other causes, or a reduction in student enrollment  
11 due to business closures or impacts in the local economy.

12 (4) Effective July 1, 2000, and thereafter, when the  
13 Office of Tourism, Trade, and Economic Development authorizes  
14 a school district to participate in the program, the  
15 Legislature may give priority to that district for a best  
16 financial management practices review in the school district,  
17 subject to approval pursuant to s. 1008.35(7), to the extent  
18 that funding is provided annually for such purpose in the  
19 General Appropriations Act. The scope of the review shall be  
20 as set forth in s. 1008.35.

21 (5) Effective July 1, 2000, and thereafter, the  
22 Department of Education may award the school district a  
23 stabilization grant intended to protect the district from  
24 continued financial reductions. The amount of the grant will  
25 be determined by the Department of Education and may be  
26 equivalent to the amount of the decline in revenues projected  
27 for the next fiscal year. In addition, the Office of Tourism,  
28 Trade, and Economic Development may implement a rural economic  
29 development initiative to identify the economic factors that  
30 are negatively impacting the community and may consult with  
31 Enterprise Florida, Inc., in developing a plan to assist the

1 county with its economic transition. The grant will be  
2 available to the school district for a period of up to 5 years  
3 to the extent that funding is provided for such purpose in the  
4 General Appropriations Act.

5 (6) Based on the availability of funds the Office of  
6 Tourism, Trade, and Economic Development or the Department of  
7 Education may enter into contracts or issue grants necessary  
8 to implement the program.

9 Section 662. Section 1011.77, Florida Statutes, is  
10 created to read:

11 1011.77 Special laws and general laws of local  
12 application prohibited.--

13 (1) Pursuant to s. 11(a)(21), Art. III of the State  
14 Constitution, the Legislature hereby prohibits special laws  
15 and general laws of local application pertaining to:

16 (a) The assessment or collection of taxes for school  
17 purposes insofar as it may affect the distribution of state  
18 funds, including the determination of millages therefor, the  
19 extension of time therefor, relief of tax officers from due  
20 performance of their duties, and relief of their sureties from  
21 liability.

22 (b) The Florida Education Finance Program as enacted  
23 in 1973 or as subsequently amended.

24 (2) The department shall determine whether any  
25 district has received additional funds subsequent to June 30,  
26 1973, as a result of any special law or general law of local  
27 application described in subsection (1) and shall deduct an  
28 amount equal to any such additional funds from allocations to  
29 that district.

30  
31

1           Section 663. Part III of chapter 1011 shall be  
2 entitled "Funding for Workforce Education" and shall consist  
3 of ss. 1011.80-1011.801.

4           Section 664. Section 1011.80, Florida Statutes, is  
5 created to read:

6           1011.80 Funds for operation of adult technical  
7 education programs.--

8           (1) As used in this section, the terms "workforce  
9 development education" and "workforce development program"  
10 include:

11           (a) Adult general education programs designed to  
12 improve the employability skills of the state's workforce as  
13 defined in s. 1004.02(5).

14           (b) Career and technical certificate programs, as  
15 defined in s. 1004.02(25).

16           (c) Applied technology diploma programs.

17           (d) Continuing workforce education courses.

18           (e) Degree technical education programs.

19           (f) Apprenticeship and preapprenticeship programs as  
20 defined in s. 446.021.

21           (2) Any workforce development education program may be  
22 conducted by a community college or a school district, except  
23 that college credit in an associate in science degree may be  
24 awarded only by a community college. However, if an associate  
25 in science degree program contains within it an occupational  
26 completion point that confers a certificate or an applied  
27 technology diploma, that portion of the program may be  
28 conducted by a school district technical center. Any  
29 instruction designed to articulate to a degree program is  
30 subject to guidelines and standards adopted by the  
31



1 Articulation Coordinating Committee pursuant to s.  
2 229.551(1)(g).

3 (3) If a program for disabled adults pursuant to s.  
4 1004.93 is a workforce development program as defined in law  
5 it must be funded as provided in this section.

6 (4) The Florida Workforce Development Education Fund  
7 is created to provide performance-based funding for all  
8 workforce development programs, whether the programs are  
9 offered by a school district or a community college. Funding  
10 for all workforce development education programs must be from  
11 the Workforce Development Education Fund and must be based on  
12 cost categories, performance output measures, and performance  
13 outcome measures.

14 (a) The cost categories must be calculated to identify  
15 high-cost programs, medium-cost programs, and low-cost  
16 programs. The cost analysis used to calculate and assign a  
17 program of study to a cost category must include at least both  
18 direct and indirect instructional costs, consumable supplies,  
19 equipment, and standard program length.

20 (b)1. The performance output measure for career and  
21 technical education programs of study is student completion of  
22 a career and technical program of study that leads to an  
23 occupational completion point associated with a certificate;  
24 an apprenticeship program; or a program that leads to an  
25 applied technology diploma or an associate in science degree.  
26 Performance output measures for registered apprenticeship  
27 programs shall be based on program lengths that coincide with  
28 lengths established pursuant to the requirements of chapter  
29 446.

30 2. The performance output measure for an adult general  
31 education course of study is measurable improvement in student

1 skills. This measure shall include improvement in literacy  
2 skills, grade level improvement as measured by an approved  
3 test, or attainment of a general education development diploma  
4 or an adult high school diploma.

5 (c) The performance outcome measures for programs  
6 funded through the Workforce Development Education Fund are  
7 associated with placement and retention of students after  
8 reaching a completion point or completing a program of study.  
9 These measures include placement or retention in employment  
10 that is related to the program of study; placement into or  
11 retention in employment in an occupation on the Workforce  
12 Estimating Conference list of high-wage, high-skill  
13 occupations with sufficient openings, or other High Wage/High  
14 Skill Program occupations as determined by Workforce Florida,  
15 Inc.; and placement and retention of participants or former  
16 participants in the welfare transition program in employment.  
17 Continuing postsecondary education at a level that will  
18 further enhance employment is a performance outcome for adult  
19 general education programs. Placement and retention must be  
20 reported pursuant to ss. 1008.39 and 1008.43.

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

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

28 (b) For all other workforce development education  
29 funded through the Workforce Development Education Fund, state  
30 funding shall equal 75 percent of the average cost of  
31 instruction with the remaining 25 percent made up from student

1 fees. Fees for courses within a program shall not vary  
2 according to the cost of the individual program, but instead  
3 shall be based on a uniform fee calculated and set at the  
4 state level, as adopted by the State Board of Education,  
5 unless otherwise specified in the General Appropriations Act.

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

9 (6)(a) A school district or a community college that  
10 provides workforce development education funded through the  
11 Workforce Development Education Fund shall receive funds in  
12 accordance with distributions for base and performance funding  
13 established by the Legislature in the General Appropriations  
14 Act, pursuant to the following conditions:

15 1. Base funding shall not exceed 85 percent of the  
16 current fiscal year total Workforce Development Education Fund  
17 allocation, which shall be distributed by the Legislature in  
18 the General Appropriations Act based on a maximum of 85  
19 percent of the institution's prior year total allocation from  
20 base and performance funds.

21 2. Performance funding shall be at least 15 percent of  
22 the current fiscal year total Workforce Development Education  
23 Fund allocation, which shall be distributed by the Legislature  
24 in the General Appropriations Act based on the previous fiscal  
25 year's achievement of output and outcomes in accordance with  
26 formulas adopted pursuant to subsection (9). Performance  
27 funding must incorporate payments for at least three levels of  
28 placements that reflect wages and workforce demand. Payments  
29 for completions must not exceed 60 percent of the payments for  
30 placement. School districts and community colleges shall be  
31 awarded funds pursuant to this paragraph based on performance

1 output data and performance outcome data available in that  
2 year.

3 3. If a local educational agency achieves a level of  
4 performance sufficient to generate a full allocation as  
5 authorized by the workforce development funding formula, the  
6 agency may earn performance incentive funds as appropriated  
7 for that purpose in a General Appropriations Act. If  
8 performance incentive funds are funded and awarded, these  
9 funds must be added to the local educational agency's prior  
10 year total allocation from the Workforce Development Education  
11 Fund and shall be used to calculate the following year's base  
12 funding.

13 (b) A program is established to assist school  
14 districts and community colleges in responding to the needs of  
15 new and expanding businesses and thereby strengthening the  
16 state's workforce and economy. The program may be funded in  
17 the General Appropriations Act. A school district or community  
18 college may expend funds under the program without regard to  
19 performance criteria set forth in subparagraph (a)2. The  
20 district or community college shall use the program to provide  
21 customized training for businesses which satisfies the  
22 requirements of s. 288.047. Business firms whose employees  
23 receive the customized training must provide 50 percent of the  
24 cost of the training. Balances remaining in the program at the  
25 end of the fiscal year shall not revert to the general fund,  
26 but shall be carried over for 1 additional year and used for  
27 the purpose of serving incumbent worker training needs of area  
28 businesses with fewer than 100 employees. Priority shall be  
29 given to businesses that must increase or upgrade their use of  
30 technology to remain competitive.

31

1       (7) A school district or community college that earns  
2 performance funding must use the money to benefit the  
3 postsecondary adult and technical education programs it  
4 provides. The money may be used for equipment upgrades,  
5 program expansions, or any other use that would result in  
6 workforce development program improvement. The district school  
7 board or community college board of trustees may not withhold  
8 any portion of the performance funding for indirect costs.  
9 Notwithstanding s. 216.351, funds awarded pursuant to this  
10 section may be carried across fiscal years and shall not  
11 revert to any other fund maintained by the district school  
12 board or community college board of trustees.

13       (8) The State Board of Education and Workforce  
14 Florida, Inc., shall provide the Legislature with recommended  
15 formulas, criteria, timeframes, and mechanisms for  
16 distributing performance funds. The commissioner shall  
17 consolidate the recommendations and develop a consensus  
18 proposal for funding. The Legislature shall adopt a formula  
19 and distribute the performance funds to the State Board of  
20 Education for community colleges and school districts through  
21 the General Appropriations Act. These recommendations shall be  
22 based on formulas that would discourage low-performing or  
23 low-demand programs and encourage through performance-funding  
24 awards:

25       (a) Programs that prepare people to enter high-wage  
26 occupations identified by the Workforce Estimating Conference  
27 created by s. 216.136 and other programs as approved by  
28 Workforce Florida, Inc. At a minimum, performance incentives  
29 shall be calculated for adults who reach completion points or  
30 complete programs that lead to specified high-wage employment  
31 and to their placement in that employment.

1        (b) Programs that successfully prepare adults who are  
2 eligible for public assistance, economically disadvantaged,  
3 disabled, not proficient in English, or dislocated workers for  
4 high-wage occupations. At a minimum, performance incentives  
5 shall be calculated at an enhanced value for the completion of  
6 adults identified in this paragraph and job placement of such  
7 adults upon completion. In addition, adjustments may be made  
8 in payments for job placements for areas of high unemployment.

9        (c) Programs that are specifically designed to be  
10 consistent with the workforce needs of private enterprise and  
11 regional economic development strategies, as defined in  
12 guidelines set by Workforce Florida, Inc. Workforce Florida,  
13 Inc., shall develop guidelines to identify such needs and  
14 strategies based on localized research of private employers  
15 and economic development practitioners.

16        (d) Programs identified by Workforce Florida, Inc., as  
17 increasing the effectiveness and cost efficiency of education.

18        (9) A high school student dually enrolled under s.  
19 1007.271 in a workforce development program funded through the  
20 Workforce Development Education Fund and operated by a  
21 community college or school district technical center  
22 generates the amount calculated by the Workforce Development  
23 Education Fund, including any payment of performance funding,  
24 and the proportional share of full-time equivalent enrollment  
25 generated through the Florida Education Finance Program for  
26 the student's enrollment in a high school. If a high school  
27 student is dually enrolled in a community college program,  
28 including a program conducted at a high school, the community  
29 college earns the funds generated through the Workforce  
30 Development Education Fund and the school district earns the  
31 proportional share of full-time equivalent funding from the

1 Florida Education Finance Program. If a student is dually  
2 enrolled in a technical center operated by the same district  
3 as the district in which the student attends high school, that  
4 district earns the funds generated through the Workforce  
5 Development Education Fund and also earns the proportional  
6 share of full-time equivalent funding from the Florida  
7 Education Finance Program. If a student is dually enrolled in  
8 a workforce development program provided by a technical center  
9 operated by a different school district, the funds must be  
10 divided between the two school districts proportionally from  
11 the two funding sources. A student may not be reported for  
12 funding in a dual enrollment workforce development program  
13 unless the student has completed the basic skills assessment  
14 pursuant to s. 1004.91.

15 (10) The State Board of Education may adopt rules to  
16 administer this section.

17 Section 665. Section 1011.801, Florida Statutes, is  
18 created to read:

19 1011.801 Workforce Development Capitalization  
20 Incentive Grant Program.--The Legislature recognizes that the  
21 need for school districts and community colleges to be able to  
22 respond to emerging local or statewide economic development  
23 needs is critical to the workforce development system. The  
24 Workforce Development Capitalization Incentive Grant Program  
25 is created to provide grants to school districts and community  
26 colleges on a competitive basis to fund some or all of the  
27 costs associated with the creation or expansion of workforce  
28 development programs that serve specific employment workforce  
29 needs.

30 (1) Funds awarded for a workforce development  
31 capitalization incentive grant may be used for instructional

1 equipment, laboratory equipment, supplies, personnel, student  
2 services, or other expenses associated with the creation or  
3 expansion of a workforce development program. Expansion of a  
4 program may include either the expansion of enrollments in a  
5 program or expansion into new areas of specialization within a  
6 program. No grant funds may be used for recurring  
7 instructional costs or for institutions' indirect costs.

8 (2) The State Board of Education shall accept  
9 applications from school districts or community colleges for  
10 workforce development capitalization incentive grants.  
11 Applications from school districts or community colleges shall  
12 contain projected enrollments and projected costs for the new  
13 or expanded workforce development program. The State Board of  
14 Education, in consultation with the Workforce Florida, Inc.,  
15 shall review and rank each application for a grant according  
16 to subsection (3) and shall submit to the Legislature a list  
17 in priority order of applications recommended for a grant  
18 award.

19 (3) The State Board of Education shall give highest  
20 priority to programs that train people to enter high-skill,  
21 high-wage occupations identified by the Workforce Estimating  
22 Conference and other programs approved by Workforce Florida,  
23 Inc.; programs that train people to enter occupations under  
24 the welfare transition program; or programs that train for the  
25 workforce adults who are eligible for public assistance,  
26 economically disadvantaged, disabled, not proficient in  
27 English, or dislocated workers. The State Board of Education  
28 shall consider the statewide geographic dispersion of grant  
29 funds in ranking the applications and shall give priority to  
30 applications from education agencies that are making maximum  
31



1 use of their workforce development funding by offering  
2 high-performing, high-demand programs.

3 Section 666. Part IV of chapter 1011 shall be entitled  
4 "Funding for Public Community Colleges" and shall consist of  
5 ss. 1011.81-1011.87.

6 Section 667. Section 1011.81, Florida Statutes, is  
7 created to read:

8 1011.81 State Community College Program Fund.--There  
9 is established a State Community College Program Fund. This  
10 fund shall comprise all appropriations made by the Legislature  
11 for the support of the current operating program and shall be  
12 apportioned and distributed to the community college districts  
13 of the state on the basis of procedures established by law and  
14 rules of the State Board of Education. The annual  
15 apportionment for each community college district shall be  
16 distributed monthly in payments as nearly equal as possible.

17 Section 668. Section 1011.82, Florida Statutes, is  
18 created to read:

19 1011.82 Requirements for participation in Community  
20 College Program Fund.--Each district which participates in the  
21 state appropriations for the Community College Program Fund  
22 shall provide evidence of its effort to maintain an adequate  
23 community college program which shall:

24 (1) Meet the minimum standards prescribed by the State  
25 Board of Education in accordance with s. 1001.02(9).

26 (2) Effectively fulfill the mission of the community  
27 colleges in accordance with s. 1004.65.

28 Section 669. Section 1011.83, Florida Statutes, is  
29 created to read:

30 1011.83 Financial support of community colleges.--Each  
31 community college that has been approved by the Department of

1 Education and meets the requirements of law and rules of the  
2 State Board of Education shall participate in the state  
3 community college program fund. However, funds to support  
4 workforce development programs conducted by community colleges  
5 shall be provided by the Workforce Development Education Fund  
6 pursuant to s. 1011.80.

7 Section 670. Section 1011.84, Florida Statutes, is  
8 created to read:

9 1011.84 Procedure for determining state financial  
10 support and annual apportionment of state funds to each  
11 community college district.--The procedure for determining  
12 state financial support and the annual apportionment to each  
13 community college district authorized to operate a community  
14 college under the provisions of s. 1001.61 shall be as  
15 follows:

16 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE STATE  
17 COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING  
18 PROGRAM.--

19 (a) The Department of Education shall determine  
20 annually from an analysis of operating costs, prepared in the  
21 manner prescribed by rules of the State Board of Education,  
22 the costs per full-time equivalent student served in courses  
23 and fields of study offered in community colleges. This  
24 information and current college operating budgets shall be  
25 submitted to the Executive Office of the Governor with the  
26 legislative budget request prior to each regular session of  
27 the Legislature.

28 (b) The allocation of funds for community colleges  
29 shall be based on advanced and professional disciplines,  
30 college-preparatory programs, and other programs for adults  
31 funded pursuant to s. 1011.80.

1        (c) The category of lifelong learning is for students  
2 enrolled pursuant to s. 1004.93. A student shall also be  
3 reported as a lifelong learning student for his or her  
4 enrollment in any course that he or she has previously taken,  
5 unless it is a credit course in which the student earned a  
6 grade of D or F.

7        (d) If an adult student has been determined to be a  
8 disabled student eligible for an approved educational program  
9 for disabled adults provided pursuant to s. 1004.93 and rules  
10 of the State Board of Education and is enrolled in a class  
11 with curriculum frameworks developed for the program, state  
12 funding for that student shall be provided at a level double  
13 that of a student enrolled in a special adult general  
14 education program provided by a community college.

15        (e) The State Board of Education shall adopt rules to  
16 implement s. 9(d)(8)f., Art. XII of the State Constitution.  
17 These rules shall provide for the use of the funds available  
18 under s. 9(d)(8)f., Art. XII by an individual community  
19 college for operating expense in any fiscal year during which  
20 the State Board of Education has determined that all major  
21 capital outlay needs have been met. Highest priority for the  
22 use of these funds for purposes other than financing approved  
23 capital outlay projects shall be for the proper maintenance  
24 and repair of existing facilities for projects approved by the  
25 State Board of Education. However, in any fiscal year in which  
26 funds from this source are authorized for operating expense  
27 other than approved maintenance and repair projects, the  
28 allocation of community college program funds shall be reduced  
29 by an amount equal to the sum used for such operating expense  
30 for that community college that year, and that amount shall  
31

1 not be released or allocated among the other community  
2 colleges that year.

3 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL  
4 OUTLAY AND DEBT SERVICE.--The amount included for capital  
5 outlay and debt service shall be as determined and provided in  
6 s. 18, Art. XII of the State Constitution of 1885, as adopted  
7 by s. 9(d), Art. XII of the 1968 revised State Constitution  
8 and State Board of Education rules.

9 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.--

10 (a) By December 15 of each year, the Department of  
11 Education shall estimate the annual enrollment of each  
12 community college for the current fiscal year and for the 6  
13 subsequent fiscal years. These estimates shall be based upon  
14 prior years' enrollments, upon the initial fall term  
15 enrollments for the current fiscal year for each college, and  
16 upon each college's estimated current enrollment and  
17 demographic changes in the respective community college  
18 districts.

19 (b) The apportionment to each community college from  
20 the Community College Program Fund shall be determined  
21 annually in the General Appropriations Act. In determining  
22 each college's apportionment, the Legislature shall consider  
23 the following components:

24 1. Base budget, which includes the state appropriation  
25 to the Community College Program Fund in the current year plus  
26 the related student matriculation and tuition fees assigned in  
27 the current General Appropriations Act.

28 2. The cost-to-continue allocation, which consists of  
29 incremental changes to the base budget, including salaries,  
30 price levels, and other related costs.

31

1           3. Enrollment workload adjustment, which shall be  
2 determined as follows:

3           a. The actual full-time equivalent enrollment for the  
4 prior year, as accepted or modified by the Legislature, shall  
5 be the assigned enrollment and the basis for allocating  
6 appropriated funds for enrollment workload. If the enrollment  
7 workload allocation to a college is determined to be less than  
8 zero, the reduction in allocation shall be implemented over a  
9 2-year period.

10           b. The systemwide average direct instructional cost  
11 level of each program of study shall be used to calculate the  
12 enrollment workload adjustment. This amount, multiplied by a  
13 factor of 1.3, for support services shall be multiplied by the  
14 change in enrollment as determined in sub-subparagraph a. From  
15 this amount, student matriculation and tuition fees generated  
16 by the change in assigned enrollment shall be deducted and the  
17 remaining amount shall be the state allocation to each college  
18 for enrollment workload.

19           c. Students enrolled in a recreation and leisure  
20 program and students enrolled in a lifelong learning program  
21 may not be counted as full-time equivalent enrollments for  
22 purposes of enrollment workload adjustments.

23           4. Operating costs of new facilities adjustments,  
24 which shall be provided, from funds available, for each new  
25 facility that is owned by the college and is recommended in  
26 accordance with s. 1013.31.

27           5. New and improved program enhancements, which shall  
28 be determined by the Legislature.

29  
30 Student fees in the base budget plus student fee revenues  
31 generated by increases in fee rates shall be deducted from the

1 sum of the components determined in subparagraphs 1.-5. The  
2 amount remaining shall be the net annual state apportionment  
3 to each college.

4 (c) No community college shall commit funds for the  
5 employment of personnel or resources in excess of those  
6 required to continue the same level of support for either the  
7 previously approved enrollment or the revised enrollment,  
8 whichever is lower.

9 (d) The apportionment to each community college  
10 district for capital outlay and debt service shall be the  
11 amount determined in accordance with subsection (2). This  
12 amount, less any amount determined as necessary for  
13 administrative expense by the State Board of Education and any  
14 amount necessary for debt service on bonds issued by the State  
15 Board of Education, shall be transmitted to the community  
16 college district board of trustees to be expended in a manner  
17 prescribed by rules of the State Board of Education.

18 (e) If at any time the unencumbered balance in the  
19 general fund of the university board of trustees approved  
20 operating budget goes below five percent, the president shall  
21 provide written notification to the State Board of Education.

22 (f) Expenditures for apprenticeship programs shall be  
23 reported separately.

24 (4) EXPENDITURE OF ALLOCATED FUNDS.--Any funds  
25 allocated herein to any district for a public community  
26 college shall be expended only for the purpose of supporting  
27 that college.

28 (5) REPORT OF REMEDIAL EDUCATION.--Each community  
29 college shall report the volume and cost of remedial education  
30 activities as a separate item in its annual cost accounting  
31 system.

1           Section 671. Section 1011.85, Florida Statutes, is  
2 created to read:

3           1011.85 Dr. Philip Benjamin Academic Improvement  
4 Program for Community Colleges.--

5           (1) There is created the Dr. Philip Benjamin Academic  
6 Improvement Program for Community Colleges to be administered  
7 according to rules of the State Board of Education. This  
8 program shall be used to encourage private support in  
9 enhancing public community colleges by providing the community  
10 college system with the opportunity to receive and match  
11 challenge grants.

12           (2) For every year in which there is a legislative  
13 appropriation to the program, no less than \$25,000 must be  
14 reserved to permit each community college and the State Board  
15 of Education, which shall be an eligible community college  
16 entity for the purposes of this section, an opportunity to  
17 match challenge grants. The balance of the funds shall be  
18 available for matching by any eligible community college  
19 entity. Funds which remain unmatched by contribution on March  
20 1 of any year shall also be available for matching by any  
21 community college entity. The State Board of Education shall  
22 adopt rules providing all community college entities with an  
23 opportunity to apply for excess funds prior to the awarding of  
24 such funds. However, no community college may receive more  
25 than its percentage of the total full-time equivalent  
26 enrollment or 15 percent, whichever is greater, of the funds  
27 appropriated to the program for that fiscal year and,  
28 likewise, the State Board of Education may not receive more  
29 than 15 percent of the funds appropriated to the program for  
30 that fiscal year. A community college entity shall place all  
31 funds it receives in excess of the first challenge grant and

1 its matching funds in its endowment fund and only the earnings  
2 on that amount may be spent for approved projects. A community  
3 college entity may spend the first challenge grant and its  
4 matching funds as cash for any approved project, except  
5 scholarships. If a community college entity proposes to use  
6 any amount of the grant or the matching funds for  
7 scholarships, it must deposit that amount in its endowment in  
8 its academic improvement trust fund and use the earnings of  
9 the endowment to provide scholarships.

10 (3) Challenge grants shall be proportionately  
11 allocated from the program on the basis of matching each \$4 of  
12 state funds with \$6 of local or private funds. To be eligible,  
13 a minimum of \$4,500 must be raised from private sources.

14 (4) Funds sufficient to provide the match shall be  
15 transferred from the state appropriation to the local  
16 community college foundation or the statewide community  
17 college foundation upon notification that a proportionate  
18 amount has been received and deposited by the community  
19 college entity in its own trust fund.

20 (5) Each community college entity shall establish its  
21 own academic improvement trust fund as a depository for the  
22 private contributions and matching state funds provided under  
23 this section. The foundations of the community college  
24 entities are responsible for the maintenance, investment, and  
25 administration of their academic improvement trust funds.

26 (6)(a) The community college board of trustees and the  
27 State Board of Education are responsible for determining the  
28 uses for the proceeds of their respective trust funds. Such  
29 uses of the proceeds shall be limited to expenditure of the  
30 funds for:

- 31 1. Scientific and technical equipment.



1           2. Other activities that will benefit future students  
2 as well as students currently enrolled at the community  
3 college and that will improve the quality of education at the  
4 community college or in the community college system.

5           3. Scholarships, loans, or need-based grants.

6           (b) If a community college includes scholarships,  
7 loans, or need-based grants in its proposal, it shall create  
8 an endowment in its academic improvement trust fund and use  
9 the earnings of the endowment to provide scholarships, loans,  
10 or need-based grants.

11           (c) Proposals for use of the trust fund shall be  
12 submitted to the State Board of Education for approval. Any  
13 proposal not acted upon in 60 days shall be considered not  
14 approved.

15           (7) The State Board of Education shall establish rules  
16 to provide for the administration of this program. Such rules  
17 shall establish the minimum challenge grant reserved for each  
18 community college entity and the maximum amount which a  
19 community college entity may receive from a legislative  
20 appropriation in any fiscal year in accordance with the  
21 provisions of the General Appropriations Act.

22           Section 672. Section 1011.86, Florida Statutes, is  
23 created to read:

24           1011.86 Educational leadership enhancement grants.--

25           (1) State universities and public community colleges  
26 may submit proposals for educational leadership enhancement  
27 grants to the Commissioner of Education. Proposals shall be  
28 funded competitively.

29           (2) To be eligible for funding, proposals must create  
30 programs designed to strengthen the academic and professional  
31

1 coursework or executive management preparation of women and  
2 minorities.

3 (3) Each proposal must include specific measurable  
4 goals and objectives.

5 (4) The State Board of Education may adopt any rules  
6 necessary to implement the provisions of this grant program.

7 (5) The grant program shall be implemented to the  
8 extent funded in the General Appropriations Act.

9 Section 673. Section 1011.87, Florida Statutes, is  
10 created to read:

11 1011.87 Health Care Education Quality Enhancement  
12 Challenge Grant Program for Community Colleges.--

13 (1) There is established the Health Care Education  
14 Quality Enhancement Challenge Grant Program for Community  
15 Colleges to be administered by the State Board of Education.  
16 The program shall provide matching grants for private  
17 contributions made to community colleges pursuant to this  
18 section. The program shall be used to encourage private  
19 support to improve quality of nursing programs and other  
20 health care education programs at community colleges in  
21 Florida. Such improvement includes increasing student access  
22 to, enrollment in, and completion of health care education  
23 programs.

24 (2) The Legislature shall designate funds for the  
25 program. Such funds shall be divided into challenge grants to  
26 be administered by the State Board of Education for  
27 distribution to community colleges.

28 (3) The Legislature shall match each contribution from  
29 private sources made to community colleges pursuant to this  
30 section with \$400 of state funds for each \$600 in private  
31 contributions. Funds sufficient to provide the match shall be

1 transferred to the community college upon certification that a  
2 proportionate amount has been received and deposited by the  
3 community college foundation in its own fund.

4 (4) For every year in which there is a legislative  
5 appropriation to this program, the State Board of Education  
6 shall determine an amount of funds, based on the FTE  
7 enrollment in health care education programs, to be reserved  
8 to permit each community college an opportunity to match the  
9 challenge grant. The balance of the funds shall be available  
10 for matching by any community college. Funds which remain  
11 unmatched on March 1 of any year shall also be available for  
12 matching by any college. The State Board of Education shall  
13 establish the maximum amount which a college may receive from  
14 a legislative appropriation in any fiscal year.

15 (5) The State Board of Education may establish  
16 priorities for use of these funds. Such use may include:

17 (a) Expansion of enrollment.

18 (b) Activities which improve retention.

19 (c) Implementation of articulation agreements.

20 (d) Cooperative programs between colleges, including,  
21 but not limited to, offering courses through satellite or  
22 video transmission and other linkage programs.

23 (6) Each community college shall establish its own  
24 fund as a depository for the matching grant funds. The  
25 community college foundation shall be responsible for the  
26 maintenance, investment, and administration of its fund.  
27 Private contributions matched under the Health Care Education  
28 Quality Enhancement Challenge Grant Program may not be matched  
29 under other state matching programs.

30 (7) The board of trustees of each community college,  
31 together with the college's foundation representing private

1 contributors' interests, shall be responsible for determining  
2 the uses of the proceeds in its fund within the community  
3 college's nursing and health care education programs.

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

6 Section 674. Part V of chapter 1011 shall be entitled  
7 "Funding for Universities" and shall consist of ss.  
8 1011.90-1011.93.

9 Section 675. Section 1011.90, Florida Statutes, is  
10 created to read:

11 1011.90 University funding.--

12 (1) Planned enrollments for each university as  
13 accepted or modified by the Legislature and program cost  
14 categories shall be the basis for the allocation of  
15 appropriated funds to the universities.

16 (2) In addition to enrollment-based appropriations,  
17 categorical programs shall be established in universities  
18 which are not directly related to planned student enrollment.  
19 Such programs shall be based upon the assigned missions of the  
20 institutions and shall include, but not be limited to,  
21 research and public service programs and authority to spend  
22 fee revenues collected pursuant to subsection (5) and s.  
23 1009.24. Appropriations by the Legislature and allocations to  
24 universities shall be based upon full costs, as determined  
25 pursuant to subsection (1), and priorities established by the  
26 Legislature.

27 (3) The Legislature by line item in an appropriations  
28 act may identify programs of extraordinary quality for the  
29 utilization of state funds to be matched by nonstate and  
30 nonfederal sources.

31

1       (4) The State Board of Education shall establish and  
2 validate a cost-estimating system consistent with the  
3 requirements of subsection (1) and shall report as part of its  
4 legislative budget request the actual expenditures for the  
5 fiscal year ending the previous June 30. Expenditure analysis,  
6 operating budgets, and annual financial statements of each  
7 university must be prepared using the standard financial  
8 reporting procedures and formats prescribed by the State Board  
9 of Education. These formats shall be the same as used for the  
10 2000-2001 fiscal year reports. Any revisions to these  
11 financial and reporting procedures and formats must be  
12 approved by the Executive Office of the Governor and the  
13 appropriations committees of the Legislature jointly under the  
14 provisions of s. 216.023(3). The State Board of Education  
15 shall continue to collect and maintain at a minimum the  
16 management information databases existing on June 30, 2002.  
17 The expenditure analysis report shall include total  
18 expenditures from all sources for the general operation of the  
19 university and shall be in such detail as needed to support  
20 the legislative budget request.

21       (5) If the actual enrollment for any university is  
22 less than planned enrollment by more than 5 percent for any 2  
23 consecutive fiscal years, the university enrollment plan for  
24 the next year shall be reduced. If actual enrollment exceeds  
25 planned enrollment by more than 5 percent, an explanation of  
26 the excess shall be provided with the next year's enrollment  
27 plan. The analysis of enrollment conducted for implementing  
28 this subsection shall be based on the categories of enrollment  
29 used in the education and general appropriation.

30       Section 676. Section 1011.91, Florida Statutes, is  
31 created to read:

1           1011.91 Additional appropriation.--  
2           (1) All moneys received by universities, other than  
3 from state and federal sources, from student building and  
4 capital improvement fees, and from vending machine  
5 collections, are hereby appropriated to the use of the  
6 respective universities collecting same, to be expended as the  
7 university board of trustees may direct; however, the funds  
8 shall not be expended except in pursuance of detailed budgets  
9 filed with the State Board of Education and shall not be  
10 expended for the construction or reconstruction of buildings  
11 except as provided under s. 1013.74.

12           (2) All moneys received from vending machine  
13 collections by universities shall be expended only as set  
14 forth in detailed budgets approved by the State Board of  
15 Education.

16           (3)(a) All moneys received by universities for the  
17 Auxiliary Enterprises and Contracts, Grants and Donations  
18 budget entities, and the self-insurance program authorized in  
19 s. 1004.24, shall be exempt from the requirements of s.  
20 216.023.

21           (b) No new state appropriation shall be obligated as a  
22 source of matching funds for potential federal or private  
23 contracts or grants. Upon the termination of any federal or  
24 private contracts or grants, the state shall not be obligated  
25 to provide continued funding for personnel or project costs  
26 related to such contracts or grants.

27           Section 677. Section 1011.93, Florida Statutes, is  
28 created to read:

29           1011.93 Pari-mutuel wagering funded research and  
30 development programs.--Each fiscal year, the first \$250,000 of  
31 the funds credited to the Pari-mutuel Wagering Trust Fund

1 shall be used to fund the establishment and implementation of  
2 research and development programs at the University of  
3 Florida. The University of Florida shall administer the  
4 distribution of the funds. These programs must include, but  
5 are not limited to:

6 (1) Research related to the breeding, health, feeding,  
7 or training of dogs and horses.

8 (2) Development of continuing education programs for  
9 individuals involved in the care and treatment of dogs and  
10 horses at pari-mutuel facilities.

11 (3) Establishment of a postmortem evaluation program  
12 for break-down injuries of dogs and horses.

13 (4) Research and development of helmet safety and the  
14 improvement of jai alai equipment.

15 Section 678. Section 1011.94, Florida Statutes, is  
16 created to read:

17 1011.94 Trust Fund for University Major Gifts.--

18 (1) There is established a Trust Fund for University  
19 Major Gifts. The purpose of the trust fund is to enable each  
20 university and New College to provide donors with an incentive  
21 in the form of matching grants for donations for the  
22 establishment of permanent endowments, which must be invested,  
23 with the proceeds of the investment used to support libraries  
24 and instruction and research programs, as defined by procedure  
25 of the State Board of Education. All funds appropriated for  
26 the challenge grants, new donors, major gifts, or eminent  
27 scholars program must be deposited into the trust fund and  
28 invested pursuant to s. 18.125 until the State Board of  
29 Education allocates the funds to universities to match private  
30 donations. Notwithstanding s. 216.301 and pursuant to s.  
31 216.351, any undisbursed balance remaining in the trust fund

1 and interest income accruing to the portion of the trust fund  
2 which is not matched and distributed to universities must  
3 remain in the trust fund and be used to increase the total  
4 funds available for challenge grants. The State Board of  
5 Education may authorize any university to encumber the state  
6 matching portion of a challenge grant from funds available  
7 under s. 1011.45.

8 (2) The State Board of Education shall specify the  
9 process for submission, documentation, and approval of  
10 requests for matching funds, accountability for endowments and  
11 proceeds of endowments, allocations to universities,  
12 restrictions on the use of the proceeds from endowments, and  
13 criteria used in determining the value of donations.

14 (3)(a) The State Board of Education shall allocate the  
15 amount appropriated to the trust fund to each university and  
16 New College based on the amount of the donation and the  
17 restrictions applied to the donation.

18 (b) Donations for a specific purpose must be matched  
19 in the following manner:

20 1. Each university that raises at least \$100,000 but  
21 no more than \$599,999 from a private source must receive a  
22 matching grant equal to 50 percent of the private  
23 contribution.

24 2. Each university that raises a contribution of at  
25 least \$600,000 but no more than \$1 million from a private  
26 source must receive a matching grant equal to 70 percent of  
27 the private contribution.

28 3. Each university that raises a contribution in  
29 excess of \$1 million but no more than \$1.5 million from a  
30 private source must receive a matching grant equal to 75  
31 percent of the private contribution.



1           4. Each university that raises a contribution in  
2 excess of \$1.5 million but no more than \$2 million from a  
3 private source must receive a matching grant equal to 80  
4 percent of the private contribution.

5           5. Each university that raises a contribution in  
6 excess of \$2 million from a private source must receive a  
7 matching grant equal to 100 percent of the private  
8 contribution.

9           (c) The State Board of Education shall encumber state  
10 matching funds for any pledged contributions, pro rata, based  
11 on the requirements for state matching funds as specified for  
12 the particular challenge grant and the amount of the private  
13 donations actually received by the university for the  
14 respective challenge grant.

15           (4) Matching funds may be provided for contributions  
16 encumbered or pledged under the Eminent Scholars Act prior to  
17 July 1, 1994, and for donations or pledges of any amount equal  
18 to or in excess of the prescribed minimums which are pledged  
19 for the purpose of this section.

20           (5)(a) Each university foundation and New College  
21 Foundation shall establish a challenge grant account for each  
22 challenge grant as a depository for private contributions and  
23 state matching funds to be administered on behalf of the State  
24 Board of Education, the university, or New College. State  
25 matching funds must be transferred to a university foundation  
26 or New College Foundation upon notification that the  
27 university or New College has received and deposited the  
28 amount specified in this section in a foundation challenge  
29 grant account.

30           (b) The foundation serving a university and New  
31 College Foundation each has the responsibility for the

1 maintenance and investment of its challenge grant account and  
2 for the administration of the program on behalf of the  
3 university or New College, pursuant to procedures specified by  
4 the State Board of Education. Each foundation shall include in  
5 its annual report to the State Board of Education information  
6 concerning collection and investment of matching gifts and  
7 donations and investment of the account.

8 (c) A donation of at least \$600,000 and associated  
9 state matching funds may be used to designate an Eminent  
10 Scholar Endowed Chair pursuant to procedures specified by the  
11 State Board of Education.

12 (6) The donations, state matching funds, or proceeds  
13 from endowments established under this section may not be  
14 expended for the construction, renovation, or maintenance of  
15 facilities or for the support of intercollegiate athletics.

16 Section 679. Chapter 1012 shall be entitled  
17 "Personnel" and shall consist of ss. 1012.01-1012.992.

18 Section 680. Part I of chapter 1012 shall be entitled  
19 "General Provisions" and shall consist of s. 1012.01.

20 Section 681. Section 1012.01, Florida Statutes, is  
21 created to read:

22 1012.01 K-12 Definitions.--Specific definitions shall  
23 be as follows, and wherever such defined words or terms are  
24 used in the Florida School Code, they shall be used as  
25 follows:

26 (1) SCHOOL OFFICERS.--The officers of the state system  
27 of public education shall be the Commissioner of Education and  
28 the members of the State Board of Education; and, for each  
29 district school system, the officers shall be the district  
30 school superintendent and members of the district school  
31 board.

1           (2) INSTRUCTIONAL PERSONNEL.--"Instructional  
2 personnel" means any staff member whose function includes the  
3 provision of direct instructional services to students.  
4 Instructional personnel also includes personnel whose  
5 functions provide direct support in the learning process of  
6 students. Included in the classification of instructional  
7 personnel are:

8           (a) Classroom teachers.--Classroom teachers are staff  
9 members assigned the professional activity of instructing  
10 students in courses in classroom situations, including basic  
11 instruction, exceptional student education, and  
12 vocational-technical and adult education, including substitute  
13 teachers.

14           (b) Student personnel services.--Student personnel  
15 services include staff members responsible for: advising  
16 students with regard to their abilities and aptitudes,  
17 educational and occupational opportunities, and personal and  
18 social adjustments; providing placement services; performing  
19 educational evaluations; and similar functions. Included in  
20 this classification are guidance counselors, social workers,  
21 occupational/placement specialists, and school psychologists.

22           (c) Librarians/media specialists.--Librarians/media  
23 specialists are staff members responsible for providing school  
24 library media services. These employees are responsible for  
25 evaluating, selecting, organizing, and managing media and  
26 technology resources, equipment, and related systems;  
27 facilitating access to information resources beyond the  
28 school; working with teachers to make resources available in  
29 the instructional programs; assisting teachers and students in  
30 media productions; and instructing students in the location  
31 and use of information resources.

1        (d) Other instructional staff.--Other instructional  
2 staff are staff members who are part of the instructional  
3 staff but are not classified in one of the categories  
4 specified in paragraphs (a)-(c). Included in this  
5 classification are primary specialists, learning resource  
6 specialists, instructional trainers, adjunct educators  
7 certified pursuant to s. 1012.57, and similar positions.

8        (e) Education paraprofessionals.--Education  
9 paraprofessionals are individuals who are under the direct  
10 supervision of an instructional staff member, aiding the  
11 instructional process. Included in this classification are  
12 classroom paraprofessionals in regular instruction,  
13 exceptional education paraprofessionals, career education  
14 paraprofessionals, adult education paraprofessionals, library  
15 paraprofessionals, physical education and playground  
16 paraprofessionals, and other school-level paraprofessionals.

17        (3) ADMINISTRATIVE PERSONNEL.--"Administrative  
18 personnel" includes personnel who perform management  
19 activities such as developing broad policies for the school  
20 district and executing those policies through the direction of  
21 personnel at all levels within the district. Administrative  
22 personnel are generally high-level, responsible personnel who  
23 have been assigned the responsibilities of systemwide or  
24 schoolwide functions, such as district school superintendents,  
25 assistant superintendents, deputy superintendents, school  
26 principals, assistant principals, vocational center directors,  
27 and others who perform management activities. Broad  
28 classifications of administrative personnel are as follows:

29        (a) District-based instructional  
30 administrators.--Included in this classification are persons  
31 with district-level administrative or policymaking duties who

1 have broad authority for management policies and general  
2 school district operations related to the instructional  
3 program. Such personnel often report directly to the district  
4 school superintendent and supervise other administrative  
5 employees. This classification includes assistant, associate,  
6 or deputy superintendents and directors of major instructional  
7 areas, such as curriculum, federal programs such as Title I,  
8 specialized instructional program areas such as exceptional  
9 student education, career education, and similar areas.

10 (b) District-based noninstructional  
11 administrators.--Included in this classification are persons  
12 with district-level administrative or policymaking duties who  
13 have broad authority for management policies and general  
14 school district operations related to the noninstructional  
15 program. Such personnel often report directly to the district  
16 school superintendent and supervise other administrative  
17 employees. This classification includes assistant, associate,  
18 or deputy superintendents and directors of major  
19 noninstructional areas, such as personnel, construction,  
20 facilities, transportation, data processing, and finance.

21 (c) School administrators.--Included in this  
22 classification are:

23 1. School principals or school directors who are staff  
24 members performing the assigned activities as the  
25 administrative head of a school and to whom have been  
26 delegated responsibility for the coordination and  
27 administrative direction of the instructional and  
28 noninstructional activities of the school. This classification  
29 also includes vocational center directors.

30 2. Assistant principals who are staff members  
31 assisting the administrative head of the school. This

1 classification also includes assistant principals for  
2 curriculum and administration.

3 (4) YEAR OF SERVICE.--The minimum time which may be  
4 recognized in administering the state program of education,  
5 not including retirement, as a year of service by a school  
6 employee shall be full-time actual service; and, beginning  
7 July 1963, such service shall also include sick leave and  
8 holidays for which compensation was received but shall exclude  
9 all other types of leave and holidays for a total of more than  
10 one-half of the number of days required for the normal  
11 contractual period of service for the position held, which  
12 shall be 196 days or longer, or the minimum required for the  
13 district to participate in the Florida Education Finance  
14 Program in the year service was rendered, or the equivalent  
15 for service performed on a daily or hourly basis; provided,  
16 further, that absence from duty after the date of beginning  
17 service shall be covered by leave duly authorized and granted;  
18 further, the school board shall have authority to establish a  
19 different minimum for local district school purposes.

20 (5) SCHOOL VOLUNTEER.--A school volunteer is any  
21 nonpaid person who may be appointed by a school board or its  
22 designee. School volunteers may include, but may not be  
23 limited to, parents, senior citizens, students, and others who  
24 assist the teacher or other members of the school staff.

25 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational  
26 support employees" means employees whose job functions are  
27 neither administrative nor instructional, yet whose work  
28 supports the educational process.

29 (a) Other professional staff or  
30 nonadministrative/noninstructional employees are staff members  
31 who perform professional job functions which are

1 nonadministrative/noninstructional in nature and who are not  
2 otherwise classified in this section. Included in this  
3 classification are employees such as doctors, nurses,  
4 attorneys, certified public accountants, and others  
5 appropriate to the classification.

6 (b) Technicians are individuals whose occupations  
7 require a combination of knowledge and manual skill which can  
8 be obtained through about 2 years of post-high school  
9 education, such as is offered in many technical institutes and  
10 community colleges, or through equivalent on-the-job training.

11 (c) Clerical/secretarial workers are individuals whose  
12 job requires skills and training in clerical-type work,  
13 including activities such as preparing, transcribing,  
14 systematizing, or preserving written communications and  
15 reports or operating equipment performing those functions.  
16 Included in this classification are secretaries, bookkeepers,  
17 messengers, and office machine operators.

18 (d) Skilled crafts workers are individuals who perform  
19 jobs which require special manual skill and a thorough and  
20 comprehensive knowledge of the processes involved in the work  
21 which is acquired through on-the-job training and experience  
22 or through apprenticeship or other formal training programs.  
23 Lead workers for the various skilled crafts areas shall be  
24 included in this classification.

25 (e) Service workers are staff members performing a  
26 service for which there are no formal qualifications,  
27 including those responsible for: cleaning the buildings,  
28 school plants, or supporting facilities; maintenance and  
29 operation of such equipment as heating and ventilation  
30 systems; preserving the security of school property; and  
31 keeping the school plant safe for occupancy and use. Lead

1 workers in the various service areas shall be included in this  
2 broad classification.

3 (7) MANAGERS.--"Managers" includes those staff members  
4 who perform managerial and supervisory functions while usually  
5 also performing general operations functions. Managers may be  
6 either instructional or noninstructional in their  
7 responsibility. They may direct employees' work, plan the work  
8 schedule, control the flow and distribution of work or  
9 materials, train employees, handle complaints, authorize  
10 payments, and appraise productivity and efficiency of  
11 employees. This classification includes coordinators and  
12 supervisors working under the general direction of those staff  
13 identified as district-based instructional or noninstructional  
14 administrators.

15 Section 682. Part II. of chapter 1012 shall be  
16 entitled "K-20 Personnel Issues" and shall consist of ss.  
17 1012.05-1012.06.

18 Section 683. Section 1012.05, Florida Statutes, is  
19 created to read:

20 1012.05 Teacher recruitment and retention.--

21 (1) The Department of Education, in cooperation with  
22 teacher organizations, district personnel offices, and  
23 schools, colleges, and departments of education in public and  
24 nonpublic postsecondary institutions, shall concentrate on the  
25 recruitment of qualified teachers.

26 (2) The Department of Education shall:

27 (a) Develop and implement a system for posting  
28 teaching vacancies and establish a database of teacher  
29 applicants that is accessible within and outside the state.

30  
31



- 1           (b) Advertise in major newspapers, national  
2 professional publications, and other professional publications  
3 and in schools of education.
- 4           (c) Utilize state and nationwide toll-free numbers.
- 5           (d) Conduct periodic communications with district  
6 personnel directors regarding applicants.
- 7           (e) Provide district access to the applicant database  
8 by computer or telephone.
- 9           (f) Develop and distribute promotional materials  
10 related to teaching as a career.
- 11           (g) Publish and distribute information pertaining to  
12 employment opportunities, application procedures, teacher  
13 certification, and teacher salaries.
- 14           (h) Provide information related to certification  
15 procedures.
- 16           (i) Develop and sponsor the Florida Future Educator of  
17 America Program throughout the state.
- 18           (j) Develop, in consultation with school district  
19 staff including, but not limited to, district school  
20 superintendents, district school board members, and district  
21 human resources personnel, a long-range plan for educator  
22 recruitment and retention.
- 23           (k) Identify best practices for retaining high-quality  
24 teachers.
- 25           (l) Develop, in consultation with Workforce Florida,  
26 Inc., and the Agency for Workforce Innovation, created  
27 pursuant to ss. 445.004 and 20.50, respectively, a plan for  
28 accessing and identifying available resources in the state's  
29 workforce system for the purpose of enhancing teacher  
30 recruitment and retention.
- 31

1       (3) The Department of Education, in cooperation with  
2 district personnel offices, shall sponsor a job fair in a  
3 central part of the state to match in-state educators and  
4 out-of-state educators with teaching opportunities in this  
5 state.

6           Section 684. Section 1012.06, Florida Statutes, is  
7 created to read:

8           1012.06 Temporary assignment of professional staff  
9 among K-20 system.--To facilitate economical and effective use  
10 of professional staff, school districts, public postsecondary  
11 institutions, and the Department of Education may enter into  
12 written agreements assigning employees among themselves. The  
13 purpose of the temporary assignment is to bring staff together  
14 within the state system of education, notwithstanding their  
15 current places of assignment or agencies of employment, who  
16 possess specific or unique knowledge or experience especially  
17 suited to solving specific problems, developing new programs,  
18 or providing technical assistance on specific tasks or  
19 programs.

20           (1) A person may be temporarily assigned for whatever  
21 period of time is required for a specific task; however, no  
22 assignment may be for a period of more than 2 years.

23           (2) A person on temporary assignment shall be  
24 considered on temporary assignment duty to regular work  
25 assignments of the sending agency; shall be entitled to all  
26 benefits to which the person would otherwise be entitled,  
27 including compensation for injury or disability; shall receive  
28 the same salary and benefits as at the person's regular  
29 assignment; and shall remain an employee of the permanent  
30 employer for all purposes, except that the person shall be  
31 supervised by the agency to which assigned. Payment of such

1 salary and benefits may be made by either agency as provided  
2 in the assignment agreement.

3 (3) Travel and per diem expenses incurred while a  
4 person is on temporary assignment shall be paid by the agency  
5 to which the person is assigned. Round-trip travel and moving  
6 expenses from the person's permanent location to the temporary  
7 assignment may be paid by either agency, as provided in the  
8 assignment agreement, for any assignment in excess of 3  
9 months. Notwithstanding s. 112.061 to the contrary, a person  
10 may be paid per diem expenses for any temporary assignment of  
11 3 months or less.

12 Section 685. Section 1012.07, Florida Statutes, is  
13 created to read:

14 1012.07 Identification of critical teacher shortage  
15 areas.--

16 (1) As used in ss. 231.621, 240.4063, and 240.4064,  
17 the term "critical teacher shortage area" applies to  
18 mathematics, science, career education, and high priority  
19 location areas. The State Board of Education may identify  
20 career education programs having critical teacher shortages.  
21 The State Board of Education shall adopt rules pursuant to ss.  
22 120.536(1) and 120.54, necessary to annually identify other  
23 critical teacher shortage areas and high priority location  
24 areas. The state board shall also consider teacher  
25 characteristics such as ethnic background, race, and sex in  
26 determining critical teacher shortage areas. School grade  
27 levels may also be designated critical teacher shortage areas.  
28 Individual district school boards may identify other critical  
29 teacher shortage areas. Such shortages must be certified to  
30 and approved by the State Board of Education. High priority  
31 location areas shall be in high-density, low-economic urban

1 schools and low-density, low-economic rural schools and shall  
2 include schools which meet criteria which include, but are not  
3 limited to, the percentage of free lunches, the percentage of  
4 students under Chapter I of the Education Consolidation and  
5 Improvement Act of 1981, and the faculty attrition rate.

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

8 Section 686. Part III of chapter 1012 shall be  
9 entitled "Public Schools; Personnel" and shall consist of ss.  
10 1012.21-1012.798.

11 Section 687. Part III.a. of chapter 1012 shall be  
12 entitled "Department of Education, district school board,  
13 district school superintendent, and school principal duties;  
14 personnel (Public Schools)" and shall consist of ss.  
15 1012.21-1012-28.

16 Section 688. Section 1012.21, Florida Statutes, is  
17 created to read:

18 1012.21 Department of Education duties; K-12  
19 personnel.--The Department of Education:

20 (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In  
21 cooperation with the Florida Department of Law Enforcement,  
22 the Department of Education may periodically perform criminal  
23 history record checks on individuals who hold a certificate  
24 pursuant to s. 1012.56 or s. 1012.57.

25 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE  
26 EMPLOYMENT WAS TERMINATED.--

27 (a) The Department of Education shall establish a  
28 computer database containing the names of persons whose  
29 employment is terminated under s. 1012.33(1)(a) or (4)(c),  
30 which information shall be available to the district school  
31 superintendents and their designees.

1       (b) Each district school superintendent shall report  
2 to the Department of Education the name of any person  
3 terminated under s. 1012.33(1)(a) or (4)(c) within 10 working  
4 days after the date of final action by the district school  
5 board on the termination, and the department shall immediately  
6 enter the information in the computer records.

7       (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE  
8 TO CHILD SUPPORT DELINQUENCY.--The Department of Education  
9 shall allow applicants for new or renewal certificates and  
10 renewal certificateholders to be screened by the Title IV-D  
11 child support agency pursuant to s. 409.2598 to assure  
12 compliance with an obligation for support, as defined in s.  
13 409.2554. The purpose of this section is to promote the  
14 public policy of this state as established in s. 409.2551.  
15 The department shall, when directed by the court, deny the  
16 application of any applicant found to have a delinquent  
17 support obligation. The department shall issue or reinstate  
18 the certificate without additional charge to the  
19 certificateholder when notified by the court that the  
20 certificateholder has complied with the terms of the court  
21 order. The department shall not be held liable for any  
22 certificate denial or suspension resulting from the discharge  
23 of its duties under this section.

24       (4) CONFERENCES OF PUBLIC SCHOOL PERSONNEL.--As a  
25 means of stimulating the professional improvement of personnel  
26 in service, the Department of Education may call conferences  
27 of personnel of the public schools on matters relating solely  
28 to education, which conferences, if held on a school day  
29 within the period of time covered by a contract, shall be  
30 attended with pay by all who may be designated in the call of  
31 the Department of Education; provided, that the call of the

1 Department of Education may indicate that attendance is  
2 optional, and that in any case of those absent from their  
3 usual duties during the time of the conference, only those  
4 actually in attendance at the conference shall be entitled to  
5 pay for time covered by the conference.

6 (5) SCHOOL-RELATED EMPLOYEE OF THE YEAR PROGRAM.--The  
7 Department of Education shall, by rule, provide for a  
8 School-Related Employee of the Year Program. In addition to  
9 any other provision, the department shall include in such  
10 rules that:

11 (a) The program shall apply to school-related  
12 employees.

13 (b) The program shall be modeled after the Teacher of  
14 the Year Program.

15 (c) One school-related employee of the year shall be  
16 nominated by each district school board in the state.

17 (d) A selection process shall be instituted to select  
18 the school-related employee of the year so that the top five  
19 finalists receive awards under the program.

20 Section 689. Effective January 7, 2003, section  
21 1012.22, Florida Statutes, is created, and, effective upon  
22 becoming law, paragraph (b) of subsection (1) of that section  
23 is created to read:

24 1012.22 Public school personnel; powers and duties of  
25 the district school board.--The district school board shall:

26 (1) Designate positions to be filled, prescribe  
27 qualifications for those positions, and provide for the  
28 appointment, compensation, promotion, suspension, and  
29 dismissal of employees as follows, subject to the requirements  
30 of this chapter:

31 (a) Positions, qualifications, and appointments.--

1           1. Act upon written recommendations submitted by the  
2 district school superintendent for positions to be filled, for  
3 minimum qualifications for personnel for the various  
4 positions, and for the persons nominated to fill such  
5 positions.

6           2. The district school board may reject for good cause  
7 any employee nominated.

8           3. If the third nomination by the district school  
9 superintendent for any position is rejected for good cause, if  
10 the district school superintendent fails to submit a  
11 nomination for initial employment within a reasonable time as  
12 prescribed by the district school board, or if the district  
13 school superintendent fails to submit a nomination for  
14 reemployment within the time prescribed by law, the district  
15 school board may proceed on its own motion to fill such  
16 position.

17           4. The district school board's decision to reject a  
18 person's nomination does not give that person a right of  
19 action to sue over the rejection and may not be used as a  
20 cause of action by the nominated employee.

21           (b) Time to act on nominations.--Act not later than 3  
22 weeks after the end of the regular legislative session or May  
23 31, whichever is later, on the district school  
24 superintendent's nominations of supervisors, principals, and  
25 members of the instructional staff.

26           (c) Compensation and salary schedules.--

27           1. Adopt a salary schedule or salary schedules  
28 designed to furnish incentives for improvement in training and  
29 for continued efficient service to be used as a basis for  
30 paying all school employees and fix and authorize the  
31 compensation of school employees on the basis thereof.

1           2. A district school board, in determining the salary  
2 schedule for instructional personnel, must base a portion of  
3 each employee's compensation on performance demonstrated under  
4 s. 1012.34, must consider the prior teaching experience of a  
5 person who has been designated state teacher of the year by  
6 any state in the United States, and must consider prior  
7 professional experience in the field of education gained in  
8 positions in addition to district level instructional and  
9 administrative positions.

10           3. In developing the salary schedule, the district  
11 school board shall seek input from parents, teachers, and  
12 representatives of the business community.

13           4. The adopted district school board budget must  
14 include a reserve to fully fund an additional 5 percent  
15 supplement for school administrators and instructional  
16 personnel. The district's performance-pay policy is subject to  
17 negotiation as provided in chapter 447; however, the adopted  
18 salary schedule must allow school administrators and  
19 instructional personnel who demonstrate outstanding  
20 performance, as measured under s. 1012.34, to earn a 5 percent  
21 supplement in addition to their individual, negotiated salary.  
22 The supplements will be funded from the reserve funds adopted  
23 in the salary schedule. The Commissioner of Education shall  
24 determine whether the district school board's adopted salary  
25 schedule complies with the requirement for performance-based  
26 pay. If the district school board fails to comply with this  
27 section, the commissioner shall withhold disbursements from  
28 the Educational Enhancement Trust Fund to the district until  
29 compliance is verified.

30           (d) Contracts and terms of service.--Provide written  
31 contracts for all regular members of the instructional staff.



1       (e) Transfer and promotion.--Act on recommendations of  
2 the district school superintendent regarding transfer and  
3 promotion of any employee.

4       (f) Suspension, dismissal, and return to annual  
5 contract status.--Suspend, dismiss, or return to annual  
6 contract members of the instructional staff and other school  
7 employees; however, no administrative assistant, supervisor,  
8 principal, teacher, or other member of the instructional staff  
9 may be discharged, removed, or returned to annual contract  
10 except as provided in this chapter.

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

31

1       (k) Planning time for teachers.--The district school  
2 board may adopt rules to make provisions for teachers to have  
3 time for lunch and some planning time when they will not be  
4 directly responsible for the children; provided that some  
5 adult supervision will be furnished for the students during  
6 such periods.

7       (l) Comprehensive program of staff  
8 development.--Establish a comprehensive program of staff  
9 development.

10       (2) Adopt policies relating to personnel leave as  
11 follows:

12       (a) Annual leave.--District school boards may adopt  
13 rules that provide for the earning of annual leave by  
14 employees, including educational support employees, who are  
15 employed for 12 calendar months a year.

16       (b) Sick leave.--District school boards may adopt  
17 rules relating to sick leave, in accordance with the  
18 provisions of this chapter.

19       (c) Illness-in-line-of-duty leave.--District school  
20 boards may adopt rules relating to illness-in-the-line-of-duty  
21 leave, in accordance with the provisions of this chapter.

22       (d) Sabbatical leave.--District school boards may  
23 adopt rules relating to sabbatical leave, in accordance with  
24 the provisions of this chapter.

25       Section 690. Section 1012.23, Florida Statutes, is  
26 created to read:

27       1012.23 School district personnel policies.--Except as  
28 otherwise provided by law or the State Constitution, district  
29 school boards may adopt rules governing personnel matters,  
30 including the assignment of duties and responsibilities for  
31 all district employees.

1           Section 691. Section 1012.24, Florida Statutes, is  
2 created to read:

3           1012.24 Employment and compensation of instructional  
4 personnel during specific emergencies.--In the event of an  
5 epidemic, strike, mass walkout, substantial numbers of teacher  
6 resignations or other urgent condition a district school board  
7 upon recommendation of the district school superintendent may  
8 find and declare that an emergency exists because there is not  
9 a sufficient number of certified teachers to continue the  
10 normal operation of the schools within the district. In said  
11 event the district school board may upon recommendation of the  
12 district school superintendent employ, contract with and  
13 compensate for instructional services rendered any person who  
14 shall be deemed qualified by regulations of the district  
15 school board. In such event a state certificate to teach  
16 shall not be required for such employment, contract or  
17 compensation.

18           Section 692. Section 1012.25, Florida Statutes, is  
19 created to read:

20           1012.25 School officers to turn over money and  
21 property to successors.--Every school officer shall turn over  
22 to his or her successor or successors in office, on retiring,  
23 all books, papers, documents, records, funds, money, and  
24 property of whatever kind which the officer may have acquired,  
25 received, and held by virtue of his or her office and shall  
26 take full receipt for them from his or her successor and shall  
27 make in correct form all reports required by the state. No  
28 school officer who receives any salary or compensation for his  
29 or her services shall be entitled to be paid or compensated  
30 for the last month served until the provisions of this section  
31 have been fully observed. Any person violating the provisions

1 of this section shall forfeit his or her compensation for the  
2 last month served and shall be guilty of a misdemeanor of the  
3 second degree, punishable as provided in s. 775.082 or s.  
4 775.083.

5 Section 693. Section 1012.26, Florida Statutes, is  
6 created to read:

7 1012.26 Legal services for employees; reimbursement  
8 for judgments in civil actions.--Each district school board  
9 may provide legal services for officers and employees of the  
10 board who are charged with civil or criminal actions arising  
11 out of and in the course of the performance of assigned duties  
12 and responsibilities. The district school board shall provide  
13 for reimbursement of reasonable expenses for legal services  
14 for officers and employees of said boards who are charged with  
15 civil or criminal actions arising out of and in the course of  
16 the performance of assigned duties and responsibilities upon  
17 successful defense by the employee or officer. However, in any  
18 case in which the officer or employee pleads guilty or nolo  
19 contendere or is found guilty of any such action, the officer  
20 or employee shall reimburse the district school board for any  
21 legal services which the board may have supplied pursuant to  
22 this section. A district school board may also reimburse an  
23 officer or employee of the board for any judgment which may be  
24 entered against him or her in a civil action arising out of  
25 and in the course of the performance of his or her assigned  
26 duties and responsibilities. Each expenditure by a district  
27 school board for legal defense of an officer or employee, or  
28 for reimbursement pursuant to this section, shall be made at a  
29 public meeting with notice pursuant to s. 120.525(1). The  
30 provision of such legal services or reimbursement under the  
31

1 conditions described above is declared to be a district school  
2 purpose for which district school funds may be expended.

3 Section 694. Section 1012.27, Florida Statutes, is  
4 created to read:

5 1012.27 Public school personnel; powers and duties of  
6 district school superintendent.--The district school  
7 superintendent shall be responsible, as required herein, for  
8 directing the work of the personnel, subject to the  
9 requirements of this chapter, and in addition the district  
10 school superintendent shall have the following duties:

11 (a) Positions, qualifications, and nominations.--

12 1. Recommend to the district school board duties and  
13 responsibilities which need to be performed and positions  
14 which need to be filled to make possible the development of an  
15 adequate school program in the district.

16 2. Recommend minimum qualifications of personnel for  
17 these various positions, and nominate in writing persons to  
18 fill such positions.

19 3. The district school superintendent's  
20 recommendations for filling instructional positions at the  
21 school level must consider nominations received from school  
22 principals of the respective schools. Before transferring a  
23 teacher who holds a professional teaching certificate from one  
24 school to another, the district school superintendent shall  
25 consult with the principal of the receiving school and allow  
26 the principal to review the teacher's records and interview  
27 the teacher. If, in the judgment of the principal, students  
28 would not benefit from the placement, an alternative placement  
29 may be sought.

30 (b) Compensation and salary schedules.--Prepare and  
31 recommend to the district school board for adoption a salary

1 schedule or salary schedules. The district school  
2 superintendent must recommend a salary schedule for  
3 instructional personnel which bases a portion of each  
4 employee's compensation on performance demonstrated under s.  
5 1012.34. In developing the recommended salary schedule, the  
6 district school superintendent shall include input from  
7 parents, teachers, and representatives of the business  
8 community.

9 (c) Contracts and terms of service.--Recommend to the  
10 district school board terms for contracting with employees and  
11 prepare such contracts as are approved.

12 (d) Transfer and promotions.--Recommend employees for  
13 transfer and transfer any employee during any emergency and  
14 report the transfer to the district school board at its next  
15 regular meeting.

16 (e) Suspension and dismissal.--Suspend members of the  
17 instructional staff and other school employees during  
18 emergencies for a period extending to and including the day of  
19 the next regular or special meeting of the district school  
20 board and notify the district school board immediately of such  
21 suspension. When authorized to do so, serve notice on the  
22 suspended member of the instructional staff of charges made  
23 against him or her and of the date of hearing. Recommend  
24 employees for dismissal under the terms prescribed herein.

25 (f) Direct work of employees and supervise  
26 instruction.--Direct or arrange for the proper direction and  
27 improvement, under rules of the district school board, of the  
28 work of all members of the instructional staff and other  
29 employees of the district school system, supervise or arrange  
30 under rules of the district school board for the supervision  
31

1 of instruction in the district, and take such steps as are  
2 necessary to bring about continuous improvement.

3 Section 695. Section 1012.28, Florida Statutes, is  
4 created to read:

5 1012.28 Public school personnel; duties of school  
6 principals.--

7 (1) Public school principals shall supervise public  
8 school personnel as the district school board determines  
9 necessary.

10 (2) The school principal is responsible for  
11 recommending to the district school superintendent the  
12 employment of instructional personnel to be assigned to the  
13 school to which the principal is assigned.

14 (3) Each school principal is responsible for the  
15 performance of all personnel employed by the district school  
16 board and assigned to the school to which the principal is  
17 assigned. The school principal shall faithfully and  
18 effectively apply the personnel assessment system approved by  
19 the district school board pursuant to s. 1012.34.

20 (4) Each school principal shall assist the teachers  
21 within the school to use student assessment data, as measured  
22 by student learning gains pursuant to s. 1008.22, for  
23 self-evaluation.

24 (5) Each school principal shall perform such duties as  
25 may be assigned by the district school superintendent,  
26 pursuant to the rules of the district school board. Such rules  
27 shall include, but are not limited to, rules relating to  
28 administrative responsibility, instructional leadership in  
29 implementing the Sunshine State Standards and the overall  
30 educational program of the school to which the school  
31 principal is assigned, submission of personnel recommendations

1 to the district school superintendent, administrative  
2 responsibility for records and reports, administration of  
3 corporal punishment, and student suspension.

4 (6) A school principal who fails to comply with this  
5 section shall be ineligible for any portion the performance  
6 pay policy incentive under s. 1012.22(1)(c).

7 Section 696. Part III.b. of chapter 1012 shall be  
8 entitled "Personnel files, qualifications, contracts,  
9 assessments (Public Schools)" and shall consist of ss.  
10 1012.31-1012.34.

11 Section 697. Section 1012.31, Florida Statutes, is  
12 created to read:

13 1012.31 Personnel files.--Public school system  
14 employee personnel files shall be maintained according to the  
15 following provisions:

16 (1)(a) Except for materials pertaining to work  
17 performance or such other matters that may be cause for  
18 discipline, suspension, or dismissal under laws of this state,  
19 no derogatory materials relating to an employee's conduct,  
20 service, character, or personality shall be placed in the  
21 personnel file of such employee.

22 (b) No anonymous letter or anonymous materials shall  
23 be placed in the personnel file.

24 (2)(a) Materials relating to work performance,  
25 discipline, suspension, or dismissal must be reduced to  
26 writing and signed by a person competent to know the facts or  
27 make the judgment.

28 (b)1. No such materials may be placed in a personnel  
29 file unless they have been reduced to writing within 45 days,  
30 exclusive of the summer vacation period, of the school system  
31



1 administration becoming aware of the facts reflected in the  
2 materials.

3 2. Additional information related to such written  
4 materials previously placed in the file may be appended to  
5 such materials to clarify or amplify them as needed.

6 (c) A copy of such materials to be added to an  
7 employee's personnel file shall be provided to the employee  
8 either:

9 1. By certified mail, return receipt requested, to his  
10 or her address of record; or

11 2. By personal delivery. The employee's signature on a  
12 copy of the materials to be filed shall be proof that such  
13 materials were given to the employee, with the understanding  
14 that such signature merely signifies receipt and does not  
15 necessarily indicate agreement with its contents.

16 (d) An employee has the right to answer in writing any  
17 such materials in a personnel file on July 1, 1983, as well as  
18 any such materials filed thereafter, and the answer shall be  
19 attached to the file copy. An employee has the right to  
20 request that the district school superintendent or the  
21 superintendent's designee make an informal inquiry regarding  
22 material in the employee's personnel file which the employee  
23 believes to be false. The official who makes the inquiry shall  
24 append to the material a written report of his or her  
25 findings.

26 (e) Upon request, an employee, or any person  
27 designated in writing by the employee, shall be permitted to  
28 examine the personnel file of such employee. The employee  
29 shall be permitted conveniently to reproduce any materials in  
30 the file, at a cost no greater than the fees prescribed in s.  
31 119.07(1).

1           (f) The custodian of the record shall maintain a  
2 record in the file of those persons reviewing the file each  
3 time it is reviewed.

4           (3)(a) Public school system employee personnel files  
5 are subject to the provisions of s. 119.07(1), except as  
6 follows:

7           1. Any complaint and any material relating to the  
8 investigation of a complaint against an employee shall be  
9 confidential and exempt from the provisions of s. 119.07(1)  
10 until the conclusion of the preliminary investigation or until  
11 such time as the preliminary investigation ceases to be  
12 active. If the preliminary investigation is concluded with  
13 the finding that there is no probable cause to proceed further  
14 and with no disciplinary action taken or charges filed, a  
15 statement to that effect signed by the responsible  
16 investigating official shall be attached to the complaint, and  
17 the complaint and all such materials shall be open thereafter  
18 to inspection pursuant to s. 119.07(1). If the preliminary  
19 investigation is concluded with the finding that there is  
20 probable cause to proceed further or with disciplinary action  
21 taken or charges filed, the complaint and all such materials  
22 shall be open thereafter to inspection pursuant to s.  
23 119.07(1). If the preliminary investigation ceases to be  
24 active, the complaint and all such materials shall be open  
25 thereafter to inspection pursuant to s. 119.07(1). For the  
26 purpose of this subsection, a preliminary investigation shall  
27 be considered active as long as it is continuing with a  
28 reasonable, good faith anticipation that an administrative  
29 finding will be made in the foreseeable future. An  
30 investigation shall be presumed to be inactive if no finding  
31

1 relating to probable cause is made within 60 days after the  
2 complaint is made.

3 2. An employee evaluation prepared pursuant to s.  
4 1012.56, s. 1012.34, or s. 1012.33 or rules adopted by the  
5 State Board of Education or local district school board under  
6 the authority of those sections shall be confidential and  
7 exempt from the provisions of s. 119.07(1) until the end of  
8 the school year immediately following the school year in which  
9 the evaluation was made. No evaluation prepared before July 1,  
10 1983, shall be made public pursuant to this section.

11 3. No material derogatory to an employee shall be open  
12 to inspection until 10 days after the employee has been  
13 notified pursuant to paragraph (2)(c).

14 4. The payroll deduction records of an employee shall  
15 be confidential and exempt from the provisions of s.  
16 119.07(1).

17 5. Employee medical records, including psychiatric and  
18 psychological records, shall be confidential and exempt from  
19 the provisions of s. 119.07(1); provided, however, at any  
20 hearing relative to the competency or performance of an  
21 employee, the administrative law judge, hearing officer, or  
22 panel shall have access to such records.

23 (b) Notwithstanding other provisions of this  
24 subsection, all aspects of the personnel file of each employee  
25 shall be open to inspection at all times by district school  
26 board members, the district school superintendent, and the  
27 principal, or their respective designees, in the exercise of  
28 their respective duties.

29 (c) Notwithstanding other provisions of this  
30 subsection, all aspects of the personnel file of each employee  
31

1 shall be made available to law enforcement personnel in the  
2 conduct of a lawful criminal investigation.

3 (4) The term "personnel file," as used in this  
4 section, means all records, information, data, or materials  
5 maintained by a public school system, in any form or retrieval  
6 system whatsoever, with respect to any of its employees, which  
7 is uniquely applicable to that employee whether maintained in  
8 one or more locations.

9 Section 698. Section 1012.32, Florida Statutes, is  
10 created to read:

11 1012.32 Qualifications of personnel.--

12 (1) To be eligible for appointment in any position in  
13 any district school system, a person shall be of good moral  
14 character; shall have attained the age of 18 years, if he or  
15 she is to be employed in an instructional capacity; and shall,  
16 when required by law, hold a certificate or license issued  
17 under rules of the State Board of Education or the Department  
18 of Children and Family Services, except when employed pursuant  
19 to s. 1012.55 or under the emergency provisions of s. 1012.24.  
20 Previous residence in this state shall not be required in any  
21 school of the state as a prerequisite for any person holding a  
22 valid Florida certificate or license to serve in an  
23 instructional capacity.

24 (2)(a) Instructional and noninstructional personnel  
25 who are hired to fill positions requiring direct contact with  
26 students in any district school system or university lab  
27 school shall, upon employment, file a complete set of  
28 fingerprints taken by an authorized law enforcement officer or  
29 an employee of the school or district who is trained to take  
30 fingerprints. These fingerprints shall be submitted to the  
31 Department of Law Enforcement for state processing and to the

1 Federal Bureau of Investigation for federal processing. The  
2 new employees shall be on probationary status pending  
3 fingerprint processing and determination of compliance with  
4 standards of good moral character. Employees found through  
5 fingerprint processing to have been convicted of a crime  
6 involving moral turpitude shall not be employed in any  
7 position requiring direct contact with students. Probationary  
8 employees terminated because of their criminal record shall  
9 have the right to appeal such decisions. The cost of the  
10 fingerprint processing may be borne by the district school  
11 board or the employee.

12 (b) Personnel who have been fingerprinted or screened  
13 pursuant to this subsection and who have not been unemployed  
14 for more than 90 days shall not be required to be  
15 refingerprinted or rescreened in order to comply with the  
16 requirements of this subsection.

17 Section 699. Section 1012.33, Florida Statutes, is  
18 created to read:

19 1012.33 Contracts with instructional staff,  
20 supervisors, and principals.--

21 (1)(a) Each person employed as a member of the  
22 instructional staff in any district school system shall be  
23 properly certificated pursuant to s. 1012.56 or s. 1012.57 or  
24 employed pursuant to s. 1012.39 and shall be entitled to and  
25 shall receive a written contract as specified in chapter 230.  
26 All such contracts, except continuing contracts as specified  
27 in subsection (4), shall contain provisions for dismissal  
28 during the term of the contract only for just cause. Just  
29 cause includes, but is not limited to, the following  
30 instances, as defined by rule of the State Board of Education:  
31 misconduct in office, incompetency, gross insubordination,

1 willful neglect of duty, or conviction of a crime involving  
2 moral turpitude.

3 (b) A supervisor or principal shall be properly  
4 certified and shall receive a written contract as specified in  
5 chapter 230. Such contract may be for an initial period not to  
6 exceed 3 years, subject to annual review and renewal. The  
7 first 97 days of an initial contract is a probationary period.  
8 During the probationary period, the employee may be dismissed  
9 without cause or may resign from the contractual position  
10 without breach of contract. After the first 3 years, the  
11 contract may be renewed for a period not to exceed 3 years and  
12 shall contain provisions for dismissal during the term of the  
13 contract only for just cause, in addition to such other  
14 provisions as are prescribed by the district school board.

15 (2) Any person so employed on the basis of a written  
16 offer of a specific position by a duly authorized agent of the  
17 district school board for a stated term of service at a  
18 specified salary, and who accepted such offer by telegram or  
19 letter or by signing the regular contract form, who violates  
20 the terms of such contract or agreement by leaving his or her  
21 position without first being released from his or her contract  
22 or agreement by the district school board of the district in  
23 which the person is employed shall be subject to the  
24 jurisdiction of the Education Practices Commission. The  
25 district school board shall take official action on such  
26 violation and shall furnish a copy of its official minutes to  
27 the Commissioner of Education.

28 (3)(a) Each district school board shall provide a  
29 professional service contract as prescribed herein. Each  
30 member of the instructional staff who completes the following  
31 requirements prior to July 1, 1984, shall be entitled to and

1 shall be issued a continuing contract in the form prescribed  
2 by rules of the state board pursuant to s. 231.36, Florida  
3 Statutes 1981. Each member of the instructional staff who  
4 completes the following requirements on or after July 1, 1984,  
5 shall be entitled to and shall be issued a professional  
6 service contract in the form prescribed by rules of the state  
7 board as provided herein:

8 1. The member must hold a professional certificate as  
9 prescribed by s. 1012.56 and rules of the State Board of  
10 Education.

11 2. The member must have completed 3 years of  
12 probationary service in the district during a period not in  
13 excess of 5 successive years, except for leave duly authorized  
14 and granted.

15 3. The member must have been recommended by the  
16 district school superintendent for such contract and  
17 reappointed by the district school board based on successful  
18 performance of duties and demonstration of professional  
19 competence.

20 4. For any person newly employed as a member of the  
21 instructional staff after June 30, 1997, the initial annual  
22 contract shall include a 97-day probationary period during  
23 which time the employee's contract may be terminated without  
24 cause or the employee may resign without breach of contract.

25 (b) The professional service contract shall be  
26 effective at the beginning of the school fiscal year following  
27 the completion of all requirements therefor.

28 (c) The period of service provided herein may be  
29 extended to 4 years when prescribed by the district school  
30 board and agreed to in writing by the employee at the time of  
31 reappointment.

1       (d) A district school board may issue a continuing  
2 contract prior to July 1, 1984, and may issue a professional  
3 service contract subsequent to July 1, 1984, to any employee  
4 who has previously held a professional service contract or  
5 continuing contract in the same or another district within  
6 this state. Any employee who holds a continuing contract may,  
7 but is not required to, exchange such continuing contract for  
8 a professional service contract in the same district.

9       (e) A professional service contract shall be renewed  
10 each year unless the district school superintendent, after  
11 receiving the recommendations required by s. 1012.34, charges  
12 the employee with unsatisfactory performance and notifies the  
13 employee of performance deficiencies as required by s.  
14 1012.34. An employee who holds a professional service contract  
15 on July 1, 1997, is subject to the procedures set forth in  
16 paragraph (f) during the term of the existing professional  
17 service contract. The employee is subject to the procedures  
18 set forth in s. 1012.34(3)(d) upon the next renewal of the  
19 professional service contract; however, if the employee is  
20 notified of performance deficiencies before the next contract  
21 renewal date, the procedures of s. 1012.34(3)(d) do not apply  
22 until the procedures set forth in paragraph (f) have been  
23 exhausted and the professional service contract is  
24 subsequently renewed.

25       (f) The district school superintendent shall notify an  
26 employee who holds a professional service contract on July 1,  
27 1997, in writing, no later than 6 weeks prior to the end of  
28 the postschool conference period, of performance deficiencies  
29 which may result in termination of employment, if not  
30 corrected during the subsequent year of employment (which  
31 shall be granted for an additional year in accordance with the



1 provisions in subsection (1)). Except as otherwise hereinafter  
2 provided, this action shall not be subject to the provisions  
3 of chapter 120, but the following procedures shall apply:  
4       1. On receiving notice of unsatisfactory performance,  
5 the employee, on request, shall be accorded an opportunity to  
6 meet with the district school superintendent, or his or her  
7 designee, for an informal review of the determination of  
8 unsatisfactory performance.  
9       2. An employee notified of unsatisfactory performance  
10 may request an opportunity to be considered for a transfer to  
11 another appropriate position, with a different supervising  
12 administrator, for the subsequent year of employment.  
13       3. During the subsequent year, the employee shall be  
14 provided assistance and inservice training opportunities to  
15 help correct the noted performance deficiencies. The employee  
16 shall also be evaluated periodically so that he or she will be  
17 kept apprised of progress achieved.  
18       4. Not later than 6 weeks prior to the close of the  
19 postschool conference period of the subsequent year, the  
20 district school superintendent, after receiving and reviewing  
21 the recommendation required by s. 1012.34, shall notify the  
22 employee, in writing, whether the performance deficiencies  
23 have been corrected. If so, a new professional service  
24 contract shall be issued to the employee. If the performance  
25 deficiencies have not been corrected, the district school  
26 superintendent may notify the district school board and the  
27 employee, in writing, that the employee shall not be issued a  
28 new professional service contract; however, if the  
29 recommendation of the district school superintendent is not to  
30 issue a new professional service contract, and if the employee  
31 wishes to contest such recommendation, the employee will have

1 15 days from receipt of the district school superintendent's  
2 recommendation to demand, in writing, a hearing. In such  
3 hearing, the employee may raise as an issue, among other  
4 things, the sufficiency of the district school  
5 superintendent's charges of unsatisfactory performance. Such  
6 hearing shall be conducted at the district school board's  
7 election in accordance with one of the following procedures:  
8       a. A direct hearing conducted by the district school  
9 board within 60 days of receipt of the written appeal. The  
10 hearing shall be conducted in accordance with the provisions  
11 of ss. 120.569 and 120.57. A majority vote of the membership  
12 of the district school board shall be required to sustain the  
13 district school superintendent's recommendation. The  
14 determination of the district school board shall be final as  
15 to the sufficiency or insufficiency of the grounds for  
16 termination of employment; or  
17       b. A hearing conducted by an administrative law judge  
18 assigned by the Division of Administrative Hearings of the  
19 Department of Management Services. The hearing shall be  
20 conducted within 60 days of receipt of the written appeal in  
21 accordance with chapter 120. The recommendation of the  
22 administrative law judge shall be made to the district school  
23 board. A majority vote of the membership of the district  
24 school board shall be required to sustain or change the  
25 administrative law judge's recommendation. The determination  
26 of the district school board shall be final as to the  
27 sufficiency or insufficiency of the grounds for termination of  
28 employment.  
29       (g) Beginning July 1, 2001, for each employee who  
30 enters into a written contract, pursuant to this section, in a  
31 school district in which the employee was not employed as of

1 June 30, 2001, for purposes of pay a district school board  
2 must recognize and accept each year of full-time teaching  
3 service for which the employee received a satisfactory  
4 performance evaluation. Instructional personnel employed  
5 pursuant to s. 121.091(9)(b)3. are exempt from the provisions  
6 of this paragraph.

7 (4)(a) An employee who has continuing contract status  
8 prior to July 1, 1984, shall be entitled to retain such  
9 contract and all rights arising therefrom in accordance with  
10 existing laws, rules of the State Board of Education, or any  
11 laws repealed by this act, unless the employee voluntarily  
12 relinquishes his or her continuing contract.

13 (b) Any member of the district administrative or  
14 supervisory staff and any member of the instructional staff,  
15 including any principal, who is under continuing contract may  
16 be dismissed or may be returned to annual contract status for  
17 another 3 years in the discretion of the district school  
18 board, at the end of the school year, when a recommendation to  
19 that effect is submitted in writing to the district school  
20 board on or before April 1 of any school year, giving good and  
21 sufficient reasons therefor, by the district school  
22 superintendent, by the principal if his or her contract is not  
23 under consideration, or by a majority of the district school  
24 board. The employee whose contract is under consideration  
25 shall be duly notified in writing by the party or parties  
26 preferring the charges at least 5 days prior to the filing of  
27 the written recommendation with the district school board, and  
28 such notice shall include a copy of the charges and the  
29 recommendation to the district school board. The district  
30 school board shall proceed to take appropriate action. Any  
31 decision adverse to the employee shall be made by a majority

1 vote of the full membership of the district school board. Any  
2 such decision adverse to the employee may be appealed by the  
3 employee pursuant to s. 120.68.

4 (c) Any member of the district administrative or  
5 supervisory staff and any member of the instructional staff,  
6 including any principal, who is under continuing contract may  
7 be suspended or dismissed at any time during the school year;  
8 however, the charges against him or her must be based on  
9 immorality, misconduct in office, incompetency, gross  
10 insubordination, willful neglect of duty, drunkenness, or  
11 conviction of a crime involving moral turpitude, as these  
12 terms are defined by rule of the State Board of Education.  
13 Whenever such charges are made against any such employee of  
14 the district school board, the district school board may  
15 suspend such person without pay; but, if the charges are not  
16 sustained, he or she shall be immediately reinstated, and his  
17 or her back salary shall be paid. In cases of suspension by  
18 the district school board or by the district school  
19 superintendent, the district school board shall determine upon  
20 the evidence submitted whether the charges have been sustained  
21 and, if the charges are sustained, shall determine either to  
22 dismiss the employee or fix the terms under which he or she  
23 may be reinstated. If such charges are sustained by a majority  
24 vote of the full membership of the district school board and  
25 such employee is discharged, his or her contract of employment  
26 shall be thereby canceled. Any such decision adverse to the  
27 employee may be appealed by the employee pursuant to s.  
28 120.68, provided such appeal is filed within 30 days after the  
29 decision of the district school board.

30 (5) Should a district school board have to choose from  
31 among its personnel who are on continuing contracts or

1 professional service contracts as to which should be retained,  
2 such decisions shall be made pursuant to the terms of a  
3 collectively bargained agreement, when one exists. If no such  
4 agreement exists, the district school board shall prescribe  
5 rules to handle reductions in workforce.

6 (6)(a) Any member of the instructional staff,  
7 excluding an employee specified in subsection (4), may be  
8 suspended or dismissed at any time during the term of the  
9 contract for just cause as provided in paragraph (1)(a). The  
10 district school board must notify the employee in writing  
11 whenever charges are made against the employee and may suspend  
12 such person without pay; but, if the charges are not  
13 sustained, the employee shall be immediately reinstated, and  
14 his or her back salary shall be paid. If the employee wishes  
15 to contest the charges, the employee must, within 15 days  
16 after receipt of the written notice, submit a written request  
17 for a hearing. Such hearing shall be conducted at the district  
18 school board's election in accordance with one of the  
19 following procedures:

20 1. A direct hearing conducted by the district school  
21 board within 60 days after receipt of the written appeal. The  
22 hearing shall be conducted in accordance with the provisions  
23 of ss. 120.569 and 120.57. A majority vote of the membership  
24 of the district school board shall be required to sustain the  
25 district school superintendent's recommendation. The  
26 determination of the district school board shall be final as  
27 to the sufficiency or insufficiency of the grounds for  
28 termination of employment; or

29 2. A hearing conducted by an administrative law judge  
30 assigned by the Division of Administrative Hearings of the  
31 Department of Management Services. The hearing shall be

1 conducted within 60 days after receipt of the written appeal  
2 in accordance with chapter 120. The recommendation of the  
3 administrative law judge shall be made to the district school  
4 board. A majority vote of the membership of the district  
5 school board shall be required to sustain or change the  
6 administrative law judge's recommendation. The determination  
7 of the district school board shall be final as to the  
8 sufficiency or insufficiency of the grounds for termination of  
9 employment.

10  
11 Any such decision adverse to the employee may be appealed by  
12 the employee pursuant to s. 120.68, provided such appeal is  
13 filed within 30 days after the decision of the district school  
14 board.

15 (b) Any member of the district administrative or  
16 supervisory staff, including any principal but excluding an  
17 employee specified in subsection (4), may be suspended or  
18 dismissed at any time during the term of the contract;  
19 however, the charges against him or her must be based on  
20 immorality, misconduct in office, incompetency, gross  
21 insubordination, willful neglect of duty, drunkenness, or  
22 conviction of any crime involving moral turpitude, as these  
23 terms are defined by rule of the State Board of Education.  
24 Whenever such charges are made against any such employee of  
25 the district school board, the district school board may  
26 suspend the employee without pay; but, if the charges are not  
27 sustained, he or she shall be immediately reinstated, and his  
28 or her back salary shall be paid. In cases of suspension by  
29 the district school board or by the district school  
30 superintendent, the district school board shall determine upon  
31 the evidence submitted whether the charges have been sustained

1 and, if the charges are sustained, shall determine either to  
2 dismiss the employee or fix the terms under which he or she  
3 may be reinstated. If such charges are sustained by a  
4 majority vote of the full membership of the district school  
5 board and such employee is discharged, his or her contract of  
6 employment shall be thereby canceled. Any such decision  
7 adverse to the employee may be appealed by him or her pursuant  
8 to s. 120.68, provided such appeal is filed within 30 days  
9 after the decision of the district school board.

10 (7) The district school board of any given district  
11 shall grant continuing service credit for time spent  
12 performing duties as a member of the Legislature to any  
13 district employee who possesses a professional service  
14 contract, multiyear contract, or continuing contract.

15 (8) Notwithstanding any other provision of law, any  
16 member who has retired may interrupt retirement and be  
17 reemployed in any public school. Any member so reemployed by  
18 the same district from which he or she retired may be employed  
19 on a probationary contractual basis as provided in subsection  
20 (1); however, no regular retirement employee shall be eligible  
21 to renew membership under a retirement system created by  
22 chapter 121 or chapter 238.

23 Section 700. Section 1012.34, Florida Statutes, is  
24 created to read:

25 1012.34 Assessment procedures and criteria.--

26 (1) For the purpose of improving the quality of  
27 instructional, administrative, and supervisory services in the  
28 public schools of the state, the district school  
29 superintendent shall establish procedures for assessing the  
30 performance of duties and responsibilities of all  
31 instructional, administrative, and supervisory personnel

1 employed by the school district. The Department of Education  
2 must approve each district's instructional personnel  
3 assessment system.

4 (2) The following conditions must be considered in the  
5 design of the district's instructional personnel assessment  
6 system:

7 (a) The system must be designed to support district  
8 and school level improvement plans.

9 (b) The system must provide appropriate instruments,  
10 procedures, and criteria for continuous quality improvement of  
11 the professional skills of instructional personnel.

12 (c) The system must include a mechanism to give  
13 parents an opportunity to provide input into employee  
14 performance assessments when appropriate.

15 (d) In addition to addressing generic teaching  
16 competencies, districts must determine those teaching fields  
17 for which special procedures and criteria will be developed.

18 (e) Each district school board may establish a peer  
19 assistance process. The plan may provide a mechanism for  
20 assistance of persons who are placed on performance probation  
21 as well as offer assistance to other employees who request it.

22 (f) The district school board shall provide training  
23 programs that are based upon guidelines provided by the  
24 Department of Education to ensure that all individuals with  
25 evaluation responsibilities understand the proper use of the  
26 assessment criteria and procedures.

27 (3) The assessment procedure for instructional  
28 personnel and school administrators must be primarily based on  
29 the performance of students assigned to their classrooms or  
30 schools, as appropriate. The procedures must comply with, but  
31 are not limited to, the following requirements:



1       (a) An assessment must be conducted for each employee  
2 at least once a year. The assessment must be based upon sound  
3 educational principles and contemporary research in effective  
4 educational practices. The assessment must primarily use data  
5 and indicators of improvement in student performance assessed  
6 annually as specified in s. 1008.22 and may consider results  
7 of peer reviews in evaluating the employee's performance.  
8 Student performance must be measured by state assessments  
9 required under s. 1008.22 and by local assessments for  
10 subjects and grade levels not measured by the state assessment  
11 program. The assessment criteria must include, but are not  
12 limited to, indicators that relate to the following:  
13       1. Performance of students.  
14       2. Ability to maintain appropriate discipline.  
15       3. Knowledge of subject matter. The district school  
16 board shall make special provisions for evaluating teachers  
17 who are assigned to teach out-of-field.  
18       4. Ability to plan and deliver instruction, including  
19 the use of technology in the classroom.  
20       5. Ability to evaluate instructional needs.  
21       6. Ability to establish and maintain a positive  
22 collaborative relationship with students' families to increase  
23 student achievement.  
24       7. Other professional competencies, responsibilities,  
25 and requirements as established by rules of the State Board of  
26 Education and policies of the district school board.  
27       (b) All personnel must be fully informed of the  
28 criteria and procedures associated with the assessment process  
29 before the assessment takes place.  
30       (c) The individual responsible for supervising the  
31 employee must assess the employee's performance. The evaluator

1 must submit a written report of the assessment to the district  
2 school superintendent for the purpose of reviewing the  
3 employee's contract. The evaluator must submit the written  
4 report to the employee no later than 10 days after the  
5 assessment takes place. The evaluator must discuss the written  
6 report of assessment with the employee. The employee shall  
7 have the right to initiate a written response to the  
8 assessment, and the response shall become a permanent  
9 attachment to his or her personnel file.

10 (d) If an employee is not performing his or her duties  
11 in a satisfactory manner, the evaluator shall notify the  
12 employee in writing of such determination. The notice must  
13 describe such unsatisfactory performance and include notice of  
14 the following procedural requirements:

15 1. Upon delivery of a notice of unsatisfactory  
16 performance, the evaluator must confer with the employee, make  
17 recommendations with respect to specific areas of  
18 unsatisfactory performance, and provide assistance in helping  
19 to correct deficiencies within a prescribed period of time.

20 2.a. If the employee holds a professional service  
21 contract as provided in s. 1012.33, the employee shall be  
22 placed on performance probation and governed by the provisions  
23 of this section for 90 calendar days following the receipt of  
24 the notice of unsatisfactory performance to demonstrate  
25 corrective action. School holidays and school vacation periods  
26 are not counted when calculating the 90-calendar-day period.  
27 During the 90 calendar days, the employee who holds a  
28 professional service contract must be evaluated periodically  
29 and apprised of progress achieved and must be provided  
30 assistance and inservice training opportunities to help  
31 correct the noted performance deficiencies. At any time during

1 the 90 calendar days, the employee who holds a professional  
2 service contract may request a transfer to another appropriate  
3 position with a different supervising administrator; however,  
4 a transfer does not extend the period for correcting  
5 performance deficiencies.

6 b. Within 14 days after the close of the 90 calendar  
7 days, the evaluator must assess whether the performance  
8 deficiencies have been corrected and forward a recommendation  
9 to the district school superintendent. Within 14 days after  
10 receiving the evaluator's recommendation, the district school  
11 superintendent must notify the employee who holds a  
12 professional service contract in writing whether the  
13 performance deficiencies have been satisfactorily corrected  
14 and whether the district school superintendent will recommend  
15 that the district school board continue or terminate his or  
16 her employment contract. If the employee wishes to contest the  
17 district school superintendent's recommendation, the employee  
18 must, within 15 days after receipt of the district school  
19 superintendent's recommendation, submit a written request for  
20 a hearing. The hearing shall be conducted at the district  
21 school board's election in accordance with one of the  
22 following procedures:

23 (I) A direct hearing conducted by the district school  
24 board within 60 days after receipt of the written appeal. The  
25 hearing shall be conducted in accordance with the provisions  
26 of ss. 120.569 and 120.57. A majority vote of the membership  
27 of the district school board shall be required to sustain the  
28 district school superintendent's recommendation. The  
29 determination of the district school board shall be final as  
30 to the sufficiency or insufficiency of the grounds for  
31 termination of employment; or

1           (II) A hearing conducted by an administrative law  
2 judge assigned by the Division of Administrative Hearings of  
3 the Department of Management Services. The hearing shall be  
4 conducted within 60 days after receipt of the written appeal  
5 in accordance with chapter 120. The recommendation of the  
6 administrative law judge shall be made to the district school  
7 board. A majority vote of the membership of the district  
8 school board shall be required to sustain or change the  
9 administrative law judge's recommendation. The determination  
10 of the district school board shall be final as to the  
11 sufficiency or insufficiency of the grounds for termination of  
12 employment.

13           (4) The district school superintendent shall notify  
14 the department of any instructional personnel who receive two  
15 consecutive unsatisfactory evaluations and who have been given  
16 written notice by the district that their employment is being  
17 terminated or is not being renewed or that the district school  
18 board intends to terminate, or not renew, their employment.  
19 The department shall conduct an investigation to determine  
20 whether action shall be taken against the certificateholder  
21 pursuant to s. 1012.795(1)(b).

22           (5) The district school superintendent shall develop a  
23 mechanism for evaluating the effective use of assessment  
24 criteria and evaluation procedures by administrators who are  
25 assigned responsibility for evaluating the performance of  
26 instructional personnel. The use of the assessment and  
27 evaluation procedures shall be considered as part of the  
28 annual assessment of the administrator's performance. The  
29 system must include a mechanism to give parents and teachers  
30 an opportunity to provide input into the administrator's  
31 performance assessment, when appropriate.

1       (6) Nothing in this section shall be construed to  
2 grant a probationary employee a right to continued employment  
3 beyond the term of his or her contract.

4       (7) The district school board shall establish a  
5 procedure annually reviewing instructional personnel  
6 assessment systems to determine compliance with this section.  
7 All substantial revisions to an approved system must be  
8 reviewed and approved by the district school board before  
9 being used to assess instructional personnel. Upon request by  
10 a school district, the department shall provide assistance in  
11 developing, improving, or reviewing an assessment system.

12       (8) The State Board of Education shall adopt rules  
13 pursuant to ss. 120.536(1) and 120.54, that establish uniform  
14 guidelines for the submission, review, and approval of  
15 district procedures for the annual assessment of instructional  
16 personnel and that include criteria for evaluating  
17 professional performance.

18       Section 701. Part III.c. of chapter 1012 shall be  
19 entitled "Personnel (instructional and noninstructional);  
20 authorization; requirements" and shall consist of ss.  
21 1012.35-1012.46.

22       Section 702. Section 1012.35, Florida Statutes, is  
23 created to read:

24       1012.35 Substitute teachers.--Each district school  
25 board shall adopt rules prescribing the compensation of, and  
26 the procedure for employment of, substitute teachers. Such  
27 procedure for employment shall include, but is not limited to,  
28 the filing of a complete set of fingerprints as required in s.  
29 1012.32.

30       Section 703. Section 1012.36, Florida Statutes, is  
31 created to read:

1           1012.36 Part-time teachers.--

2           (1) District school boards may hire certified and  
3 qualified personnel as provided in ss. 1012.39 and 1012.57 to  
4 teach a specified number of periods, which may be less than a  
5 full school day or less than a full school year.

6           (2) Assigned additional school duties and salaries  
7 shall be given in direct ratio to the number of periods  
8 taught. Other benefits shall be provided by district school  
9 board rule or, if applicable, pursuant to chapter 447.

10           Section 704. Section 1012.37, Florida Statutes, is  
11 created to read:

12           1012.37 Education paraprofessionals.--A district  
13 school board may appoint education paraprofessionals to assist  
14 members of the instructional staff in carrying out their  
15 duties and responsibilities. An education paraprofessional  
16 shall not be required to hold a teaching certificate. An  
17 education paraprofessional, while rendering services under the  
18 supervision of a certified teacher, shall be accorded the same  
19 protection of laws as that accorded the certified teacher.  
20 Paid education paraprofessionals employed by a district school  
21 board shall be entitled to the same rights as those accorded  
22 noninstructional employees of the district school board.

23           Section 705. Section 1012.38, Florida Statutes, is  
24 created to read:

25           1012.38 Education paraprofessional career  
26 development.--

27           (1)(a) Each school district may adopt a program for  
28 the career development of education paraprofessionals. The  
29 purpose of the program is to provide to education  
30 paraprofessionals a system of career development which is  
31 based upon education and training advancement, and to furnish

1 economic incentives to encourage excellence among education  
2 paraprofessionals.

3 (b) The adoption of each program is subject to chapter  
4 447, and the implementation of a program is contingent upon  
5 the agreement and ratification of the program by both the  
6 employer and employees under s. 447.309.

7 (2) A district education paraprofessional career  
8 development program must include voluntary participation by  
9 paraprofessionals in five career development levels. The  
10 district school board shall adopt a procedure for verifying  
11 the competency levels of all persons who participate in the  
12 career development program and a procedure to determine the  
13 outcomes and results of the program and impact on student  
14 performance.

15 (3)(a) Level I.--To qualify for Level I, the person  
16 must meet:

17 1. The health requirement established for certified  
18 personnel.

19 2. The age requirements for certified personnel.

20 3. The local school district requirements for  
21 employment.

22 (b) Level II.--To qualify for Level II, the person  
23 must:

24 1. Have earned a high school diploma or the  
25 equivalent.

26 2. Possess a clear understanding of state and district  
27 rules and policies relevant to paraprofessionals.

28 3. Possess knowledge of all state and district  
29 instructional practices and policies relevant to  
30 paraprofessionals.

31

1           4. Have maintained satisfactory job performance of  
2 appropriate skills and competencies for 1 year.

3           (c) Level III.--To qualify for Level III, the person  
4 must:

5           1. Have completed 30 college semester hours or the  
6 equivalent inservice hours.

7           2. Possess a clear understanding of state and district  
8 rules and policies relevant to paraprofessionals.

9           3. Possess knowledge of all state and district  
10 instructional practices and policies relevant to  
11 paraprofessionals.

12           4. Have maintained satisfactory job performance of  
13 appropriate skills and competencies for 2 years.

14           (d) Level IV.--To qualify for Level IV, the person  
15 must:

16           1. Have completed 60 college semester hours or the  
17 equivalent inservice hours.

18           2. Possess a clear understanding of state and district  
19 rules and policies relevant to paraprofessionals.

20           3. Possess knowledge of all state and district  
21 instructional practices and policies relevant to  
22 paraprofessionals.

23           4. Have maintained satisfactory job performance of  
24 appropriate skills and competencies for 2 years.

25           (e) Level V.--To qualify for Level V, the person must:

26           1. Have completed coursework to earn a bachelor of  
27 arts or bachelor of science degree from an accredited  
28 institution pursuant to s. 1012.56(2)(c).

29           2. Possess a clear understanding of state and district  
30 rules and policies relevant to paraprofessionals.

31



1           3. Possess knowledge of all state and district  
2 instructional practices and policies relevant to  
3 paraprofessionals.

4           4. Have maintained satisfactory job performance of  
5 appropriate skills and competencies for 2 years.

6           (4) Paraprofessionals may not:

7           (a) Establish instructional objectives;

8           (b) Make decisions regarding the relevancy of certain  
9 activities or procedures to the attainment of instructional  
10 objectives;

11           (c) Make decisions regarding the appropriateness of  
12 certain teaching materials for accomplishing instructional  
13 objectives; or

14           (d) Make judgments regarding the attainment of  
15 instructional objectives unless these judgments are based upon  
16 clear and objective criteria, such as specific achievement  
17 standards on a true-false test.

18           Section 706. Section 1012.39, Florida Statutes, is  
19 created to read:

20           1012.39 Employment of substitute teachers, teachers of  
21 adult education, nondegreed teachers of career education, and  
22 career specialists; students performing clinical field  
23 experience.--

24           (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and  
25 1012.57, or any other provision of law or rule to the  
26 contrary, each district school board shall establish the  
27 minimal qualifications for:

28           (a) Substitute teachers to be employed pursuant to s.  
29 1012.35. The qualifications shall require the filing of a  
30 complete set of fingerprints in the same manner as required by  
31 s. 1012.32.

1       (b) Part-time and full-time teachers in adult  
2 education programs. The qualifications shall require the  
3 filing of a complete set of fingerprints in the same manner as  
4 required by s. 1012.32. Faculty employed solely to conduct  
5 postsecondary instruction may be exempted from this  
6 requirement.

7       (c) Part-time and full-time nondegreed teachers of  
8 vocational programs. Qualifications shall be established for  
9 agriculture, business, health occupations, family and consumer  
10 sciences, industrial, marketing, career specialist, and public  
11 service education teachers, based primarily on successful  
12 occupational experience rather than academic training. The  
13 qualifications for such teachers shall require:

14           1. The filing of a complete set of fingerprints in the  
15 same manner as required by s. 1012.32. Faculty employed solely  
16 to conduct postsecondary instruction may be exempted from this  
17 requirement.

18           2. Documentation of education and successful  
19 occupational experience including documentation of:

20               a. A high school diploma or the equivalent.

21               b. Completion of 6 years of full-time successful  
22 occupational experience or the equivalent of part-time  
23 experience in the teaching specialization area. Alternate  
24 means of determining successful occupational experience may be  
25 established by the district school board.

26               c. Completion of career education training conducted  
27 through the local school district inservice master plan.

28               d. For full-time teachers, completion of professional  
29 education training in teaching methods, course construction,  
30 lesson planning and evaluation, and teaching special needs  
31 students. This training may be completed through coursework

1 from an accredited or approved institution or an approved  
2 district teacher education program.

3 e. Demonstration of successful teaching performance.

4 (2) Substitute, adult education, and nondegreed career  
5 education teachers who are employed pursuant to this section  
6 shall have the same rights and protection of laws as certified  
7 teachers.

8 (3) A student who is enrolled in a state-approved  
9 teacher preparation program in an institution of higher  
10 education which is approved by rules of the State Board of  
11 Education and who is jointly assigned by the institution of  
12 higher education and a district school board to perform a  
13 clinical field experience under the direction of a regularly  
14 employed and certified educator shall, while serving such  
15 supervised clinical field experience, be accorded the same  
16 protection of law as that accorded to the certified educator  
17 except for the right to bargain collectively as an employee of  
18 the district school board.

19 Section 707. Section 1012.40, Florida Statutes, is  
20 created to read:

21 1012.40 Educational support employees.--

22 (1) As used in this section:

23 (a) "Educational support employee" means any person  
24 employed by a district school system who is employed as a  
25 teacher assistant, an education paraprofessional, a member of  
26 the transportation department, a member of the operations  
27 department, a member of the maintenance department, a member  
28 of food service, a secretary, or a clerical employee, or any  
29 other person who by virtue of his or her position of  
30 employment is not required to be certified by the Department  
31 of Education or district school board pursuant to s. 1012.39.

1 This section does not apply to persons employed in  
2 confidential or management positions. This section applies to  
3 all employees who are not temporary or casual and whose duties  
4 require 20 or more hours in each normal working week.

5 (b) "Employee" means any person employed as an  
6 educational support employee.

7 (2)(a) Each educational support employee shall be  
8 employed on probationary status for a period to be determined  
9 through the appropriate collective bargaining agreement or by  
10 district school board rule in cases where a collective  
11 bargaining agreement does not exist.

12 (b) Upon successful completion of the probationary  
13 period by the employee, the employee's status shall continue  
14 from year to year unless the district school superintendent  
15 terminates the employee for reasons stated in the collective  
16 bargaining agreement, or in district school board rule in  
17 cases where a collective bargaining agreement does not exist,  
18 or reduces the number of employees on a districtwide basis for  
19 financial reasons.

20 (c) In the event a district school superintendent  
21 seeks termination of an employee, the district school board  
22 may suspend the employee with or without pay. The employee  
23 shall receive written notice and shall have the opportunity to  
24 formally appeal the termination. The appeals process shall be  
25 determined by the appropriate collective bargaining process or  
26 by district school board rule in the event there is no  
27 collective bargaining agreement.

28 Section 708. Section 1012.41, Florida Statutes, is  
29 created to read:

30 1012.41 Employment of directors of career  
31 education.--In order to receive state funding, each district

1 school board that employs at least 15 full-time equivalent  
2 vocational teachers must employ a director of career education  
3 who meets the certification requirements established by the  
4 State Board of Education. The directors shall be directly  
5 accountable to the district school superintendent, or his or  
6 her designee, for the planning and implementation of  
7 vocational programs. Two or more district school boards may  
8 employ a single director.

9 Section 709. Section 1012.42, Florida Statutes, is  
10 created to read:

11 1012.42 Teacher teaching out-of-field.--

12 (1) ASSISTANCE.--Each district school board shall  
13 adopt and implement a plan to assist any teacher teaching  
14 out-of-field, and priority consideration in professional  
15 development activities shall be given to teachers who are  
16 teaching out-of-field. The district school board shall require  
17 that such teachers participate in a certification or staff  
18 development program designed to provide the teacher with the  
19 competencies required for the assigned duties. The  
20 board-approved assistance plan must include duties of  
21 administrative personnel and other instructional personnel to  
22 provide students with instructional services. Each district  
23 school board shall contact its regional workforce board,  
24 created pursuant to s. 445.007, to identify resources that may  
25 assist teachers who are teaching out-of-field and who are  
26 pursuing certification.

27 (2) NOTIFICATION REQUIREMENTS.--When a teacher in a  
28 district school system is assigned teaching duties in a class  
29 dealing with subject matter that is outside the field in which  
30 the teacher is certified, outside the field that was the  
31 applicant's minor field of study, or outside the field in

1 which the applicant has demonstrated sufficient subject area  
2 expertise, as determined by district school board policy in  
3 the subject area to be taught, the parents of all students in  
4 the class shall be notified in writing of such assignment.

5 Section 710. Section 1012.43, Florida Statutes, is  
6 created to read:

7 1012.43 Vocational teachers.--

8 (1) Vocational teachers and other teachers who qualify  
9 for certificates on the basis of nonacademic preparation shall  
10 be entitled to all the contractual rights and privileges now  
11 granted to other instructional personnel holding equivalent  
12 certificates.

13 (2) A holder of a certificate based on nonacademic  
14 preparation which entitled him or her to employment to teach  
15 classes in career or adult education shall not be assigned to  
16 teach in a regular academic field of the kindergarten through  
17 grade 12 school program.

18 Section 711. Section 1012.44, Florida Statutes, is  
19 created to read:

20 1012.44 Qualifications for certain persons providing  
21 speech-language services.--The State Board of Education shall  
22 adopt rules for speech-language services to school districts  
23 that qualify for the sparsity supplement as described in s.  
24 1011.62(6). These services may be provided by baccalaureate  
25 degree level persons for a period of 3 years. The rules shall  
26 authorize the delivery of speech-language services by  
27 baccalaureate degree level persons under the direction of a  
28 certified speech-language pathologist with a master's degree  
29 or higher. By October 1, 2003, these rules shall be reviewed  
30 by the State Board of Education.

31

1           Section 712. Section 1012.45, Florida Statutes, is  
2 created to read:

3           1012.45 School bus drivers; requirements and duties.--

4           (1) Each school bus driver must be of good moral  
5 character, of good vision and hearing, able-bodied, free from  
6 communicable disease, mentally alert, and sufficiently strong  
7 physically to handle the bus with ease, and he or she must  
8 possess other qualifications prescribed by the Commissioner of  
9 Education, including those qualifications described in 49  
10 C.F.R. s. 391, relating to physical qualifications and  
11 examinations and 49 C.F.R. part 40 and part 382, relating to  
12 controlled substance and alcohol use and testing, and he or  
13 she must hold a valid commercial driver's license with a  
14 passenger endorsement.

15           (2) Each school bus driver has the authority and  
16 responsibility to control students during the time students  
17 are on the school bus pursuant to s. 1006.10.

18           (3) The State Board of Education shall adopt rules  
19 outlining requirements that school bus drivers must meet  
20 before they are employed by district school boards.

21           (4) Each district school board may provide a school  
22 bus driver training program and may make this program  
23 available to private school bus drivers by contract.

24           Section 713. Section 1012.46, Florida Statutes, is  
25 created to read:

26           1012.46 Athletic trainers.--

27           (1) School districts may establish and implement an  
28 athletic injuries prevention and treatment program. Central to  
29 this program should be the employment and availability of  
30 persons trained in the prevention and treatment of physical  
31 injuries which may occur during athletic activities. The

1 program should reflect opportunities for progressive  
2 advancement and compensation in employment as provided in  
3 subsection (2) and meet certain other minimum standards  
4 developed by the Department of Education. The goal of the  
5 Legislature is to have school districts employ and have  
6 available a full-time teacher athletic trainer in each high  
7 school in the state.

8 (2) To the extent practicable, a school district  
9 program should include the following employment classification  
10 and advancement scheme:

11 (a) First responder.--To qualify as a first responder,  
12 a person must possess a professional, temporary, part-time,  
13 adjunct, or substitute certificate pursuant to s. 1012.56, be  
14 certified in cardiopulmonary resuscitation, first aid, and  
15 have 15 semester hours in courses such as care and prevention  
16 of athletic injuries, anatomy, physiology, nutrition,  
17 counseling, and other similar courses approved by the  
18 Commissioner of Education. This person may only administer  
19 first aid and similar care.

20 (b) Teacher athletic trainer.--To qualify as a teacher  
21 athletic trainer, a person must possess a professional,  
22 temporary, part-time, adjunct, or substitute certificate  
23 pursuant to s. 1012.35, s. 1012.56 or s. 1012.57, and be  
24 licensed as required by part XIII of chapter 468.

25 Section 714. Part III.d. of chapter 1012 shall be  
26 entitled "Educator certification; renewal; duties (Public  
27 Schools)" and shall consist of ss. 1012.51-1012.595.

28 Section 715. Section 1012.51, Florida Statutes, is  
29 created to read:

30 1012.51 Legislative intent; declaration.--It is the  
31 intent and purpose of the Legislature that the practice of



1 teaching in the public school system and its related services  
2 including administering and supervisory services, shall be  
3 designated as professional services. Teaching is hereby  
4 declared to be a profession in Florida, with all the similar  
5 rights, responsibilities and privileges accorded other legally  
6 recognized professions.

7 Section 716. Section 1012.52, Florida Statutes, is  
8 created to read:

9 1012.52 Teacher quality; legislative findings.--

10 (1) The Legislature intends to implement a  
11 comprehensive approach to increase students' academic  
12 achievement and improve teaching quality. The Legislature  
13 recognizes that professional educators play an important role  
14 in shaping the future of this state and the nation by  
15 developing the knowledge and skills of our future workforce  
16 and laying the foundation for good citizenship and full  
17 participation in community and civic life. The Legislature  
18 also recognizes its role in meeting the state's educational  
19 goals and preparing all students to achieve at the levels set  
20 by the Sunshine State Standards.

21 (2) The Legislature further finds that effective  
22 educators are able to do the following:

23 (a) Write and speak in a logical and understandable  
24 style, using appropriate grammar and sentence structure, and  
25 demonstrate a command of standard English, enunciation,  
26 clarity of oral directions, and pace and precision in  
27 speaking.

28 (b) Read, comprehend, and interpret professional and  
29 other written material.

30 (c) Compute, think logically, and solve problems.

31

1       (d) Recognize signs of students' difficulty with the  
2 reading and computational process and apply appropriate  
3 measures to improve students' reading and computational  
4 performance.

5       (e) Recognize patterns of physical, social, emotional,  
6 and intellectual development in students, including  
7 exceptional students in the regular classroom.

8       (f) Recognize and demonstrate awareness of the  
9 educational needs of students who have limited proficiency in  
10 English and employ appropriate teaching strategies.

11       (g) Use and integrate appropriate technology in  
12 teaching and learning processes and in managing, evaluating,  
13 and improving instruction.

14       (h) Use assessment and other diagnostic strategies to  
15 assist the continuous development and acquisition of knowledge  
16 and understanding of the learner.

17       (i) Use teaching and learning strategies that include  
18 consideration of each student's learning styles, needs, and  
19 background.

20       (j) Demonstrate the ability to maintain a positive,  
21 collaborative relationship with students' families to increase  
22 student achievement.

23       (k) Recognize signs of tendency toward violence and  
24 severe emotional distress in students and apply techniques of  
25 crisis intervention.

26       (l) Recognize signs of alcohol and drug abuse in  
27 students and know how to appropriately work with such students  
28 and seek assistance designed to prevent future abuse.

29       (m) Recognize the physical and behavioral indicators  
30 of child abuse and neglect and know rights and  
31 responsibilities regarding reporting.

1           (n) Demonstrate the ability to maintain a positive  
2 environment in the classroom while achieving order and  
3 discipline.

4           (o) Demonstrate the ability to grade student  
5 performance effectively.

6           (p) Demonstrate knowledge and understanding of the  
7 value of, and strategies for, promoting parental involvement  
8 in education.

9           Section 717. Section 1012.53, Florida Statutes, is  
10 created to read:

11           1012.53 Duties of instructional personnel.--

12           (1) The primary duty of instructional personnel is to  
13 work diligently and faithfully to help students meet or exceed  
14 annual learning goals, to meet state and local achievement  
15 requirements, and to master the skills required to graduate  
16 from high school prepared for postsecondary education and  
17 work. This duty applies to instructional personnel whether  
18 they teach or function in a support role.

19           (2) Members of the instructional staff of the public  
20 schools shall perform duties prescribed by rules of the  
21 district school board. The rules shall include, but are not  
22 limited to, rules relating to a teacher's duty to help  
23 students master challenging standards and meet all state and  
24 local requirements for achievement; teaching efficiently and  
25 faithfully, using prescribed materials and methods, including  
26 technology-based instruction; recordkeeping; and fulfilling  
27 the terms of any contract, unless released from the contract  
28 by the district school board.

29           Section 718. Section 1012.54, Florida Statutes, is  
30 created to read:

31

1           1012.54 Purpose of instructional personnel  
2 certification.--It is the intent of the Legislature that  
3 school personnel certified in this state possess the  
4 credentials, knowledge, and skills necessary to allow the  
5 opportunity for a high-quality education in the public  
6 schools. The purpose of school personnel certification is to  
7 protect the educational interests of students, parents, and  
8 the public at large by assuring that teachers in this state  
9 are professionally qualified. In fulfillment of its duty to  
10 the citizens of this state, the Legislature has established  
11 certification requirements to assure that educational  
12 personnel in public schools possess appropriate skills in  
13 reading, writing, and mathematics, and adequate pedagogical  
14 knowledge, including the use of technology to enhance student  
15 learning, and relevant subject matter competence so as to  
16 demonstrate an acceptable level of professional performance.  
17 Further, the Legislature has established a certificate renewal  
18 process which promotes the continuing professional improvement  
19 of school personnel, thereby enhancing public education in all  
20 areas of the state.

21           Section 719. Section 1012.55, Florida Statutes, is  
22 created to read:

23           1012.55 Positions for which certificates required.--  
24           (1) The State Board of Education shall classify school  
25 services, designate the certification subject areas, establish  
26 competencies, including the use of technology to enhance  
27 student learning, and certification requirements for all  
28 school-based personnel, and adopt rules in accordance with  
29 which the professional, temporary, and part-time certificates  
30 shall be issued by the Department of Education to applicants  
31 who meet the standards prescribed by such rules for their

1 class of service. Each person employed or occupying a position  
2 as school supervisor, principal, teacher, library media  
3 specialist, school counselor, athletic coach, or other  
4 position in which the employee serves in an instructional  
5 capacity, in any public school of any district of this state  
6 shall hold the certificate required by law and by rules of the  
7 State Board of Education in fulfilling the requirements of the  
8 law for the type of service rendered. However, the state board  
9 shall adopt rules authorizing district school boards to employ  
10 selected noncertificated personnel to provide instructional  
11 services in the individuals' fields of specialty or to assist  
12 instructional staff members as education paraprofessionals.

13 (2) Each person who is employed and renders service as  
14 an athletic coach in any public school in any district of this  
15 state shall hold a valid temporary or professional certificate  
16 or an athletic coaching certificate. The athletic coaching  
17 certificate may be used for either part-time or full-time  
18 positions. The provisions of this subsection do not apply to  
19 any athletic coach who voluntarily renders service and who is  
20 not employed by any public school district of this state.

21 (3) Each person employed as a school nurse shall hold  
22 a license to practice nursing in the state, and each person  
23 employed as a school physician shall hold a license to  
24 practice medicine in the state.

25 (4) A commissioned or noncommissioned military officer  
26 who is an instructor of junior reserve officer training shall  
27 be exempt from requirements for teacher certification, except  
28 for the filing of fingerprints pursuant to s. 1012.32, if he  
29 or she meets the following qualifications:

30 (a) Is retired from active military duty, pursuant to  
31 chapter 102 of Title 10, U.S.C.

1           (b) Satisfies criteria established by the appropriate  
2 military service for certification by the service as a junior  
3 reserve officer training instructor.

4           (c) Has an exemplary military record.

5  
6 If such instructor is assigned instructional duties other than  
7 junior reserve officer training, he or she shall hold the  
8 certificate required by law and rules of the state board for  
9 the type of service rendered.

10           Section 720. Effective July 1, 2002, section 1012.56,  
11 Florida Statutes, is created to read:

12           1012.56 Educator certification requirements.--

13           (1) APPLICATION.--Each person seeking certification  
14 pursuant to this chapter shall submit a completed application  
15 containing the applicant's social security number to the  
16 Department of Education and remit the fee required pursuant to  
17 s. 1012.59 and rules of the State Board of Education. Pursuant  
18 to the federal Personal Responsibility and Work Opportunity  
19 Reconciliation Act of 1996, each party is required to provide  
20 his or her social security number in accordance with this  
21 section. Disclosure of social security numbers obtained  
22 through this requirement shall be limited to the purpose of  
23 administration of the Title IV-D program of the Social  
24 Security Act for child support enforcement. Pursuant to s.  
25 120.60, the department shall issue within 90 calendar days  
26 after the stamped receipted date of the completed application:

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

29           (b) An official statement of status of eligibility.

30 The statement of status of eligibility must advise the  
31 applicant of any qualifications that must be completed to

1 qualify for certification. Each statement of status of  
2 eligibility is valid for 2 years after its date of issuance,  
3 except as provided in paragraph (2)(d). A statement of status  
4 of eligibility may be reissued for one additional 2-year  
5 period if application is made while the initial statement of  
6 status of eligibility is valid or within 1 year after the  
7 initial statement expires, and if the certification subject  
8 area is authorized to be issued by the state board at the time  
9 the application requesting a reissued statement of status of  
10 eligibility is received.

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

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

14 (b) File a written statement, under oath, that the  
15 applicant subscribes to and will uphold the principles  
16 incorporated in the Constitution of the United States and the  
17 Constitution of the State of Florida.

18 (c) Document receipt of a bachelor's or higher degree  
19 from an accredited institution of higher learning, or a  
20 nonaccredited institution of higher learning that the  
21 Department of Education has identified as having a quality  
22 program resulting in a bachelor's degree, or higher. Each  
23 applicant seeking initial certification must have attained at  
24 least a 2.5 overall grade point average on a 4.0 scale in the  
25 applicant's major field of study. The applicant may document  
26 the required education by submitting official transcripts from  
27 institutions of higher education or by authorizing the direct  
28 submission of such official transcripts through established  
29 electronic network systems. The bachelor's or higher degree  
30 may not be required in areas approved in rule by the State  
31 Board of Education as nondegreed areas.

1       (d) Submit to a fingerprint check from the Department  
2 of Law Enforcement and the Federal Bureau of Investigation  
3 pursuant to s. 1012.32. If the fingerprint reports indicate a  
4 criminal history or if the applicant acknowledges a criminal  
5 history, the applicant's records shall be referred to the  
6 Bureau of Educator Standards for review and determination of  
7 eligibility for certification. If the applicant fails to  
8 provide the necessary documentation requested by the Bureau of  
9 Educator Standards within 90 days after the date of the  
10 receipt of the certified mail request, the statement of  
11 eligibility and pending application shall become invalid.

12       (e) Be of good moral character.

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

15       (g) Demonstrate mastery of general knowledge, pursuant  
16 to subsection (3).

17       (h) Demonstrate mastery of subject area knowledge,  
18 pursuant to subsection (4).

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

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

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

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

27       (c) A valid standard teaching certificate issued by  
28 another state that requires an examination of mastery of  
29 general knowledge;

30  
31



1       (d) A valid standard teaching certificate issued by  
2 another state and valid certificate issued by the National  
3 Board for Professional Teaching Standards; or

4       (e) A valid standard teaching certificate issued by  
5 another state and documentation of 2 years of continuous  
6 successful full-time teaching or administrative experience  
7 during the 5-year period immediately preceding the date of  
8 application for certification.

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

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

13       (b) Completion of the subject area specialization  
14 requirements specified in state board rule and verification of  
15 the attainment of the essential subject matter competencies by  
16 the district school superintendent of the employing school  
17 district or chief administrative officer of the employing  
18 state-supported or private school for a subject area for which  
19 a subject area examination has not been developed and required  
20 by state board rule.

21       (c) Completion of the graduate level subject area  
22 specialization requirements specified in state board rule for  
23 a subject coverage requiring a master's or higher degree and  
24 achievement of a passing score on the subject area examination  
25 specified in state board rule.

26       (b) A valid standard teaching certificate issued by  
27 another state that requires an examination of mastery of  
28 subject area knowledge;

29       (c) A valid standard teaching certificate issued by  
30 another state and valid certificate issued by the National  
31 Board for Professional Teaching Standards; or

1        (d) A valid standard teaching certificate issued by  
2 another state and documentation of 2 years of continuous  
3 successful full-time teaching or administrative experience  
4 during the 5-year period immediately preceding the date of  
5 application for certification.

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

9        (a) Completion of an approved teacher preparation  
10 program at a postsecondary institution within this state and  
11 achievement of a passing score on the professional education  
12 competency examination required by state board rule;

13        (b) Completion of a teacher preparation program at a  
14 postsecondary institution outside Florida and achievement of a  
15 passing score on the professional education competency  
16 examination required by state board rule;

17        (c) A valid standard teaching certificate issued by  
18 another state that requires an examination of mastery of  
19 professional education competence;

20        (d) A valid standard teaching certificate issued by  
21 another state and valid certificate issued by the National  
22 Board for Professional Teaching Standards;

23        (e) A valid standard teaching certificate issued by  
24 another state and documentation of 2 years of continuous  
25 successful full-time teaching or administrative experience  
26 during the 5-year period immediately preceding the date of  
27 application for certification;

28        (f) Completion of professional preparation courses as  
29 specified in state board rule, successful completion of a  
30 professional education competence demonstration program  
31 pursuant to paragraph (7)(b), and achievement of a passing

1 score on the professional education competency examination  
2 required by state board rule; or  
3 (g) Successful completion of a professional  
4 preparation alternative certification and education competency  
5 program, outlined in paragraph (7)(a).  
6 (6) TYPES AND TERMS OF CERTIFICATION.--  
7 (a) The Department of Education shall issue a  
8 professional certificate for a period not to exceed 5 years to  
9 any applicant who meets all the requirements outlined in  
10 subsection (2).  
11 (b) The department shall issue a temporary certificate  
12 to any applicant who completes the requirements outlined in  
13 paragraphs (2)(a)-(f) and completes the subject area content  
14 requirements specified in state board rule or demonstrates  
15 mastery of subject area knowledge pursuant to subsection (4)  
16 and holds an accredited degree or a degree approved by the  
17 Department of Education at the level required for the subject  
18 area specialization in state board rule.  
19 (c) The department shall issue one nonrenewable 2-year  
20 temporary certificate and one nonrenewable 5-year professional  
21 certificate to a qualified applicant who holds a bachelor's  
22 degree in the area of speech-language impairment to allow for  
23 completion of a master's degree program in speech-language  
24 impairment.  
25  
26 Each temporary certificate is valid for 3 school fiscal years  
27 and is nonrenewable. However, the requirement in paragraph  
28 (2)(g) must be met within 1 calendar year of the date of  
29 employment under the temporary certificate. Individuals who  
30 are employed under contract at the end of the 1 calendar year  
31 time period may continue to be employed through the end of the

1 school year in which they have been contracted. A school  
2 district shall not employ, or continue the employment of, an  
3 individual in a position for which a temporary certificate is  
4 required beyond this time period if the individual has not met  
5 the requirement of paragraph (2)(g). The State Board of  
6 Education shall adopt rules to allow the department to extend  
7 the validity period of a temporary certificate for 2 years  
8 when the requirements for the professional certificate, not  
9 including the requirement in paragraph (2)(g), were not  
10 completed due to the serious illness or injury of the  
11 applicant or other extraordinary extenuating circumstances.  
12 The department shall reissue the temporary certificate for 2  
13 additional years upon approval by the Commissioner of  
14 Education. A written request for reissuance of the certificate  
15 shall be submitted by the district school superintendent, the  
16 governing authority of a university lab school, the governing  
17 authority of a state-supported school, or the governing  
18 authority of a private school.

19 (7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION  
20 AND EDUCATION COMPETENCY PROGRAM.--

21 (a) The Department of Education shall develop and each  
22 school district must provide a cohesive competency-based  
23 professional preparation alternative certification program by  
24 which members of a school district's instructional staff may  
25 satisfy the mastery of professional preparation and education  
26 competence requirements specified in this subsection and rules  
27 of the State Board of Education. Participants must hold a  
28 state-issued temporary certificate. A school district shall  
29 provide a competency-based alternative certification  
30 preparation program developed by the Department of Education  
31

- 1 or developed by the district and approved by the Department of  
2 Education. The program shall include the following components:  
3       1. A minimum period of initial preparation prior to  
4 assuming duties as the teacher of record.  
5       2. An option for collaboration between school  
6 districts and other supporting agencies for implementation.  
7       3. Experienced peer mentors.  
8       4. An assessment that provides for:  
9           a. An initial evaluation of each educator's  
10 competencies to determine an appropriate individualized  
11 professional development plan.  
12           b. A postevaluation to assure successful completion of  
13 the program.  
14       5. Professional education preparation content  
15 knowledge that includes, but is not limited to, the following:  
16           a. Requirements specified in state board rule for  
17 professional preparation.  
18           b. The educator-accomplished practices approved by the  
19 state board.  
20           c. A variety of data indicators for student progress.  
21           d. Methodologies, including technology-based  
22 methodologies, for teaching subject content that supports the  
23 Sunshine State Standards for students.  
24           e. Techniques for effective classroom management.  
25           f. Techniques and strategies for operationalizing the  
26 role of the teacher in assuring a safe learning environment  
27 for students.  
28           g. Methodologies for assuring the ability of all  
29 students to read, write, and compute.  
30  
31

1           6. Required achievement of passing scores on the  
2 professional education competency examination required by  
3 state board rule.

4           (b) Each school district must and a state supported  
5 public school or a private school may develop and maintain a  
6 system by which members of the instructional staff may  
7 demonstrate mastery of professional education competence as  
8 required by law. Each program must be based on classroom  
9 application and instructional performance and must include a  
10 performance evaluation plan for documenting the demonstration  
11 of required professional education competence.

12           (8) EXAMINATIONS.--

13           (a) The Commissioner of Education, with the approval  
14 of the State Board of Education, may contract for developing,  
15 printing, administering, scoring, and appropriate analysis of  
16 the written examinations required.

17           (b) The State Board of Education shall, by rule,  
18 specify the examination scores that are required for the  
19 issuance of a professional certificate and temporary  
20 certificate. Such rules must define generic subject area  
21 competencies and must establish uniform evaluation guidelines.

22           (c) The State Board of Education shall designate the  
23 certification areas for subject area examinations. All  
24 required examinations may be taken prior to graduation.

25           (d) If an applicant takes an examination developed by  
26 this state and does not achieve the score necessary for  
27 certification, the applicant may review his or her completed  
28 examination and bring to the attention of the department any  
29 errors that would result in a passing score.

30           (e) For any examination developed by this state, the  
31 Department of Education and the State Board of Education shall

1 maintain confidentiality of the examination, developmental  
2 materials, and workpapers, which are exempt from s. 119.07(1).

3 (f) The examinations used for demonstration of mastery  
4 of general knowledge, professional education competence, and  
5 subject area knowledge shall be aligned with student standards  
6 approved by the state board. The delivery system for these  
7 examinations shall provide for overall efficiency,  
8 user-friendly application, reasonable accessibility to  
9 prospective teachers, and prompt attainment of examination  
10 results. The examination of competency for demonstration of  
11 subject area knowledge shall be sufficiently comprehensive to  
12 assess subject matter expertise for individuals who have  
13 acquired subject knowledge either through college credit or by  
14 other means.

15 (g) All examination instruments, including  
16 developmental materials and workpapers directly related  
17 thereto, which are prepared, prescribed, or administered  
18 pursuant to this section shall be confidential and exempt from  
19 the provisions of s. 119.07(1) and from s. 1001.52. Provisions  
20 governing access to, maintenance of, and destruction of such  
21 instruments and related materials shall be prescribed by rules  
22 of the State Board of Education.

23 (9) NONCITIZENS.--

24 (a) The State Board of Education may adopt rules for  
25 issuing certificates to noncitizens who are needed to teach  
26 and who are legally admitted to the United States through the  
27 United States Immigration and Naturalization Service. The  
28 filing of a written oath to uphold the principles of the  
29 Constitution of the United States and the Constitution of the  
30 State of Florida, required under paragraph (2)(b), does not  
31 apply to individuals assigned to teach on an exchange basis.

1       (b) A certificate may not be issued to a citizen of a  
2 nation controlled by forces that are antagonistic to  
3 democratic forms of government, except to an individual who  
4 has been legally admitted to the United States through the  
5 United States Immigration and Naturalization Service.

6       (10) DENIAL OF CERTIFICATE.--

7       (a) The Department of Education may deny an applicant  
8 a certificate if the department possesses evidence  
9 satisfactory to it that the applicant has committed an act or  
10 acts, or that a situation exists, for which the Education  
11 Practices Commission would be authorized to revoke a teaching  
12 certificate.

13       (b) The decision of the department is subject to  
14 review by the Education Practices Commission upon the filing  
15 of a written request from the applicant within 20 days after  
16 receipt of the notice of denial.

17       (11) STATE BOARD RULES.--The State Board of Education  
18 shall adopt rules pursuant to ss. 120.536 and 120.54, as  
19 necessary to implement this section.

20       (12) PRIOR APPLICATION.--Persons who apply for  
21 certification are governed by the law and rules in effect at  
22 the time of application for issuance of the initial  
23 certificate, provided that continuity of certificates is  
24 maintained.

25       (13) PERSONNEL RECORDS.--The Department of Education  
26 shall maintain a complete statement of the academic  
27 preparation, professional training, and teaching experience of  
28 each person to whom a certificate is issued. The applicant or  
29 the district school superintendent shall furnish the  
30 information using a format or forms provided by the  
31 department.



1           (14) AUTHORITY OF COMMISSIONER.--The Commissioner of  
2 Education may make decisions regarding an applicant's  
3 certification under extenuating circumstances not otherwise  
4 provided for in statute or by rule. However, an applicant for  
5 certification approved by the commissioner must possess the  
6 credentials, knowledge, and skills necessary to provide  
7 quality education in the public schools.

8           (15) COMPARISON OF ROUTES TO A PROFESSIONAL  
9 CERTIFICATE.--Beginning with the 2003-2004 school year, the  
10 Department of Education shall conduct a longitudinal study to  
11 compare performance of certificateholders who are employed in  
12 Florida school districts. The study shall compare a sampling  
13 of educators who have qualified for a professional certificate  
14 since July 1, 2002, based on the following:

15           (a) Graduation from a state-approved teacher  
16 preparation program.

17           (b) Completion of a state-approved professional  
18 preparation and education competency program.

19           (c) A valid standard teaching certificate issued by a  
20 state other than Florida.

21  
22 The department comparisons shall be made to determine if there  
23 is any significant difference in the performance of these  
24 groups of teachers, as measured by their students' achievement  
25 levels and learning gains as measured by s. 1008.22.

26           Section 721. Section 1012.565, Florida Statutes, is  
27 created to read:

28           1012.565 Educator certification for blind and visually  
29 impaired students.--As a part of the certification process,  
30 teachers certified in the education of blind and visually  
31 impaired students shall be required to demonstrate competence

1 in reading, writing, and teaching braille pursuant to  
2 standards adopted by the Department of Education, comparable  
3 to the braille reading and writing standards adopted by the  
4 National Library Service for the Blind and Physically  
5 Handicapped, Library of Congress, Washington, D.C. The  
6 department shall ensure that teachers of students with visual  
7 impairments have access to inservice instruction for the  
8 purpose of updating their braille skill competence.

9 Section 722. Section 1012.57, Florida Statutes, is  
10 created to read:

11 1012.57 Certification of adjunct educators.--

12 (1) Notwithstanding the provisions of ss. 1012.32,  
13 1012.55, and 1012.56, or any other provision of law or rule to  
14 the contrary, district school boards may issue an adjunct  
15 teaching certificate to any applicant who fulfills the  
16 requirements of s. 1012.56(2)(a)-(f) and who has expertise in  
17 the subject area to be taught. An applicant shall be  
18 considered to have expertise in the subject area to be taught  
19 if the applicant has at least a minor in the subject area or  
20 demonstrates sufficient subject area mastery as determined by  
21 district school board policy. The adjunct teaching certificate  
22 shall be used for part-time teaching positions. The intent of  
23 this provision is to allow school districts to tap the wealth  
24 of talent and expertise represented in Florida's citizens who  
25 may wish to teach part-time in a Florida public school by  
26 permitting school districts to issue adjunct certificates.  
27 Adjunct certificateholders should be used as a strategy to  
28 reduce the teacher shortage; thus, adjunct certificateholders  
29 should supplement a school's instructional staff, not supplant  
30 it. Each school principal shall assign an experienced peer  
31 mentor to assist the adjunct teaching certificateholder during

1 the certificateholder's first year of teaching, and an adjunct  
2 certificateholder may participate in a district's new teacher  
3 training program. District school boards shall provide the  
4 adjunct teaching certificateholder an orientation in classroom  
5 management prior to assigning the certificateholder to a  
6 school. Each adjunct teaching certificate is valid for 5  
7 school years and is renewable if:

8 (a) The applicant completes a minimum of 60 inservice  
9 points or 3 semester hours of college credit. The earned  
10 credits must include instruction in classroom management,  
11 district school board procedures, school culture, and other  
12 activities that enhance the professional teaching skills of  
13 the certificateholder.

14 (b) The applicant has received satisfactory  
15 performance evaluations during each year of teaching under  
16 adjunct teaching certification.

17 (2) Individuals who are certified and employed  
18 pursuant to this section shall have the same rights and  
19 protection of laws as teachers certified pursuant to s.  
20 1012.56.

21 Section 723. Section 1012.575, Florida Statutes, is  
22 created to read:

23 1012.575 Alternative preparation programs for  
24 certified teachers to add additional coverage.--A district  
25 school board may design alternative teacher preparation  
26 programs to enable persons already certificated to add an  
27 additional coverage to their certificates. Each alternative  
28 teacher preparation program shall be reviewed and approved by  
29 the Department of Education to assure that persons who  
30 complete the program are competent in the necessary areas of  
31 subject matter specialization. Two or more school districts

1 may jointly participate in an alternative preparation program  
2 for teachers.

3 Section 724. Section 1012.58, Florida Statutes, is  
4 created to read:

5 1012.58 Transition to Teaching Program.--

6 (1) LEGISLATIVE INTENT.--The Transition to Teaching  
7 Program is created to encourage and assist midcareer  
8 professionals who want to become teachers.

9 (2) GRANTS; ELIGIBLE APPLICANTS.--

10 (a) The Commissioner of Education shall design the  
11 process for receiving and evaluating grant proposals in  
12 accordance with state and federal appropriations guidelines.  
13 Grants may be awarded only to the extent that funding is  
14 provided.

15 (b) The Commissioner of Education shall request  
16 proposals from eligible applicants to participate in the  
17 program. Each application must:

18 1. Describe the target group of career-changing  
19 professionals upon which the applicant will focus in carrying  
20 out its program, including a description of the  
21 characteristics of the target group that shows how the  
22 knowledge and experience of its members are likely to improve  
23 their ability to become effective teachers.

24 2. Describe how the applicant will identify and  
25 recruit program participants.

26 3. Describe how the applicant will ensure that program  
27 participants are placed and teach in eligible school districts  
28 in this state.

29 4. Describe the teacher support services that program  
30 participants will receive throughout at least their first year  
31 of teaching.

1           5. Describe how the applicant will collaborate with  
2 other institutions, agencies, or organizations to recruit,  
3 train, place, and support program participants, including  
4 evidence of the commitment of those institutions, agencies, or  
5 organizations to the applicant's program.

6           (c) The Commissioner of Education must require an  
7 evaluation process to measure the progress and effectiveness  
8 of the program. This evaluation must include:

9           1. The program's goals and objectives.

10           2. The performance indicators that the applicant will  
11 use to measure the program's progress.

12           3. The outcome measures that will be used to determine  
13 the program's effectiveness.

14           4. An assurance that the applicant will provide the  
15 commissioner with information the commissioner finds necessary  
16 to determine the overall effectiveness of the programs.

17           (3) PROGRAM IMPLEMENTATION; AUTHORIZED EXPENDITURES.--

18           (a) An applicant shall estimate the funds required for  
19 the proposed program. All funds provided for a program must be  
20 used as authorized in federal guidelines.

21           (b) Eligible applicants are encouraged to implement  
22 the program using the following components:

23           1. Recruiting program participants, including  
24 informing them of opportunities under the program and putting  
25 them in contact with other institutions, agencies, or  
26 organizations that will train, place, and support them in the  
27 teaching profession.

28           2. Assisting providers of teacher training to tailor  
29 their training to meet the particular needs of professionals  
30 who are changing their careers to teaching.

31

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 725. Section 1012.585, Florida Statutes, is  
21 created to read:

22           1012.585 Process for renewal of professional  
23 certificates.--

24           (1)(a) School districts in this state shall renew  
25 state-issued professional certificates as follows:

26           1. Each school district 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

1           2. The employing school district may charge the  
2 individual an application fee not to exceed the amount charged  
3 by the Department of Education for such services, including  
4 associated late renewal fees. Each district school board  
5 shall transmit monthly to the department a fee in an amount  
6 established by the State Board of Education for each renewed  
7 certificate. The fee shall not exceed the actual cost for  
8 maintenance and operation of the statewide certification  
9 database and for the actual costs incurred in printing and  
10 mailing such renewed certificates. As defined in current rules  
11 of the state board, the department shall contribute a portion  
12 of such fee for purposes of funding the Educator Recovery  
13 Network established in s. 1012.798. The department shall  
14 deposit all funds into the Educational Certification Trust  
15 Fund for use as specified in s. 1012.59.

16           (b) The department shall renew state-issued  
17 professional certificates for individuals who are not employed  
18 by a district school board of this state pursuant to criteria  
19 established in subsections (2), (3), and (4) and requirements  
20 specified in rules of the state board.

21           (2)(a) All professional certificates, except a  
22 nonrenewable professional certificate, shall be renewable for  
23 successive periods not to exceed 5 years after the date of  
24 submission of documentation of completion of the requirements  
25 for renewal provided in subsection (3). Only one renewal may  
26 be granted during each 5-year validity period of a  
27 professional certificate.

28           (b) A teacher with national certification from the  
29 National Board for Professional Teaching Standards is deemed  
30 to meet state renewal requirements for the life of the  
31

1 teacher's national certificate in the subject shown on the  
2 national certificate.

3 (c) If the renewal application form is not received by  
4 the department or by the employing school district before the  
5 expiration of the professional certificate, the application  
6 form, application fee, and a late fee must be submitted before  
7 July 1 of the year following expiration of the certificate in  
8 order to renew the professional certificate.

9 (d) The State Board of Education shall adopt rules to  
10 allow a 1-year extension of the validity period of a  
11 professional certificate in the event of serious illness,  
12 injury, or other extraordinary extenuating circumstances of  
13 the applicant. The department shall grant such 1-year  
14 extension upon written request by the applicant or by the  
15 district school superintendent or the governing authority of a  
16 university lab school, state-supported school, or private  
17 school that employs the applicant.

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

20 (a) The applicant must earn a minimum of 6 college  
21 credits or 120 inservice points or a combination thereof. For  
22 each area of specialization to be retained on a certificate,  
23 the applicant must earn at least 3 of the required credit  
24 hours or equivalent inservice points in the specialization  
25 area. Education in "clinical educator" training pursuant to s.  
26 1004.04(5)(b) and credits or points that provide training in  
27 the area of exceptional student education, normal child  
28 development, and the disorders of development may be applied  
29 toward any specialization area. Credits or points that provide  
30 training in the areas of drug abuse, child abuse and neglect,  
31 strategies in teaching students having limited proficiency in



1 English, or dropout prevention, or training in areas  
2 identified in the educational goals and performance standards  
3 adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied  
4 toward any specialization area. Credits or points earned  
5 through approved summer institutes may be applied toward the  
6 fulfillment of these requirements. Inservice points may also  
7 be earned by participation in professional growth components  
8 approved by the State Board of Education and specified  
9 pursuant to s. 1012.98 in the district's approved master plan  
10 for inservice educational training, including, but not limited  
11 to, serving as a trainer in an approved teacher training  
12 activity, serving on an instructional materials committee or a  
13 state board or commission that deals with educational issues,  
14 or serving on an advisory council created pursuant to s.  
15 229.58.

16 (b) In lieu of college course credit or inservice  
17 points, the applicant may renew a specialization area by  
18 passage of a state board approved subject area test.

19 (c) If an applicant wishes to retain more than two  
20 specialization areas on the certificate, the applicant shall  
21 be permitted two successive validity periods for renewal of  
22 all specialization areas, but must earn no fewer than 6  
23 college course credit hours or the equivalent in any one  
24 validity period.

25 (d) The State Board of Education shall adopt rules for  
26 the expanded use of training for renewal of the professional  
27 certificate for educators who are required to complete  
28 training in teaching students of limited English proficiency  
29 as follows:

30 1. A teacher who holds a professional certificate may  
31 use college credits or inservice points completed in

1 English-for-Speakers-of-Other-Languages training in excess of  
2 6 semester hours during one certificate-validity period toward  
3 renewal of the professional certificate during the subsequent  
4 validity periods.

5 2. A teacher who holds a temporary certificate may use  
6 college credits or inservice points completed in  
7 English-for-Speakers-of-Other-Languages training toward  
8 renewal of the teacher's first professional certificate. Such  
9 training must not have been included within the degree  
10 program, and the teacher's temporary and professional  
11 certificates must be issued for consecutive school years.

12 (4) When any person who holds a valid temporary  
13 certificate or professional certificate is called into or  
14 volunteers for actual wartime service or required peacetime  
15 military service training, the certificate shall be renewed  
16 for a period of time equal to the time spent in military  
17 service if the person makes proper application and presents  
18 substantiating evidence to the department or the employing  
19 school district regarding such military service.

20 (5) The State Board of Education shall adopt rules to  
21 allow the reinstatement of expired professional certificates.  
22 The department may reinstate an expired professional  
23 certificate if the certificateholder:

24 (a) Submits an application for reinstatement of the  
25 expired certificate.

26 (b) Documents completion of 6 college credits during  
27 the 5 years immediately preceding reinstatement of the expired  
28 certificate, completion of 120 inservice points, or a  
29 combination thereof, in an area specified in paragraph (3)(a).

30 (c) During the 5 years immediately preceding  
31 reinstatement of the certificate, achieves a passing score on

1 the subject area test for each subject to be shown on the  
2 reinstated certificate.

3  
4 The requirements of this subsection may not be satisfied by  
5 subject area tests or college credits completed for issuance  
6 of the certificate that has expired.

7 Section 726. Section 1012.59, Florida Statutes, is  
8 created to read:

9 1012.59 Certification fees.--

10 (1) The State Board of Education, by rule, shall  
11 establish separate fees for applications, examinations,  
12 certification, certification renewal, late renewal,  
13 recordmaking, and recordkeeping, and may establish procedures  
14 for scheduling and administering an examination upon an  
15 applicant's request. Each fee shall be based on department  
16 estimates of the revenue required to implement the provisions  
17 of law with respect to certification of school personnel. The  
18 application fee shall be nonrefundable. Each examination fee  
19 shall be sufficient to cover the actual cost of developing and  
20 administering the examination, but shall not exceed \$100 for  
21 an examination.

22 (2) The proceeds from the collection of certification  
23 fees, fines, penalties, and costs levied pursuant to this  
24 chapter shall be remitted by the Department of Education to  
25 the Treasurer for deposit into a separate fund to be known as  
26 the "Educational Certification and Service Trust Fund" and  
27 disbursed for the payment of expenses incurred by the  
28 Educational Practices Commission and in the printing of forms  
29 and bulletins and the issuing of certificates, upon vouchers  
30 approved by the department.

31

1           Section 727. Section 1012.595, Florida Statutes, is  
2 created to read:

3           1012.595 Saving clause.--Each applicant who was issued  
4 a certificate by the Department of Education prior to June 25,  
5 1986, shall be entitled to hold such certificate. Henceforth,  
6 such certificate shall be renewed in accordance with the  
7 provisions of chapter 86-156, Laws of Florida. No judicial or  
8 administrative proceeding against a holder of a certificate  
9 shall be abated as a result of the reenactment of this  
10 chapter.

11           Section 728. Part III.e. of chapter 1012 shall be  
12 entitled "Leave, Retirement, Workers' Compensation (Public  
13 Schools)" and shall consist of ss. 1012.61-1012.695.

14           Section 729. Section 1012.61, Florida Statutes, is  
15 created to read:

16           1012.61 Sick leave.--

17           (1) ELIGIBILITY.--Any member of the instructional  
18 staff or any other employee of a district school system  
19 employed on a full-time basis in the public schools of the  
20 state who is unable to perform his or her duty in the school  
21 on account of personal sickness, accident disability, or  
22 extended personal illness, or because of illness or death of  
23 father, mother, brother, sister, husband, wife, child, other  
24 close relative, or member of his or her own household, and  
25 consequently has to be absent from his or her work shall be  
26 granted leave of absence for sickness by the district school  
27 superintendent or by someone designated in writing by the  
28 district school superintendent to do so.

29           (2) PROVISIONS GOVERNING SICK LEAVE.--The following  
30 provisions shall govern sick leave:

31           (a) Extent of leave.--

1           1. Each member of the instructional staff employed on  
2 a full-time basis is entitled to 4 days of sick leave as of  
3 the first day of employment of each contract year and shall  
4 thereafter earn 1 day of sick leave for each month of  
5 employment, which shall be credited to the member at the end  
6 of that month and which may not be used before it is earned  
7 and credited to the member. Each other employee shall be  
8 credited with 4 days of sick leave at the end of the first  
9 month of employment of each contract year and shall thereafter  
10 be credited for 1 day of sick leave for each month of  
11 employment, which shall be credited to the employee at the end  
12 of the month and which may not be used before it is earned and  
13 credited to the employee. However, each member of the  
14 instructional staff and each other employee is entitled to  
15 earn no more than 1 day of sick leave times the number of  
16 months of employment during the year of employment. If the  
17 employee terminates his or her employment and has not accrued  
18 the 4 days of sick leave available to him or her, the district  
19 school board may withhold the average daily amount for the  
20 days of sick leave used but unearned by the employee. Such  
21 leave may be taken only when necessary because of sickness as  
22 prescribed in this section. The sick leave shall be  
23 cumulative from year to year. There shall be no limit on the  
24 number of days of sick leave which a member of the  
25 instructional staff or an educational support employee may  
26 accrue, except that at least one-half of this cumulative leave  
27 must be established within the district granting such leave.

28           2. A district school board may establish policies and  
29 prescribe standards to permit an employee to be absent 6 days  
30 each school year for personal reasons. However, such absences  
31

1 for personal reasons must be charged only to accrued sick  
2 leave, and leave for personal reasons is noncumulative.

3 3. District school boards may adopt rules permitting  
4 the annual payment for accumulated sick leave that is earned  
5 for that year and that is unused at the end of the school  
6 year, based on the daily rate of pay of the employee  
7 multiplied by up to 80 percent. Days for which such payment  
8 is received shall be deducted from the accumulated leave  
9 balance. Such annual payment may apply only to instructional  
10 staff and educational support employees.

11 4. A district school board may establish policies to  
12 provide terminal pay for accumulated sick leave to  
13 instructional staff and educational support employees of the  
14 district school board. If termination of employment is by  
15 death of the employee, any terminal pay to which the employee  
16 may have been entitled may be made to his or her beneficiary.  
17 However, such terminal pay may not exceed an amount determined  
18 as follows:

19 a. During the first 3 years of service, the daily rate  
20 of pay multiplied by 35 percent times the number of days of  
21 accumulated sick leave.

22 b. During the next 3 years of service, the daily rate  
23 of pay multiplied by 40 percent times the number of days of  
24 accumulated sick leave.

25 c. During the next 3 years of service, the daily rate  
26 of pay multiplied by 45 percent times the number of days of  
27 accumulated sick leave.

28 d. During the next 3 years of service, the daily rate  
29 of pay multiplied by 50 percent times the number of days of  
30 accumulated sick leave.

31

1           e. During and after the 13th year of service, the  
2 daily rate of pay multiplied by 100 percent times the number  
3 of days of accumulated sick leave.

4           5. A district school board may establish policies to  
5 provide terminal pay for accumulated sick leave to any  
6 full-time employee of the district school board other than  
7 instructional staff or educational support employees as  
8 defined in this section. If termination of the employee is by  
9 death of the employee, any terminal pay to which the employee  
10 may have been entitled may be made to the employee's  
11 beneficiary.

12           a. Terminal pay may not exceed one-fourth of all  
13 unused sick leave accumulated on or after July 1, 2001, and  
14 may not exceed a maximum of 60 days of actual payment. This  
15 limit does not impair any contractual agreement established  
16 before July 1, 2001; however, a previously established  
17 contract renewed on or after July 1, 2001, constitutes a new  
18 contract.

19           b. For unused sick leave accumulated before July 1,  
20 2001, terminal payment shall be made pursuant to a district  
21 school board's policies, contracts, or rules that are in  
22 effect on June 30, 2001.

23           c. If an employee has an accumulated sick leave  
24 balance of 60 days of actual payment or more prior to July 1,  
25 2001, sick leave earned after that date may not be accumulated  
26 for terminal pay purposes until the accumulated leave balance  
27 for leave earned before July 1, 2001, is less than 60 days.

28           (b) Claim must be filed.--Any district school board  
29 employee who finds it necessary to be absent from his or her  
30 duties because of illness, as defined in this section, shall  
31 notify his or her immediate supervisor, if possible, before

1 the beginning of the workday on which the employee must be  
2 absent or during that day, except for emergency reasons  
3 recognized by the district school board as valid. Any  
4 district school board employee shall, before claiming and  
5 receiving compensation for the time absent from his or her  
6 duties while absent because of sick leave as prescribed in  
7 this section, make and file within 5 working days following  
8 his or her return from such absence with the district school  
9 superintendent of the district in which he or she is so  
10 employed a written certificate which shall set forth the day  
11 or days absent, that such absence was necessary, and that the  
12 employee is entitled or not entitled to receive pay for such  
13 absence in accordance with the provisions of this section;  
14 however, the district school board of any district may adopt  
15 rules under which the district school superintendent may  
16 require a certificate of illness from a licensed physician or  
17 from the county health officer.

18 (c) Compensation.--Any employee having unused sick  
19 leave credit shall receive full-time compensation for the time  
20 justifiably absent on sick leave, but no compensation may be  
21 allowed beyond that which may be provided in subsection (4).

22 (d) Expenditure authorized.--District school boards  
23 may expend public funds for payment to employees on account of  
24 sickness. The expending and excluding of such funds shall be  
25 in compliance with rules adopted by the Department of  
26 Management Services pursuant to chapter 650.

27 (e) Use by family member.--Each district school system  
28 must provide a policy under which a district employee may  
29 authorize his or her spouse, child, parent, or sibling who is  
30 also a district employee to use sick leave that has accrued to  
31 the authorizing employee. In developing the policy, the



1 district school board must provide that the recipient may not  
2 use the donated sick leave until all of his or her sick leave  
3 has been depleted, excluding sick leave from a sick leave  
4 pool, if the recipient participates in a sick leave pool.  
5 Donated sick leave under this paragraph shall have no terminal  
6 value as provided in s. 1012.61(2).

7 (3) SICK LEAVE POOL.--Notwithstanding any other  
8 provision of this section, a district school board, based upon  
9 the maintenance of reliable and accurate records by the  
10 district school system showing the amount of sick leave which  
11 has been accumulated and is unused by employees in accordance  
12 with this section, may, by rule or collective bargaining  
13 agreement, establish one or more plans allowing participating  
14 full-time employees of a district school system to pool sick  
15 leave accrued and allowing any sick leave thus pooled to be  
16 disbursed to any participating employee who is in need of sick  
17 leave in excess of that amount he or she has personally  
18 accrued. Such rules or agreements shall include, but not be  
19 limited to, the following provisions:

20 (a) Participation in any sick leave pool shall at all  
21 times be voluntary on the part of employees.

22 (b) Any full-time employee shall be eligible for  
23 participation in any sick leave pool after 1 year of  
24 employment with the district school system, provided the  
25 employee has accrued a minimum amount of unused sick leave,  
26 which shall be established by rule and provided further, a  
27 sick leave pool is established that allows participation by  
28 that particular employee.

29 (c) Any sick leave pooled pursuant to this section  
30 shall be removed from the personally accumulated sick leave  
31 balance of the employee donating such leave.

1       (d) Participating employees shall make equal  
2 contributions to the sick leave pool. There shall be  
3 established a maximum amount of sick leave which may be  
4 contributed by an employee to the pool. After the initial  
5 contribution which an employee makes upon electing to  
6 participate, no further contributions shall be required except  
7 as may be necessary to replenish the pool. Any such further  
8 contribution shall be equally required of all employees  
9 participating in the pool.

10       (e) Any sick leave time drawn from the pool by a  
11 participating employee must be used for said employee's  
12 personal illness, accident, or injury.

13       (f) A participating employee is not eligible to use  
14 sick leave from the pool until all of his or her sick leave  
15 has been depleted, unless otherwise agreed to in a collective  
16 bargaining agreement. There shall be established a maximum  
17 number of days for which an employee may draw sick leave from  
18 the sick leave pool.

19       (g) A participating employee who uses sick leave from  
20 the pool is not required to recontribute such sick leave to  
21 the pool, except as otherwise provided in this section.

22       (h) A participating employee who chooses to no longer  
23 participate in the sick leave pool is not eligible to withdraw  
24 any sick leave already contributed to the pool.

25       (i) Alleged abuse of the use of the sick leave pool  
26 shall be investigated and, on a finding of wrongdoing, the  
27 employee shall repay all of the sick leave credits drawn from  
28 the sick leave pool and be subject to such other disciplinary  
29 action as determined by the district school board to be  
30 appropriate. Rules adopted for the administration of this  
31 program shall provide for the investigation of the use of sick

1 leave utilized by the participating employee in the sick leave  
2 pool.

3 Section 730. Section 1012.62, Florida Statutes, is  
4 created to read:

5 1012.62 Transfer of sick leave and annual leave.--In  
6 implementing the provisions of ss. 1001.42(4)(n) and  
7 402.22(1)(d), educational personnel in Department of Children  
8 and Family Services residential care facilities who are  
9 employed by a district school board may request, and the  
10 district school board shall accept, a lump-sum transfer of  
11 accumulated sick leave for such personnel to the maximum  
12 allowed by policies of the district school board,  
13 notwithstanding the provisions of s. 110.122. Educational  
14 personnel in Department of Children and Family Services  
15 residential care facilities who are employed by a district  
16 school board under the provisions of s. 402.22(1)(d) may  
17 request, and the district school board shall accept, a  
18 lump-sum transfer of accumulated annual leave for each person  
19 employed by the district school board in a position in the  
20 district eligible to accrue vacation leave under policies of  
21 the district school board.

22 Section 731. Section 1012.63, Florida Statutes, is  
23 created to read:

24 1012.63 Illness-in-line-of-duty leave.--Any district  
25 school board employee shall be entitled to  
26 illness-in-line-of-duty leave when he or she has to be absent  
27 from his or her duties because of a personal injury received  
28 in the discharge of duty or because of illness from any  
29 contagious or infectious disease contracted in school work.  
30 The following requirements shall be observed:  
31

1           (1) DURATION OF LEAVE AND COMPENSATION.--Leave of the  
2 district school board employee shall be authorized for a total  
3 of not to exceed 10 school days during any school year for  
4 illness contracted, or injury incurred, from the causes  
5 prescribed above. However, in the case of sickness or injury  
6 occurring under such circumstances as in the opinion of the  
7 district school board warrant it, additional emergency sick  
8 leave may be granted out of local funds for such term and  
9 under such conditions as the district school board deems  
10 proper. The district school board may carry insurance to  
11 safeguard the district school board against excessive payments  
12 during any year.

13           (2) CLAIMS.--Any district school board employee who  
14 has any claim for compensation while absent because of illness  
15 contracted or injury incurred as prescribed herein shall file  
16 a claim in the manner prescribed in s. 1012.61(2)(b) within 5  
17 working days following the employee's return from such  
18 absence. The school board of the district in which such person  
19 is employed shall approve the claims and authorize the payment  
20 thereof if the district school board is satisfied that the  
21 claim correctly states the facts and that the claim is  
22 entitled to payment in accordance with the provisions of this  
23 section.

24           Section 732. Section 1012.64, Florida Statutes, is  
25 created to read:

26           1012.64 Sabbatical leave.--

27           (1) Any member of the instructional staff of any  
28 school district may be granted sabbatical leave for a period  
29 not to exceed 1 year. A person who receives such leave may be  
30 paid one-half of his or her ordinary salary during the period  
31 of such leave, or in accordance with negotiated agreement or

1 district school board policy, and shall receive full benefits  
2 during such period. A person compensated under this section  
3 may not be compensated for other employment during the period  
4 of sabbatical leave so that he or she would receive combined  
5 compensation in excess of his or her ordinary salary.

6 (2) Funds, not to exceed 25 percent, of the district's  
7 allocation for inservice training under s. 1011.62(3) or other  
8 district funds may be expended in order to fulfill the  
9 provisions of this section, provided that the district  
10 allocates \$5 of district funds for each \$1 of state inservice  
11 training funds expended under this subsection.

12 (3) Each district school board shall adopt rules to  
13 implement this section.

14 Section 733. Section 1012.65, Florida Statutes, is  
15 created to read:

16 1012.65 Terminal pay for accrued vacation leave.--A  
17 district school board may establish policies to provide for a  
18 lump-sum payment for accrued vacation leave to an employee of  
19 the district school board upon termination of employment or  
20 upon retirement, or to the employee's beneficiary if service  
21 is terminated by death. Effective July 1, 2001, terminal pay  
22 for accrued vacation leave may not exceed a maximum of 60 days  
23 of actual payment. This limit does not impair any contractual  
24 agreement established before July 1, 2001. For unused vacation  
25 leave accumulated before July 1, 2001, terminal payment shall  
26 be made pursuant to the district school board's policies,  
27 contracts, or rules that are in effect on June 30, 2001.

28 Section 734. Section 1012.66, Florida Statutes, is  
29 created to read:

30 1012.66 Provisions for leaves of absence.--All leaves  
31 of absence for all district school board employees, except

1 those leaves prescribed by law, shall be granted with or  
2 without compensation pursuant to rules adopted by the district  
3 school board. Such leaves authorized by the district school  
4 board shall include, but are not limited to, professional  
5 leave and extended professional leave, personal leave,  
6 military leave granted in compliance with chapter 115, and  
7 maternity leave.

8 Section 735. Section 1012.67, Florida Statutes, is  
9 created to read:

10 1012.67 Absence without leave.--Any district school  
11 board employee who is willfully absent from duty without leave  
12 shall forfeit compensation for the time of such absence, and  
13 his or her employment shall be subject to termination by the  
14 district school board.

15 Section 736. Section 1012.68, Florida Statutes, is  
16 created to read:

17 1012.68 Records of absences.--The administrator of  
18 each designated organizational unit shall see that both the  
19 days present and the days absent for each employee are  
20 reported to the district school superintendent at least once  
21 each month in the manner prescribed for that purpose. This  
22 report shall include the exact dates of, and the reasons for,  
23 each absence. Each district school superintendent shall  
24 establish procedures to ensure maintenance of the complete  
25 records of all such absences.

26 Section 737. Section 1012.685, Florida Statutes, is  
27 created to read:

28 1012.685 Retirement; annuities authorized.--  
29 (1) District school boards may purchase annuities for  
30 all school personnel with 25 or more years of creditable  
31 service who have reached age 50 and have applied for

1 retirement under the Florida Retirement System or who have  
2 reached age 55 and have applied for retirement under plan E of  
3 the Teachers' Retirement System. No such annuity shall provide  
4 for more than the total difference in retirement income  
5 between the retirement benefit based on average monthly  
6 compensation and creditable service as of the member's early  
7 retirement date and the early retirement benefit.

8 (2) District school boards may purchase annuities for  
9 members of the Florida Retirement System who have out-of-state  
10 teaching service in another state or country which is  
11 documented as valid by the appropriate district school board.  
12 Such annuities may be based on no more than 5 years of  
13 out-of-state teaching service and may equal, but not exceed,  
14 the benefits that would be payable under the Florida  
15 Retirement System if credit for out-of-state teaching was  
16 authorized under that system.

17 (3) District school boards may invest funds, purchase  
18 annuities, or provide local supplemental retirement programs  
19 for purposes of providing annuities for school personnel.

20 (4) All retirement annuities shall comply with s. 14,  
21 Art. X of the State Constitution.

22 Section 738. Section 1012.69, Florida Statutes, is  
23 created to read:

24 1012.69 Provisions relating to Workers' Compensation  
25 Law.--Nothing contained in this chapter shall supersede any of  
26 the provisions of the Workers' Compensation Law; provided,  
27 however, that where amounts payable under the provisions of  
28 the school code, for injuries, accidents, or other  
29 disabilities which would entitle an employee to compensation  
30 under the provisions of the Workers' Compensation Law exceed  
31 the amounts payable under the compensation law, payments shall

1 be made, as provided in the school code, for the difference  
2 between the amount paid under the Workers' Compensation Law  
3 and the amount due under the provisions of the school code.

4 Section 739. Section 1012.695, Florida Statutes, is  
5 created to read:

6 1012.695 Local civil service system laws not  
7 superseded.--Sections 1012.66, 1012.61, and 1012.63 shall not  
8 be construed to supersede or modify any local law establishing  
9 a civil service system covering employees of any school  
10 district.

11 Section 740. Part III.f. of chapter 1012 shall be  
12 entitled "Educator Benefits; liability protection; awards  
13 (Public Schools)" and shall consist of ss. 1012.71-1012.77.

14 Section 741. Section 1012.71, Florida Statutes, is  
15 created to read:

16 1012.71 The Florida Teachers Lead Program Stipend.--

17 (1) Funding for the Florida Teachers Lead Program  
18 Stipend shall be as determined by the Legislature in the  
19 General Appropriations Act. Funds appropriated for the Florida  
20 Teachers Lead Program Stipend are provided to purchase  
21 classroom materials and supplies used in the instruction of  
22 students in kindergarten through grade 12 of the public school  
23 system. From the funds appropriated, the Commissioner of  
24 Education shall calculate an amount for each school district  
25 by prorating the total of each school district's share of the  
26 total K-12 unweighted FTE student enrollment.

27 (2) From the funds allocated to each district, the  
28 district school board shall calculate an identical amount for  
29 each classroom teacher which is his or her proportionate share  
30 of the amount allocated to the district for the total number  
31 of teachers in the district. The district school board shall



1 provide the funds no later than September 30 of each year  
2 directly to each teacher as a stipend to purchase, on behalf  
3 of the school district, classroom materials and supplies to be  
4 used in the instruction of students assigned to the teacher.  
5 Each teacher shall have sole discretion regarding which  
6 classroom materials and supplies best meet the needs of the  
7 students, when they are needed, and where they are acquired.  
8 The funds expended by individual teachers shall not be subject  
9 to state or local competitive bidding requirements.  
10 Disbursement of Florida Teachers Lead Program Stipend funds  
11 directly to each teacher shall complete the school district's  
12 expenditure of these funds.

13 (3) Each teacher shall sign a statement acknowledging  
14 receipt of the funds, agreeing to keep receipts to show the  
15 expenditure of the funds used to purchase classroom materials  
16 and supplies for use in the instruction of the students  
17 assigned to them, and agreeing to return any unused funds by  
18 the end of the regular school year. The statement to be signed  
19 and dated by each teacher for receipt of the Florida Teachers  
20 Lead Program Stipend shall include the wording: "I, ...(Name  
21 of teacher)..., am employed by the .... County District School  
22 Board as a full-time classroom teacher. I acknowledge that  
23 Florida Teachers Lead Program Stipend funds are appropriated  
24 by the Legislature for the sole purpose of purchasing  
25 classroom materials and supplies to be used in the instruction  
26 of students assigned to me. In accepting custody of these  
27 funds, I agree to keep receipts for all expenditures. I  
28 understand that if I do not keep receipts showing these funds  
29 were spent to purchase classroom materials and supplies for  
30 use with my students, it will be my personal responsibility to  
31 pay any federal taxes due on these funds. I also agree to

1 return any unused funds to the district school board at the  
2 end of the regular school year for deposit into the School  
3 Advisory Council account of the school at which I was employed  
4 at the time of the receipt of the funds."

5 (4) Florida Teachers Lead Program Stipend funds shall  
6 be provided to each teacher in addition to any other funds  
7 appropriated for public school operations.

8 (5) Any unused funds which are returned to the  
9 district school board shall be deposited into the School  
10 Advisory Council account of the school at which the teacher  
11 returning the funds was employed at the time of the receipt of  
12 the funds.

13 (6) For purposes of this section, the term "classroom  
14 teacher" includes certified teachers employed on or before  
15 September 1 of each year whose full-time job responsibility is  
16 the classroom instruction of students in kindergarten through  
17 grade 12, and full-time media specialists and guidance  
18 counselors who serve students in kindergarten through grade  
19 12. Only school district personnel employed in these positions  
20 are eligible for the classroom materials and supply stipend  
21 from funds appropriated to implement the provisions of this  
22 section.

23 Section 742. Section 1012.72, Florida Statutes, is  
24 created to read:

25 1012.72 Excellent Teaching Program.--

26 (1) The Legislature recognizes that teachers play a  
27 critical role in preparing students to achieve the high levels  
28 of academic performance expected by the Sunshine State  
29 Standards. The Legislature further recognizes the importance  
30 of identifying and rewarding teaching excellence and of  
31 encouraging good teachers to become excellent teachers. The

1 Legislature finds that the National Board of Professional  
2 Teaching Standards (NBPTS) has established high and rigorous  
3 standards for accomplished teaching and has developed a  
4 national voluntary system for assessing and certifying  
5 teachers who demonstrate teaching excellence by meeting those  
6 standards. It is therefore the Legislature's intent to provide  
7 incentives for teachers to seek NBPTS certification and to  
8 reward teachers who demonstrate teaching excellence by  
9 attaining NBPTS certification and sharing their expertise with  
10 other teachers.

11 (2) The Excellent Teaching Program is created to  
12 provide monetary incentives and bonuses for teaching  
13 excellence. The Department of Education shall distribute to  
14 each school district or to the NBPTS an amount as prescribed  
15 annually by the Legislature for the Excellent Teaching  
16 Program. For purposes of this section, the Florida School for  
17 the Deaf and the Blind shall be considered a school district.  
18 Unless otherwise provided in the General Appropriations Act,  
19 each distribution shall be the sum of the amounts earned for  
20 the following incentives and bonuses:

21 (a) A fee subsidy to be paid by the Department of  
22 Education to the NBPTS on behalf of each individual who is an  
23 employee of a district school board or a public school within  
24 the school district, who is certified by the district to have  
25 demonstrated satisfactory teaching performance pursuant to s.  
26 1012.34 and who satisfies the prerequisites for participating  
27 in the NBPTS certification program, and who agrees, in  
28 writing, to pay 10 percent of the NBPTS participation fee and  
29 to participate in the NBPTS certification program during the  
30 school year for which the fee subsidy is provided. The fee  
31 subsidy for each eligible participant shall be an amount equal

1 to 90 percent of the fee charged for participating in the  
2 NBPTS certification program. The fee subsidy is a one-time  
3 award and may not be duplicated for any individual.

4 (b) A portfolio-preparation incentive of \$150 paid by  
5 the Department of Education to each teacher employed by a  
6 district school board or a public school within a school  
7 district who is participating in the NBPTS certification  
8 program. The portfolio-preparation incentive is a one-time  
9 award paid during the school year for which the NBPTS fee  
10 subsidy is provided.

11 (c) An annual bonus equal to 10 percent of the prior  
12 fiscal year's statewide average salary for classroom teachers  
13 to be distributed to the school district to be paid to each  
14 individual who holds NBPTS certification and is employed by  
15 the district school board or by a public school within the  
16 school district. The district school board shall distribute  
17 the annual bonus to each individual who meets the requirements  
18 of this paragraph and who is certified annually by the  
19 district to have demonstrated satisfactory teaching  
20 performance pursuant to s. 1012.34. The annual bonus may be  
21 paid as a single payment or divided into not more than three  
22 payments.

23 (d) An annual bonus equal to 10 percent of the prior  
24 fiscal year's statewide average salary for classroom teachers  
25 to be distributed to the school district to be paid to each  
26 individual who meets the requirements of paragraph (c) and  
27 agrees, in writing, to provide the equivalent of 12 workdays  
28 of mentoring and related services to public school teachers  
29 within the state who do not hold NBPTS certification. The  
30 district school board shall distribute the annual bonus in a  
31 single payment following the completion of all required

1 mentoring and related services for the year. It is not the  
2 intent of the Legislature to remove excellent teachers from  
3 their assigned classrooms; therefore, credit may not be  
4 granted by a school district or public school for mentoring or  
5 related services provided during student contact time during  
6 the 196 days of required service for the school year.

7  
8 A teacher for whom the state pays the certification fee and  
9 who does not complete the certification program or does not  
10 teach in a public school of this state for at least 1 year  
11 after completing the certification program must repay the  
12 amount of the certification fee to the state. However, a  
13 teacher who completes the certification program but fails to  
14 be awarded NBPTS certification is not required to repay the  
15 amount of the certification fee if the teacher meets the  
16 1-year teaching requirement. Repayment is not required of a  
17 teacher who does not complete the certification program or  
18 fails to fulfill the teaching requirement because of the  
19 teacher's death or disability or because of other extenuating  
20 circumstances as determined by the State Board of Education.

21 (3)(a) In addition to any other remedy available under  
22 the law, any person who is a recipient of a certification fee  
23 subsidy paid to the NBPTS and who is an employee of the state  
24 or any of its political subdivisions is considered to have  
25 consented, as a condition of employment, to the voluntary or  
26 involuntary withholding of wages to repay to the state the  
27 amount of such a certification fee subsidy awarded under this  
28 section. Any such employee who defaults on the repayment of  
29 such a certification fee subsidy must, within 60 days after  
30 service of a notice of default by the Department of Education  
31 to the employee, establish a repayment schedule which must be

1 agreed to by the department and the employee, for repaying the  
2 defaulted sum through payroll deductions. The department may  
3 not require the employee to pay more than 10 percent of the  
4 employee's pay per pay period under such a repayment schedule  
5 or plan. If the employee fails to establish a repayment  
6 schedule within the specified period of time or fails to meet  
7 the terms and conditions of the agreed upon or approved  
8 repayment schedule as authorized by this subsection, the  
9 employee has breached an essential condition of employment and  
10 is considered to have consented to the involuntary withholding  
11 of wages or salary for the repayment of the certification fee  
12 subsidy.

13 (b) A person who is employed by the state, or any of  
14 its political subdivisions, may not be dismissed for having  
15 defaulted on the repayment of the certification fee subsidy to  
16 the state.

17 (4) The State Board of Education may adopt rules  
18 pursuant to ss. 120.536 and 120.54 as necessary to implement  
19 the provisions for payment of the fee subsidies, incentives,  
20 and bonuses and for the repayment of defaulted certification  
21 fee subsidies under this section.

22 (5) The Excellent Teaching Program Trust Fund shall be  
23 administered by the Department of Education pursuant to s.  
24 1010.72.

25 Section 743. Section 1012.73, Florida Statutes, is  
26 created to read:

27 1012.73 Florida Mentor Teacher School Pilot Program.--

28 (1) The Legislature recognizes that high-quality  
29 teachers are essential to assuring excellence and increasing  
30 the achievement levels of all students. The purpose of this  
31 section is to provide a model to reform and improve the

1 current structure of the teaching profession. There is created  
2 a Florida Mentor Teacher School Pilot Program to attract,  
3 retain, and motivate high-quality teachers. The commissioner  
4 shall select a combination of elementary, middle, and high  
5 schools representing small, medium, and large districts. Each  
6 approved school shall receive an equivalent grant based upon  
7 the number of schools selected by the commissioner and the  
8 amount of the legislative appropriation. Each mentor teacher  
9 school program shall be approved based on criteria specified  
10 by the commissioner.

11 (2) The goals of the Florida Mentor Teacher School  
12 Pilot Program are to:

13 (a) Provide teachers with multiple career paths,  
14 beginning as education paraprofessionals and rising to  
15 associate teachers, teachers, lead teachers, and mentor  
16 teachers. The five levels must have highly differentiated  
17 duties. The mentor teacher shall have a reduced teaching  
18 schedule that permits weekly instruction to all students under  
19 the mentor teacher's supervision while also allowing for  
20 demonstration lessons, coaching, facilitating curriculum  
21 development, and providing staff development for other  
22 teachers at the school.

23 (b) Establish broad salary ranges to provide  
24 flexibility and to reward performance and to negotiate  
25 salaries to attract teachers to hard-to-staff schools and  
26 subjects. Advancement shall be determined by academic  
27 achievement, examination, demonstration, and student learning  
28 gains data. Each mentor teacher shall be eligible for a total  
29 annual salary incentive of up to twice the average district  
30 classroom teacher's salary. Fifty percent of the mentor  
31 teacher salary incentive shall be based on increased student

1 achievement of students assigned to the supervision of the  
2 mentor teacher.

3 (c) Provide ongoing professional development for  
4 teachers to learn and grow professionally that includes a  
5 daily block of time for associate teachers, teachers, and lead  
6 teachers to reflect and plan and to interact with the mentor  
7 teacher.

8 (d) Provide all eligible teachers with the opportunity  
9 for national certification.

10 (e) Provide for a specified organizational pattern,  
11 such as clusters or teams of teachers for grade levels or  
12 subject areas comprised of associate teachers, teachers, and  
13 lead teachers who are supported by education paraprofessional  
14 learning guides and directed by a mentor teacher.

15 (3) The five teacher career development positions and  
16 minimum requirements are:

17 (a) Education paraprofessional learning guide.--An  
18 education paraprofessional learning guide must hold an  
19 associate degree from an institution of higher learning and  
20 must demonstrate appropriate writing, speaking, and  
21 computation skills.

22 (b) Associate teacher.--An associate teacher must hold  
23 a bachelor's degree from an institution of higher learning and  
24 a valid Florida teaching certificate as provided by s.  
25 1012.56.

26 (c) Teacher.--A teacher must hold a bachelor's degree  
27 or higher from an institution of higher learning and a valid  
28 Florida teaching certificate, have a minimum of 3 years'  
29 full-time teaching experience, document satisfactory teaching  
30 performance, and document evidence of positive student  
31 learning gains, when data become available.



1           (d) Lead teacher.--A lead teacher must hold a  
2 bachelor's degree or higher from an institution of higher  
3 learning and a valid Florida professional teaching  
4 certificate, have a minimum of 3 years' full-time teaching  
5 experience, document exemplary teaching performance, and  
6 document evidence of significant positive student learning  
7 gains, when data become available. A lead teacher shall  
8 provide intensive support for associate teachers and teachers.

9           (e) Mentor teacher.--A mentor teacher must:

10           1. Hold a bachelor's degree or higher from an  
11 institution of higher learning and a valid Florida  
12 professional teaching certificate.

13           2. Have a minimum of 5 years' full-time teaching  
14 experience.

15           3. Document exemplary teaching performance.

16           4. Document evidence of significant positive student  
17 learning gains, when data become available.

18           5. Hold a valid National Board for Professional  
19 Teaching Standards certificate; have been selected as a  
20 school, district, or state teacher of the year; or hold an  
21 equivalent status as determined by the commissioner.

22           6. Demonstrate expertise as a staff developer.

23           (4) The State Board of Education may adopt rules,  
24 pursuant to ss. 120.536(1) and 120.54, for the implementation  
25 of this section and approval of the mentor teacher school  
26 program.

27           (5) This section shall be implemented to the extent  
28 specifically funded in the General Appropriations Act.

29           Section 744. Section 1012.74, Florida Statutes, is  
30 created to read:

31

1           1012.74 Florida educators professional liability  
2 insurance protection.--

3           (1) The Legislature intends that all the teachers in  
4 this state be protected from liability for monetary damages  
5 and the cost of defense of actions resulting from claims made  
6 against them arising out of occurrences in the course of  
7 activities in their professional capacity.

8           (2)(a) Educator professional liability coverage for  
9 all instructional personnel, as defined by s. 1012.01(2), who  
10 are full-time personnel, as defined by the district school  
11 board policy, shall be provided by specific appropriations  
12 under the General Appropriations Act.

13           (b) Educator professional liability coverage shall be  
14 extended at cost to all instructional personnel, as defined by  
15 s. 1012.01(2), who are part-time personnel, as defined by the  
16 district school board policy, and choose to participate in the  
17 state-provided program.

18           (c) Educator professional liability coverage shall be  
19 extended at cost to all administrative personnel, as defined  
20 by s. 1012.01(2), who choose to participate in the  
21 state-provided program.

22           (3) The Department of Education shall administer the  
23 educator liability program. The insurance carrier providing  
24 any portion of educator professional liability coverage under  
25 the program which is procured with state funds must be  
26 selected by a competitive process. The amount of the  
27 appropriation for purchase of liability insurance remaining  
28 after liability insurance is provided shall revert to general  
29 revenue unallocated.

30           Section 745. Section 1012.75, Florida Statutes, is  
31 created to read:

1           1012.75 Liability of teacher or principal; excessive  
2 force.--

3           (1) Except in the case of excessive force or cruel and  
4 unusual punishment, a teacher or other member of the  
5 instructional staff, a principal or the principal's designated  
6 representative, or a bus driver shall not be civilly or  
7 criminally liable for any action carried out in conformity  
8 with the state board and district school board rules regarding  
9 the control, discipline, suspension, and expulsion of  
10 students, including, but not limited to, any exercise of  
11 authority under s. 1003.32 or s. 1006.09.

12           (2) The State Board of Education shall adopt rules  
13 that outline administrative standards for the use of  
14 reasonable force by school personnel to maintain a safe and  
15 orderly learning environment. Such standards shall be  
16 distributed to each school in the state and shall provide  
17 guidance to school personnel in receiving the limitations on  
18 liability specified in this section.

19           Section 746. Section 1012.77, Florida Statutes, is  
20 created to read:

21           1012.77 Christa McAuliffe Ambassador for Education  
22 Program.--

23           (1) The Legislature recognizes that Florida continues  
24 to face teacher shortages and that fewer young people consider  
25 teaching as a career. It is the intent of the Legislature to  
26 promote the positive and rewarding aspects of being a teacher,  
27 to encourage more individuals to become teachers, and to  
28 provide annual sabbatical support for outstanding Florida  
29 teachers to serve as goodwill ambassadors for education. The  
30 Legislature further wishes to honor the memory of Christa  
31

1 McAuliffe, who epitomized the challenge and inspiration that  
2 teaching can be.

3 (2) The Christa McAuliffe Ambassador for Education  
4 Program is established to provide salary, travel, and other  
5 related expenses annually for an outstanding Florida teacher  
6 to promote the positive aspects of teaching as a career. The  
7 goals of the program are to:

8 (a) Enhance the stature of teachers and the teaching  
9 profession.

10 (b) Promote the importance of quality education and  
11 teaching for our future.

12 (c) Inspire and attract talented people to become  
13 teachers.

14 (d) Provide information regarding Florida's  
15 scholarship and loan programs related to teaching.

16 (e) Promote the teaching profession within community  
17 and business groups.

18 (f) Provide information to retired military personnel  
19 and other individuals who might consider teaching as a second  
20 career.

21 (g) Work with and represent the Department of  
22 Education, as needed.

23 (h) Work with and encourage the efforts of school and  
24 district teachers of the year.

25 (i) Support the activities of the Florida Future  
26 Educator of America Program.

27 (j) Represent Florida teachers at business, trade,  
28 education, and other conferences and meetings.

29 (k) Promote the teaching profession in other ways  
30 related to the teaching responsibilities, background  
31 experiences, and aspirations of the Ambassador for Education.

1           (3) The Teacher of the Year shall serve as the  
2 Ambassador for Education. If the Teacher of the Year is  
3 unable to serve as the Ambassador for Education, the first  
4 runner-up shall serve in his or her place. The Department of  
5 Education shall establish application and selection procedures  
6 for determining an annual teacher of the year. Applications  
7 and selection criteria shall be developed and distributed  
8 annually by the Department of Education to all school  
9 districts. The Commissioner of Education shall establish a  
10 selection committee which assures representation from teacher  
11 organizations, administrators, and parents to select the  
12 Teacher of the Year and Ambassador for Education from among  
13 the district teachers of the year.

14           (4)(a) The Commissioner of Education shall pay an  
15 annual salary, fringe benefits, travel costs, and other costs  
16 associated with administering the program.

17           (b) The Ambassador for Education shall serve for 1  
18 year, from July 1 to June 30, and shall be assured of  
19 returning to his or her teaching position upon completion of  
20 the program. The ambassador will not have a break in  
21 creditable or continuous service or employment for the period  
22 of time in which he or she participates in the program.

23           Section 747. Part III.g. of chapter 1012 shall be  
24 entitled "Personnel discipline; assistance (Public Schools)"  
25 and shall consist of ss. 1012.79-1012.798.

26           Section 748. Section 1012.79, Florida Statutes, is  
27 created to read:

28           1012.79 Education Practices Commission;  
29 organization.--

30           (1) The Education Practices Commission consists of 17  
31 members, including 7 teachers, 5 administrators, and 5 lay

1 citizens (of whom 2 shall be former district school board  
2 members), appointed by the State Board of Education from  
3 nominations by the Commissioner of Education and subject to  
4 Senate confirmation. Prior to making nominations, the  
5 commissioner shall consult with the teaching and other  
6 involved associations in the state. In making nominations, the  
7 commissioner shall attempt to achieve equal geographical  
8 representation, as closely as possible.

9 (a) A teacher member, in order to be qualified for  
10 appointment:

- 11 1. Must be certified to teach in the state.
- 12 2. Must be a resident of the state.
- 13 3. Must have practiced the profession in this state  
14 for at least 5 years immediately preceding the appointment.

15 (b) A school administrator member, in order to be  
16 qualified for appointment:

- 17 1. Must have an endorsement on the educator  
18 certificate in the area of school administration or  
19 supervision.
- 20 2. Must be a resident of the state.
- 21 3. Must have practiced the profession as an  
22 administrator for at least 5 years immediately preceding the  
23 appointment.

24 (c) The lay members must be residents of the state.

25 (2) Members of the commission shall serve for 4-year  
26 staggered terms. No commission member may serve more than 8  
27 years.

28 (3) The State Board of Education may remove any member  
29 from the commission for misconduct or malfeasance in office,  
30 incapacity, or neglect of duty.

31

1           (4) From among its members, the commission shall elect  
2 a chair who shall preside over meetings of the commission and  
3 perform other duties directed by the commission or required by  
4 its duly adopted rules or operating procedures. School  
5 districts shall be reimbursed for substitute teachers required  
6 to replace commission members, when they are carrying out  
7 their official duties, at a rate established by the school  
8 district for substitute teachers. The department may  
9 reimburse local school districts for substitutes.

10           (5) The commission, by a vote of three-fourths of the  
11 membership, shall employ an executive director, who shall be  
12 exempt from career service. The executive director may be  
13 dismissed by a majority vote of the membership.

14           (6)(a) The commission shall be assigned to the  
15 Department of Education for administrative purposes. The  
16 commission, in the performance of its powers and duties, shall  
17 not be subject to control, supervision, or direction by the  
18 Department of Education.

19           (b) The property, personnel, and appropriations  
20 related to the specified authority, powers, duties, and  
21 responsibilities of the commission shall be provided to the  
22 commission by the Department of Education.

23           (7) The duties and responsibilities of the commission  
24 are to:

25           (a) Interpret and apply the standards of professional  
26 practice established by the State Board of Education.

27           (b) Revoke or suspend a certificate or take other  
28 appropriate action as provided in ss. 1012.56 and 1012.796.

29           (c) Report to and meet with the State Board of  
30 Education at least once each year.

31

1           (d) Adopt rules pursuant to ss. 120.536(1) and 120.54  
2 to implement provisions of law conferring duties upon it.

3           (8)(a) The commission shall, from time to time,  
4 designate members of the commission to serve on panels for the  
5 purpose of reviewing and issuing final orders upon cases  
6 presented to the commission. A case concerning a complaint  
7 against a teacher shall be reviewed and a final order thereon  
8 shall be entered by a panel composed of seven commission  
9 members, four of whom shall be teachers. A case concerning a  
10 complaint against an administrator shall be reviewed and a  
11 final order thereon shall be entered by a panel composed of  
12 seven commission members, four of whom shall be  
13 administrators.

14           (b) A majority of a quorum of a panel of the  
15 commission shall have final agency authority in all cases  
16 involving the revocation, suspension, or other disciplining of  
17 certificates of teachers and school administrators. A majority  
18 of the membership of the panel shall constitute a quorum. The  
19 district school board shall retain the authority to discipline  
20 teachers and administrators pursuant to law.

21           (9) The commission shall make such expenditures as may  
22 be necessary in exercising its authority and powers and  
23 carrying out its duties and responsibilities, including  
24 expenditures for personal services, general counsel or access  
25 to counsel, and rent at the seat of government and elsewhere;  
26 for books of reference, periodicals, furniture, equipment, and  
27 supplies; and for printing and binding. The expenditures of  
28 the commission shall be subject to the powers and duties of  
29 the Department of Banking and Finance as provided in s. 17.03.  
30  
31



1       (10) The commission shall be financed from the  
2 following: certification fees; fines, penalties, and costs  
3 collected pursuant to s. 1012.796(9); and general revenue.

4           Section 749. Section 1012.795, Florida Statutes, is  
5 created to read:

6           1012.795 Education Practices Commission; authority to  
7 discipline.--

8           (1) The Education Practices Commission may suspend the  
9 educator certificate of any person as defined in s. 1012.01(2)  
10 or (3) for a period of time not to exceed 3 years, thereby  
11 denying that person the right to teach for that period of  
12 time, after which the holder may return to teaching as  
13 provided in subsection (4); to revoke the educator certificate  
14 of any person, thereby denying that person the right to teach  
15 for a period of time not to exceed 10 years, with  
16 reinstatement subject to the provisions of subsection (4); to  
17 revoke permanently the educator certificate of any person; to  
18 suspend the educator certificate, upon order of the court, of  
19 any person found to have a delinquent child support  
20 obligation; or to impose any other penalty provided by law,  
21 provided it can be shown that the person:

22           (a) Obtained the educator certificate by fraudulent  
23 means.

24           (b) Has proved to be incompetent to teach or to  
25 perform duties as an employee of the public school system or  
26 to teach in or to operate a private school.

27           (c) Has been guilty of gross immorality or an act  
28 involving moral turpitude.

29           (d) Has had an educator certificate revoked in another  
30 state.

31

1       (e) Has been convicted of a misdemeanor, felony, or  
2 any other criminal charge, other than a minor traffic  
3 violation.

4       (f) Upon investigation, has been found guilty of  
5 personal conduct which seriously reduces that person's  
6 effectiveness as an employee of the district school board.

7       (g) Has breached a contract, as provided in s.  
8 1012.33(2).

9       (h) Has been the subject of a court order directing  
10 the Education Practices Commission to suspend the certificate  
11 as a result of a delinquent child support obligation.

12       (i) Has violated the Principles of Professional  
13 Conduct for the Education Profession prescribed by State Board  
14 of Education rules.

15       (j) Has otherwise violated the provisions of law, the  
16 penalty for which is the revocation of the educator  
17 certificate.

18       (k) Has violated any order of the Education Practices  
19 Commission.

20       (2) The plea of guilty in any court, the decision of  
21 guilty by any court, the forfeiture by the teaching  
22 certificateholder of a bond in any court of law, or the  
23 written acknowledgment, duly witnessed, of offenses listed in  
24 subsection (1) to the district school superintendent or a duly  
25 appointed representative or to the district school board shall  
26 be prima facie proof of grounds for revocation of the  
27 certificate as listed in subsection (1) in the absence of  
28 proof by the certificateholder that the plea of guilty,  
29 forfeiture of bond, or admission of guilt was caused by  
30 threats, coercion, or fraudulent means.

31

1           (3) The revocation by the Education Practices  
2 Commission of an educator certificate of any person  
3 automatically revokes any and all Florida educator  
4 certificates held by that person.

5           (4)(a) An educator certificate which has been  
6 suspended under this section is automatically reinstated at  
7 the end of the suspension period, provided the certificate did  
8 not expire during the period of suspension. If the  
9 certificate expired during the period of suspension, the  
10 holder of the former certificate may secure a new certificate  
11 by making application therefor and by meeting the  
12 certification requirements of the state board current at the  
13 time of the application for the new certificate. An educator  
14 certificate suspended pursuant to a court order for a  
15 delinquent child support obligation may only be reinstated  
16 upon notice from the court that the party has complied with  
17 the terms of the court order.

18           (b) A person whose educator certificate has been  
19 revoked under this section may apply for a new certificate at  
20 the expiration of that period of ineligibility fixed by the  
21 Education Practices Commission by making application therefor  
22 and by meeting the certification requirements of the state  
23 board current at the time of the application for the new  
24 certificate.

25           (5) Each district school superintendent and the  
26 governing authority of each university lab school,  
27 state-supported school, or private school shall report to the  
28 department the name of any person certified pursuant to this  
29 chapter or employed and qualified pursuant to s. 1012.39:  
30  
31

1           (a) Who has been convicted of, or who has pled nolo  
2 contendere to, a misdemeanor, felony, or any other criminal  
3 charge, other than a minor traffic infraction;

4           (b) Who that official has reason to believe has  
5 committed or is found to have committed any act which would be  
6 a ground for revocation or suspension under subsection (1); or

7           (c) Who has been dismissed or severed from employment  
8 because of conduct involving any immoral, unnatural, or  
9 lascivious act.

10           (6)(a) When an individual violates the provisions of a  
11 settlement agreement enforced by a final order of the  
12 Education Practices Commission, an order to show cause may be  
13 issued by the clerk of the commission. The order shall require  
14 the individual to appear before the commission to show cause  
15 why further penalties should not be levied against the  
16 individual's certificate pursuant to the authority provided to  
17 the Education Practices Commission in subsection (1). The  
18 Education Practices Commission may fashion further penalties  
19 under the authority of subsection (1) as deemed appropriate  
20 when the show cause order is responded to by the individual.

21           (b) The Education Practices Commission shall issue a  
22 final order revoking an individual's Florida educator's  
23 certificate for a minimum of 1 year under the following  
24 circumstances:

25           1. If the individual:

26           a. Has been found to have violated the provisions of  
27 this section, such that the Education Practices Commission has  
28 the authority to discipline the individual's Florida  
29 educator's certificate on two separate occasions;

1           b. Has twice entered into a settlement agreement  
2 enforced by a final order of the Education Practices  
3 Commission; or

4           c. Has been found to have violated the provisions of  
5 this section, such that the Education Practices Commission has  
6 the authority to discipline the individual's Florida  
7 educator's certificate on one occasion and entered into a  
8 settlement agreement enforced by a final order of the  
9 Education Practices Commission on one occasion; and

10           2. A third finding of probable cause and a finding  
11 that the allegations are proven or admitted to is subsequently  
12 found by the Commissioner of Education.

13  
14 If, in the third instance, the individual enters into a  
15 settlement agreement with the Department of Education, that  
16 agreement shall also include a penalty revoking that  
17 individual's Florida educator's certificate for a minimum of 1  
18 year.

19           Section 750. Section 1012.796, Florida Statutes, is  
20 created to read:

21           1012.796 Complaints against teachers and  
22 administrators; procedure; penalties.--

23           (1)(a) The Department of Education shall cause to be  
24 investigated expeditiously any complaint filed before it or  
25 otherwise called to its attention which, if legally  
26 sufficient, contains grounds for the revocation or suspension  
27 of a certificate or any other appropriate penalty as set forth  
28 in subsection (7). The complaint is legally sufficient if it  
29 contains the ultimate facts which show a violation has  
30 occurred as provided in s. 1012.795. The department may  
31 investigate or continue to investigate and take appropriate

1 action in a complaint even though the original complainant  
2 withdraws the complaint or otherwise indicates a desire not to  
3 cause it to be investigated or prosecuted to completion. The  
4 department may investigate or continue to investigate and take  
5 action on a complaint filed against a person whose educator  
6 certificate has expired if the act or acts which are the basis  
7 for the complaint were allegedly committed while that person  
8 possessed an educator certificate.

9 (b) When an investigation is undertaken, the  
10 department shall notify the certificateholder and the district  
11 school superintendent in the district in which the  
12 certificateholder is employed and shall inform the  
13 certificateholder of the substance of any complaint which has  
14 been filed against that certificateholder, unless the  
15 department determines that such notification would be  
16 detrimental to the investigation, in which case the department  
17 may withhold notification.

18 (c) Each school district shall file in writing with  
19 the department all legally sufficient complaints within 30  
20 days after the date on which subject matter of the complaint  
21 comes to the attention of the school district. The school  
22 district shall include all information relating to the  
23 complaint which is known to the school district at the time of  
24 filing. Each district school board shall develop policies and  
25 procedures to comply with this reporting requirement. The  
26 district school board policies and procedures shall include  
27 appropriate penalties for all personnel of the district school  
28 board for nonreporting and procedures for promptly informing  
29 the district school superintendent of each legally sufficient  
30 complaint. The district school superintendent is charged with  
31 knowledge of these policies and procedures. If the district

1 school superintendent has knowledge of a legally sufficient  
2 complaint and does not report the complaint, or fails to  
3 enforce the policies and procedures of the district school  
4 board, and fails to comply with the requirements of this  
5 subsection, in addition to other actions against  
6 certificateholders authorized by law, the district school  
7 superintendent shall be subject to penalties as specified in  
8 s. 1001.51(13). This paragraph does not limit or restrict the  
9 power and duty of the department to investigate complaints as  
10 provided in paragraphs (a) and (b), regardless of the school  
11 district's untimely filing, or failure to file, complaints and  
12 followup reports.

13 (2) The Commissioner of Education shall develop job  
14 specifications for investigative personnel employed by the  
15 department. Such specifications shall be substantially  
16 equivalent to or greater than those job specifications of  
17 investigative personnel employed by the Department of Business  
18 and Professional Regulation. The department may contract with  
19 the Department of Business and Professional Regulation for  
20 investigations. No person who is responsible for conducting an  
21 investigation of a teacher or administrator may prosecute the  
22 same case. The department general counsel or members of that  
23 staff may conduct prosecutions under this section.

24 (3) The department staff shall advise the commissioner  
25 concerning the findings of the investigation. The department  
26 general counsel or members of that staff shall review the  
27 investigation and advise the commissioner concerning probable  
28 cause or lack thereof. The determination of probable cause  
29 shall be made by the commissioner. The commissioner shall  
30 provide an opportunity for a conference, if requested, prior  
31 to determining probable cause. The commissioner may enter

1 into deferred prosecution agreements in lieu of finding  
2 probable cause when in his or her judgment such agreements  
3 would be in the best interests of the department, the  
4 certificateholder, and the public. Such deferred prosecution  
5 agreements shall become effective when filed with the clerk of  
6 the Education Practices Commission. However, a deferred  
7 prosecution agreement shall not be entered into where there is  
8 probable cause to believe that a felony or an act of moral  
9 turpitude has occurred. Upon finding no probable cause, the  
10 commissioner shall dismiss the complaint.

11 (4) The complaint and all information obtained  
12 pursuant to the investigation by the department shall be  
13 confidential and exempt from the provisions of s. 119.07(1)  
14 until the conclusion of the preliminary investigation of the  
15 complaint, until such time as the preliminary investigation  
16 ceases to be active, or until such time as otherwise provided  
17 by s. 1012.798(6). However, the complaint and all material  
18 assembled during the investigation may be inspected and copied  
19 by the certificateholder under investigation, or the  
20 certificateholder's designee, after the investigation is  
21 concluded, but prior to the determination of probable cause by  
22 the commissioner. If the preliminary investigation is  
23 concluded with the finding that there is no probable cause to  
24 proceed, the complaint and information shall be open  
25 thereafter to inspection pursuant to s. 119.07(1). If the  
26 preliminary investigation is concluded with the finding that  
27 there is probable cause to proceed and a complaint is filed  
28 pursuant to subsection (6), the complaint and information  
29 shall be open thereafter to inspection pursuant to s.  
30 119.07(1). If the preliminary investigation ceases to be  
31 active, the complaint and all such material shall be open



1 thereafter to inspection pursuant to s. 119.07(1), except as  
2 otherwise provided pursuant to s. 1012.798(6). For the purpose  
3 of this subsection, a preliminary investigation shall be  
4 considered active as long as it is continuing with a  
5 reasonable, good faith anticipation that an administrative  
6 finding will be made in the foreseeable future.

7 (5) When deemed necessary to protect the health,  
8 safety, and welfare of a minor student, the district school  
9 superintendent in consultation with the school principal may,  
10 and upon the request of the Commissioner of Education shall,  
11 temporarily suspend a certificateholder from the  
12 certificateholder's regularly assigned duties, with pay, and  
13 reassign the suspended certificateholder to a position that  
14 does not require direct contact with students in the district  
15 school system. Such suspension shall continue until the  
16 completion of the proceedings and the determination of  
17 sanctions, if any, pursuant to this section and s. 1012.795.

18 (6) Upon the finding of probable cause, the  
19 commissioner shall file a formal complaint and prosecute the  
20 complaint pursuant to the provisions of chapter 120. An  
21 administrative law judge shall be assigned by the Division of  
22 Administrative Hearings of the Department of Management  
23 Services to hear the complaint if there are disputed issues of  
24 material fact. The administrative law judge shall make  
25 recommendations in accordance with the provisions of  
26 subsection (7) to the appropriate Education Practices  
27 Commission panel which shall conduct a formal review of such  
28 recommendations and other pertinent information and issue a  
29 final order. The commission shall consult with its legal  
30 counsel prior to issuance of a final order.

1           (7) A panel of the commission shall enter a final  
2 order either dismissing the complaint or imposing one or more  
3 of the following penalties:

4           (a) Denial of an application for a teaching  
5 certificate or for an administrative or supervisory  
6 endorsement on a teaching certificate. The denial may provide  
7 that the applicant may not reapply for certification, and that  
8 the department may refuse to consider that applicant's  
9 application, for a specified period of time or permanently.

10           (b) Revocation or suspension of a certificate.

11           (c) Imposition of an administrative fine not to exceed  
12 \$2,000 for each count or separate offense.

13           (d) Placement of the teacher, administrator, or  
14 supervisor on probation for a period of time and subject to  
15 such conditions as the commission may specify, including  
16 requiring the certified teacher, administrator, or supervisor  
17 to complete additional appropriate college courses or work  
18 with another certified educator, with the administrative costs  
19 of monitoring the probation assessed to the educator placed on  
20 probation.

21           (e) Restriction of the authorized scope of practice of  
22 the teacher, administrator, or supervisor.

23           (f) Reprimand of the teacher, administrator, or  
24 supervisor in writing, with a copy to be placed in the  
25 certification file of such person.

26           (g) Imposition of an administrative sanction, upon a  
27 person whose teaching certificate has expired, for an act or  
28 acts committed while that person possessed a teaching  
29 certificate or an expired certificate subject to late renewal,  
30 which sanction bars that person from applying for a new  
31 certificate for a period of 10 years or less, or permanently.

1           (8) Violations of the provisions of probation shall  
2 result in an order to show cause issued by the clerk of the  
3 Education Practices Commission. Upon failure of the  
4 probationer, at the time and place stated in the order, to  
5 show cause satisfactorily to the Education Practices  
6 Commission why a penalty for violating probation should not be  
7 imposed, the Education Practices Commission shall impose  
8 whatever penalty is appropriate as established in s.  
9 1012.795(6). Any probation period will be tolled when an order  
10 to show cause has been issued until the issue is resolved by  
11 the Education Practices Commission.

12           (9) All moneys collected by, or awarded to, the  
13 commission as fees, fines, penalties, or costs shall be  
14 deposited into the Educational Certification and Service Trust  
15 Fund pursuant to s. 1012.59.

16           Section 751. Section 1012.797, Florida Statutes, is  
17 created to read:

18           1012.797 Notification of district school  
19 superintendent of certain charges against or convictions of  
20 employees.--

21           (1) Notwithstanding the provisions of s. 985.04(4) or  
22 any other provision of law to the contrary, a law enforcement  
23 agency shall, within 48 hours, notify the appropriate district  
24 school superintendent of the name and address of any employee  
25 of the school district who is charged with a felony or with a  
26 misdemeanor involving the abuse of a minor child or the sale  
27 or possession of a controlled substance. The notification  
28 shall include the specific charge for which the employee of  
29 the school district was arrested. Such notification shall  
30 include other education providers such as the Florida School  
31

1 for the Deaf and the Blind, university lab schools, and  
2 private elementary and secondary schools.

3 (2) Except to the extent necessary to protect the  
4 health, safety, and welfare of other students, the information  
5 obtained by the district school superintendent pursuant to  
6 this section may be released only to appropriate school  
7 personnel or as otherwise provided by law.

8 Section 752. Section 1012.798, Florida Statutes, is  
9 created to read:

10 1012.798 Recovery network program for educators.--

11 (1) RECOVERY NETWORK ESTABLISHED.--There is created  
12 within the Department of Education, a recovery network program  
13 to assist educators who are impaired as a result of alcohol  
14 abuse, drug abuse, or a mental condition in obtaining  
15 treatment to permit their continued contribution to the  
16 education profession. Any person who holds certification  
17 issued by the department pursuant to s. 1012.56 is eligible  
18 for the assistance.

19 (2) STAFF.--

20 (a) The department shall employ an administrator and  
21 staff as are necessary to be assigned exclusively to the  
22 recovery network program.

23 (b) The Commissioner of Education shall establish the  
24 criteria for and appoint the staff of the program.

25 (c) The department may contract with other  
26 professionals to implement this section.

27 (3) PURPOSE.--The recovery network program shall  
28 assist educators in obtaining treatment and services from  
29 approved treatment providers, but each impaired educator must  
30 pay for his or her treatment under terms and conditions agreed  
31 upon by the impaired educator and the treatment provider. A

1 person who is admitted to the program must contract with the  
2 treatment provider and the program. The treatment contract  
3 must prescribe the type of treatment and the responsibilities  
4 of the impaired educator and of the provider and must provide  
5 that the impaired educator's progress will be monitored by the  
6 program.

7 (4) APPROVAL OF TREATMENT PROVIDERS.--The recovery  
8 network program shall locate, evaluate, and approve qualified  
9 treatment providers.

10 (5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION  
11 AND DEPARTMENT.--The recovery network program shall operate  
12 independently of, but may cooperate with, the Office of  
13 Professional Practices Services of the Department of Education  
14 and the Education Practices Commission. A person's  
15 participation in the program entitles the commissioner to  
16 enter into a deferred prosecution agreement pursuant to s.  
17 1012.796, or such participation may be considered a factor in  
18 mitigation of or a condition of disciplinary action against  
19 the person's certificate by the Education Practices Commission  
20 pursuant to s. 1012.795.

21 (6) PARTICIPATION.--The recovery network program shall  
22 operate independently of employee assistance programs operated  
23 by local school districts, and the powers and duties of school  
24 districts to make employment decisions, including disciplinary  
25 decisions, is not affected except as provided in this section:

26 (a) A person who is not subject to investigation or  
27 proceedings under ss. 1012.795 and 1012.796 may voluntarily  
28 seek assistance through a local school district employee  
29 assistance program for which he or she is eligible and through  
30 the recovery network, regardless of action taken against him  
31 or her by a school district. Voluntarily seeking assistance

1 alone does not subject a person to proceedings under ss.  
2 1012.795 and 1012.796.

3 (b) A person who is subject to investigation or  
4 proceedings under ss. 1012.795 and 1012.796 may be required to  
5 participate in the program. The program may approve a local  
6 employee assistance program as a treatment provider or as a  
7 means of securing a treatment provider. The program and the  
8 local school district shall cooperate so that the person may  
9 obtain treatment without limiting the school district's  
10 statutory powers and duties as an employer or the disciplinary  
11 procedures under ss. 1012.795 and 1012.796.

12 (c) A person who has not previously been under  
13 investigation by the department may be enrolled in a treatment  
14 program by the recovery network after an investigation has  
15 commenced, if the person:

16 1. Acknowledges his or her impairment.  
17 2. Agrees to evaluation, as approved by the recovery  
18 network.  
19 3. Agrees to enroll in an appropriate treatment  
20 program approved by the recovery network.  
21 4. Executes releases for all medical and treatment  
22 records regarding his or her impairment and participation in a  
23 treatment program to the recovery network, pursuant to 42  
24 U.S.C. s. 290dd-3 and the federal regulations adopted  
25 thereunder.  
26 5. Enters into a deferred prosecution agreement with  
27 the commissioner, which provides that no prosecution shall be  
28 instituted concerning the matters enumerated in the agreement  
29 if the person is properly enrolled in the treatment program  
30 and successfully completes the program as certified by the  
31 recovery network. The commissioner is under no obligation to

1 enter into a deferred prosecution agreement with the educator  
2 but may do so if he or she determines that it is in the best  
3 interest of the educational program of the state.

4 6. Has not previously entered a substance abuse  
5 program.

6 7. Is not being investigated for any action involving  
7 commission of a felony or violent act against another person.

8 8. Has not had multiple arrests for minor drug use,  
9 possession, or abuse of alcohol.

10 (7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS  
11 DETERMINED.--If a complaint is made to the department against  
12 a teacher or an administrator pursuant to s. 1012.796 and a  
13 finding of no probable cause indicates that no concern other  
14 than impairment exists, the department shall inform the person  
15 of the availability of assistance provided by the recovery  
16 network program.

17 (8) ADMISSION.--A person who is referred or who  
18 requests admission to the recovery network program shall be  
19 temporarily admitted pending a finding that he or she has:

20 (a) Acknowledged his or her impairment problem.

21 (b) Agreed to evaluation as approved by the recovery  
22 network program.

23 (c) Voluntarily enrolled in an appropriate treatment  
24 program approved by the recovery network program.

25 (d) Voluntarily sought agreement from the school  
26 district for temporary leave or limitations on the scope of  
27 employment if the temporary leave or limitations are included  
28 in the treatment provider's recommendations; or voluntarily  
29 agreed to pursue the alternative treatment recommended by the  
30 treatment provider if the school district does not approve  
31

1 such temporary leave or limitations on the scope of  
2 employment.

3 (e) Executed releases to the recovery network program  
4 for all medical and treatment records regarding his or her  
5 impairment and participation in a treatment program pursuant  
6 to 42 U.S.C. s. 290dd-3 and the federal regulations adopted  
7 thereunder.

8 (9) DISCLOSURE OF MEDICAL RECORDS.--An approved  
9 treatment provider must disclose to the recovery network  
10 program all information in its possession which relates to a  
11 person's impairment and participation in the treatment  
12 program. Information obtained under this subsection is  
13 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
14 of the State Constitution. This exemption is necessary to  
15 promote the rehabilitation of impaired educators and to  
16 protect the privacy of treatment program participants. The  
17 failure to provide such information to the program is grounds  
18 for withdrawal of approval of a treatment provider. Medical  
19 records provided to the program may not be disclosed to any  
20 other person, except as authorized by law.

21 (10) DECLARATION OF INELIGIBILITY.--

22 (a) A person may be declared ineligible for further  
23 assistance from the recovery network program if he or she does  
24 not progress satisfactorily in a treatment program or leaves a  
25 prescribed program or course of treatment without the approval  
26 of the treatment provider.

27 (b) The determination of ineligibility must be made by  
28 the commissioner in cases referred to him or her by the  
29 program administrator. Before referring a case to the  
30 commissioner, the administrator must discuss the circumstances  
31 with the treatment provider. The commissioner may direct the



1 Office of Professional Practices Services to investigate the  
2 case and provide a report.

3 (c) If a treatment contract with the program is a  
4 condition of a deferred prosecution agreement, and the  
5 commissioner determines that the person is ineligible for  
6 further assistance, the commissioner may agree to modify the  
7 terms and conditions of the deferred prosecution agreement or  
8 may issue an administrative complaint, pursuant to s.  
9 1012.796, alleging the charges regarding which prosecution was  
10 deferred. The person may dispute the determination as an  
11 affirmative defense to the administrative complaint by  
12 including with his or her request for hearing on the  
13 administrative complaint a written statement setting forth the  
14 facts and circumstances that show that the determination of  
15 ineligibility was erroneous. If administrative proceedings  
16 regarding the administrative complaint, pursuant to ss.  
17 120.569 and 120.57, result in a finding that the determination  
18 of ineligibility was erroneous, the person is eligible to  
19 participate in the program. If the determination of  
20 ineligibility was the only reason for setting aside the  
21 deferred prosecution agreement and issuing the administrative  
22 complaint and the administrative proceedings result in a  
23 finding that the determination was erroneous, the complaint  
24 shall be dismissed and the deferred prosecution agreement  
25 reinstated without prejudice to the commissioner's right to  
26 reissue the administrative complaint for other breaches of the  
27 agreement.

28 (d) If a treatment contract with the program is a  
29 condition of a final order of the Education Practices  
30 Commission, the commissioner's determination of ineligibility  
31 constitutes a finding of probable cause that the person failed

1 to comply with the final order. The commissioner shall issue  
2 an administrative complaint, and the case shall proceed under  
3 ss. 1012.795 and 1012.796, in the same manner as cases based  
4 on a failure to comply with an order of the Education  
5 Practices Commission.

6 (e) If the person voluntarily entered into a treatment  
7 contract with the program, the commissioner shall issue a  
8 written notice stating the reasons for the determination of  
9 ineligibility. Within 20 days after the date of such notice,  
10 the person may contest the determination of ineligibility  
11 pursuant to ss. 120.569 and 120.57.

12 (11) MEDICAL RECORDS RELEASE.--Medical records  
13 released pursuant to paragraph (8)(e) may be disclosed to the  
14 commissioner, the Office of Professional Practices Services,  
15 and the Education Practices Commission only as required for  
16 purposes of this section, or as otherwise authorized by law.  
17 Further disclosure or release of the medical records may not  
18 be made except as authorized by law and in accordance with 42  
19 U.S.C. s. 290dd-2 and the federal regulations adopted  
20 thereunder. The medical records are confidential and exempt  
21 from s. 119.07(1) and s. 24(a), Art. I of the State  
22 Constitution.

23 (12) FEES.--The State Board of Education shall include  
24 in the fees established pursuant to s. 1012.59 an amount  
25 sufficient to implement the provisions of this section. The  
26 State Board of Education shall by rule establish procedures  
27 and additional standards for:

28 (a) Approving treatment providers, including  
29 appropriate qualifications and experience, amount of  
30 reasonable fees and charges, and quality and effectiveness of  
31 treatment programs provided.

1           (b) Admitting eligible persons to the program.

2           (c) Evaluating impaired persons by the recovery  
3 network program.

4           Section 753. Part IV of chapter 1012 shall be entitled  
5 "Public Postsecondary Institutions; Personnel" and shall  
6 consist of ss. 1012.80-1012.97.

7           Section 754. Part IV.a. of chapter 1012 shall be  
8 entitled "General Provisions" and shall consist of ss.  
9 1012.80-1012.801.

10           Section 755. Section 1012.80, Florida Statutes, is  
11 created to read:

12           1012.80 Participation by employees in disruptive  
13 activities at state institutions of higher learning;  
14 penalties.--

15           (1) Any person who shall accept the privilege extended  
16 by the laws of this state of employment at any public  
17 postsecondary institution shall, by so working at such  
18 institution, be deemed to have given his or her consent to the  
19 policies of that institution, the State Board of Education,  
20 and the laws of this state. Such policies shall include  
21 prohibition against disruptive activities at state  
22 institutions of higher learning.

23           (2) After it has been determined that an employee of a  
24 state institution of higher learning has participated in  
25 disruptive activities, the state institution may terminate the  
26 contract of such employee, and thereafter such person shall  
27 not be employed by any state public school or state public  
28 postsecondary institution.

29           Section 756. Effective upon this act becoming a law,  
30 section 1012.801, Florida Statutes, is created to read:

31

1           1012.801 Employees of the Division of Colleges and  
2 Universities.--Employees of the Division of Colleges and  
3 Universities of the Department of Education who are  
4 participating in the State University Optional Retirement  
5 Program prior to June 30, 2002 shall be eligible to continue  
6 such participation as long as they remain employees of the  
7 Department of Education or a state university without a break  
8 in continuous service.

9           Section 757. Part IV.b. of chapter 1012 shall be  
10 entitled "Community Colleges; Personnel" and shall consist of  
11 ss. 1012.81-1012.88.

12           Section 758. Section 1012.81, Florida Statutes, is  
13 created to read:

14           1012.81 Personnel records.--Rules of the State Board  
15 of Education shall prescribe the content and custody of  
16 limited-access records which a community college may maintain  
17 on its employees. Such records shall be limited to  
18 information reflecting evaluations of employee performance and  
19 shall be open to inspection only by the employee and by  
20 officials of the college who are responsible for supervision  
21 of the employee. Such limited access employee records are  
22 confidential and exempt from the provisions of s. 119.07(1).  
23 Except as required for use by the president in the discharge  
24 of his or her official responsibilities, the custodian of  
25 limited access employee records may release information from  
26 such records only upon authorization in writing from the  
27 employee or the president or upon order of a court of  
28 competent jurisdiction.

29           Section 759. Section 1012.82, Florida Statutes, is  
30 created to read:

31

1           1012.82 Teaching faculty; minimum teaching hours per  
2 week.--Each full-time member of the teaching faculty at any  
3 community college who is paid wholly from funds appropriated  
4 from the state community college program fund shall teach a  
5 minimum of 15 classroom contact hours per week at such  
6 institution. However, the required classroom contact hours  
7 per week may be reduced upon approval of the president of the  
8 institution in direct proportion to specific duties and  
9 responsibilities assigned the faculty member by his or her  
10 departmental chair or other appropriate college administrator.  
11 Such specific duties may include specific research duties,  
12 specific duties associated with developing television, video  
13 tape, or other specifically assigned innovative teaching  
14 techniques or devices, or assigned responsibility for  
15 off-campus student internship or work-study programs. A  
16 "classroom contact hour" consists of a regularly scheduled  
17 classroom activity of not less than 50 minutes in a course of  
18 instruction which has been approved by the community college  
19 board of trustees. Any full-time faculty member who is paid  
20 partly from state community college program funds and partly  
21 from other funds or appropriations shall teach a minimum  
22 number of classroom contact hours per week in such proportion  
23 to 15 classroom contact hours as his or her salary paid from  
24 state community college program funds bears to his or her  
25 total salary.

26           Section 760. Section 1012.83, Florida Statutes, is  
27 created to read:

28           1012.83 Contracts with administrative and  
29 instructional staff.--Each person employed in an  
30 administrative or instructional capacity in a community  
31

1 college shall be entitled to a contract as provided by rules  
2 of the State Board of Education.

3 Section 761. Section 1012.84, Florida Statutes, is  
4 created to read:

5 1012.84 Exemption from county civil service  
6 commissions.--

7 (1) Any community college located in a county which  
8 has either a budget commission or a civil service commission  
9 is exempt from the regulation, supervision, and control of any  
10 such commission.

11 (2) Any general or special law conflicting with this  
12 section is repealed to the extent that said law conflicts with  
13 this section.

14 Section 762. Section 1012.85, Florida Statutes, is  
15 created to read:

16 1012.85 Payment of costs of civil actions against  
17 officers, employees, or agents of community college board of  
18 trustees.--

19 (1) Whenever any civil action has been brought against  
20 any officer of the community college board of trustees,  
21 including a board member, or any person employed by or agent  
22 of the community college board of trustees, of any community  
23 college for any act or omission arising out of and in the  
24 course of the performance of his or her duties and  
25 responsibilities, the community college board of trustees may  
26 defray all costs of defending such action, including  
27 reasonable attorney's fees and expenses together with costs of  
28 appeal, if any, and may save harmless and protect such person  
29 from any financial loss resulting therefrom; and the community  
30 college board of trustees may be self-insured, to enter into  
31 risk management programs, or to purchase insurance for

1 whatever coverage it may choose, or to have any combination  
2 thereof, to cover all such losses and expenses. However, any  
3 attorney's fees paid from public funds for any officer,  
4 employee, or agent who is found to be personally liable by  
5 virtue of acting outside the scope of his or her employment or  
6 acting in bad faith, with malicious purpose, or in a manner  
7 exhibiting wanton and willful disregard of human rights,  
8 safety, or property may be recovered by the state, county,  
9 municipality, or political subdivision in a civil action  
10 against such officer, employee, or agent.

11 (2) Failure by a community college board of trustees  
12 to perform any act authorized by this section shall not  
13 constitute a cause of action against a community college or  
14 its trustees, officers, agents or employees.

15 Section 763. Section 1012.855, Florida Statutes, is  
16 created to read:

17 1012.855 Employment of community college personnel;  
18 discrimination in granting salary prohibited.--

19 (1)(a) Employment of all personnel in each community  
20 college shall be upon recommendation of the president, subject  
21 to rejection for cause by the community college board of  
22 trustees; to the rules of the State Board of Education  
23 relative to certification, tenure, leaves of absence of all  
24 types, including sabbaticals, remuneration, and such other  
25 conditions of employment as the State Board of Education deems  
26 necessary and proper; and to policies of the community college  
27 board of trustees not inconsistent with law.

28 (b) Any internal auditor employed by a community  
29 college shall be hired by the community college board of  
30 trustees and shall report directly to the board.

31

1       (2) Each community college board of trustees shall  
2 undertake a program to eradicate any discrimination on the  
3 basis of gender, race, or physical handicap in the granting of  
4 salaries to employees.

5           Section 764. Section 1012.86, Florida Statutes, is  
6 created to read:

7           1012.86 Community college employment equity  
8 accountability program.--

9           (1) Each community college shall include in its annual  
10 equity update a plan for increasing the representation of  
11 women and minorities in senior-level administrative positions  
12 and in full-time faculty positions, and for increasing the  
13 representation of women and minorities who have attained  
14 continuing-contract status. Positions shall be defined in the  
15 personnel data element directory of the Department of  
16 Education. The plan must include specific measurable goals and  
17 objectives, specific strategies and timelines for  
18 accomplishing these goals and objectives, and comparable  
19 national standards as provided by the Department of Education.  
20 The goals and objectives shall be based on meeting or  
21 exceeding comparable national standards and shall be reviewed  
22 and recommended by the State Board of Education as  
23 appropriate. Such plans shall be maintained until appropriate  
24 representation has been achieved and maintained for at least 3  
25 consecutive reporting years.

26           (2)(a) On or before May 1 of each year, each community  
27 college president shall submit an annual employment  
28 accountability plan to the Commissioner of Education and the  
29 State Board of Education. The accountability plan must show  
30 faculty and administrator employment data according to  
31



1 requirements specified on the federal Equal Employment  
2 Opportunity (EE0-6) report.

3 (b) The plan must show the following information for  
4 those positions including, but not limited to:

5 1. Job classification title.

6 2. Gender.

7 3. Ethnicity.

8 4. Appointment status.

9 5. Salary information. At each community college,  
10 salary information shall also include the salary ranges in  
11 which new hires were employed compared to the salary ranges  
12 for employees with comparable experience and qualifications.

13 6. Other comparative information including, but not  
14 limited to, composite information regarding the total number  
15 of positions within the particular job title classification  
16 for the community college by race, gender, and salary range  
17 compared to the number of new hires.

18 7. A statement certifying diversity and balance in the  
19 gender and ethnic composition of the selection committee for  
20 each vacancy, including a brief description of guidelines used  
21 for ensuring balanced and diverse membership on selection and  
22 review committees.

23 (c) The annual employment accountability plan shall  
24 also include an analysis and an assessment of the community  
25 college's attainment of annual goals and of long-range goals  
26 for increasing the number of women and minorities in faculty  
27 and senior-level administrative positions, and a corrective  
28 action plan for addressing underrepresentation.

29 (d) Each community college's employment accountability  
30 plan must also include:

31

1           1. The requirements for receiving a continuing  
2 contract.

3           2. A brief description of the process used to grant  
4 continuing-contract status.

5           3. A brief description of the process used to annually  
6 apprise each eligible faculty member of progress toward  
7 attainment of continuing-contract status.

8           (3) Community college presidents and the heads of each  
9 major administrative division shall be evaluated annually on  
10 the progress made toward meeting the goals and objectives of  
11 the community college's employment accountability plan.

12           (a) The community college presidents, or the  
13 presidents' designees, shall annually evaluate each department  
14 chairperson, dean, provost, and vice president in achieving  
15 the annual and long-term goals and objectives. A summary of  
16 the results of such evaluations shall be reported annually by  
17 the community college president to the community college board  
18 of trustees. Annual budget allocations by the community  
19 college board of trustees for positions and funding must take  
20 into consideration these evaluations.

21           (b) Community college boards of trustees shall  
22 annually evaluate the performance of the community college  
23 presidents in achieving the annual and long-term goals and  
24 objectives. A summary of the results of such evaluations shall  
25 be reported to the Commissioner of Education and the State  
26 Board of Education as part of the community college's annual  
27 employment accountability plan, and to the Legislature as part  
28 of the annual equity progress report submitted by the State  
29 Board of Education.

30           (4) The State Board of Education shall submit an  
31 annual equity progress report to the President of the Senate

1 and the Speaker of the House of Representatives on or before  
2 January 1 of each year.

3 (5) Each community college shall develop a budgetary  
4 incentive plan to support and ensure attainment of the goals  
5 developed pursuant to this section. The plan shall specify,  
6 at a minimum, how resources shall be allocated to support the  
7 achievement of goals and the implementation of strategies in a  
8 timely manner. After prior review and approval by the  
9 community college president and the community college board,  
10 the plan shall be submitted as part of the annual employment  
11 accountability plan submitted by each community college to the  
12 State Board of Education.

13 (6) Subject to available funding, the Legislature  
14 shall provide an annual appropriation to the State Board of  
15 Education to be allocated to community college presidents,  
16 faculty, and administrative personnel to further enhance  
17 equity initiatives and related priorities that support the  
18 mission of colleges and departments in recognition of the  
19 attainment of the equity goals and objectives.

20 Section 765. Section 1012.865, Florida Statutes, is  
21 created to read:

22 1012.865 Sick leave.--Each community college board of  
23 trustees shall adopt rules whereby any full-time employee who  
24 is unable to perform his or her duties at the college on  
25 account of personal sickness, accident disability, or extended  
26 personal illness, or because of illness or death of the  
27 employee's father, mother, brother, sister, husband, wife,  
28 child, or other close relative or member of the employee's own  
29 household, and who consequently has to be absent from work  
30 shall be granted leave of absence for sickness by the  
31

1 president or by the president's designated representative.

2 The following provisions shall govern sick leave:

3 (1) DEFINITIONS.--As used in this section, unless the  
4 context otherwise requires, the term:

5 (a) "Educational support employee" means any person  
6 employed by a community college as an education or  
7 administrative paraprofessional; a member of the operations,  
8 maintenance, or comparable department; or a secretary,  
9 clerical, or comparable level support employee.

10 (b) "Instructional staff" shall be used synonymously  
11 with the word "teacher" or "faculty" and includes faculty  
12 members, librarians, counselors, and other comparable members  
13 engaged in an instructional capacity in the community college.

14 (2) EXTENT OF LEAVE WITH COMPENSATION.--

15 (a) Each full-time employee shall earn 1 day of sick  
16 leave with compensation for each calendar month or major  
17 fraction of a calendar month of service, not to exceed 12 days  
18 for each fiscal year. Such leave shall be taken only when  
19 necessary because of sickness as herein prescribed. Such sick  
20 leave shall be cumulative from year to year. Accumulated sick  
21 leave may be transferred from another Florida community  
22 college, the Florida Department of Education, a state  
23 university, a Florida district school board, or a state  
24 agency, provided that at least one-half of the sick leave  
25 accumulated at any time must have been established in the  
26 college in which such employee is currently employed.

27 (b) A community college board of trustees may  
28 establish rules and prescribe procedures whereby a full-time  
29 employee may, at the beginning date of employment in any year,  
30 be credited with 12 days of sick leave with compensation in  
31 excess of the number of days the employee has earned. Upon

1 termination of employment, the employee's final compensation  
2 shall be adjusted in an amount necessary to ensure that sick  
3 leave with compensation does not exceed the days of earned  
4 sick leave as provided herein.

5 (c) A community college board of trustees may  
6 establish rules and prescribe standards to permit a full-time  
7 employee to be absent no more than 4 days for personal  
8 reasons. However, such absences for personal reasons shall be  
9 charged only to accrued sick leave, and leave for personal  
10 reasons shall be noncumulative.

11 (d) A community college board of trustees may  
12 establish rules to provide terminal pay for accumulated sick  
13 leave to full-time instructional staff and educational support  
14 employees or to the employee's beneficiary if service is  
15 terminated by death. However, such terminal pay may not  
16 exceed an amount determined as follows:

17 1. During the first 3 years of service, the daily rate  
18 of pay multiplied by 35 percent times the number of days of  
19 accumulated sick leave.

20 2. During the next 3 years of service, the daily rate  
21 of pay multiplied by 40 percent times the number of days of  
22 accumulated sick leave.

23 3. During the next 3 years of service, the daily rate  
24 of pay multiplied by 45 percent times the number of days of  
25 accumulated sick leave.

26 4. During the 10th year of service, the daily rate of  
27 pay multiplied by 50 percent times the number of days of  
28 accumulated sick leave.

29 5. During the next 20 years of service, the daily rate  
30 of pay multiplied by 50 percent plus up to an additional 2.5  
31

1 percent per year for each year of service beyond 10 years,  
2 times the number of days of accumulated sick leave.

3  
4 If an employee receives terminal pay benefits based on unused  
5 sick leave credit, all unused sick leave credit shall become  
6 invalid; however, if an employee terminates his or her  
7 employment without receiving terminal pay benefits and is  
8 reemployed, his or her sick leave credit shall be reinstated.

9 (e) A community college board of trustees may, by  
10 rule, provide for terminal pay for accumulated unused sick  
11 leave to be paid to any full-time employee of a community  
12 college other than instructional staff or educational support  
13 employees. If termination of employment is by death of the  
14 employee, any terminal pay to which the employee may have been  
15 entitled shall be made to the employee's beneficiary.

16 1. For unused sick leave accumulated before July 1,  
17 2001, terminal pay shall be made pursuant to rules or policies  
18 of the board of trustees which are in effect on June 30, 2001.

19 2. For unused sick leave accumulated on or after July  
20 1, 2001, terminal payment may not exceed an amount equal to  
21 one-fourth of the employee's unused sick leave or 60 days of  
22 the employee's pay, whichever amount is less.

23 3. If the employee has an accumulated sick leave  
24 balance of 60 days or more on June 30, 2001, sick leave earned  
25 after that date may not be accumulated for terminal pay  
26 purposes until the accumulated leave balance as of June 30,  
27 2001, is less than 60 days.

28 (3) CLAIM MUST BE FILED.--Any full-time employee who  
29 finds it necessary to be absent from his or her duties because  
30 of illness as defined in this section shall notify the  
31 community college president or a college official designated

1 by the president, if possible before the opening of college on  
2 the day on which the employee must be absent or during the  
3 day, except when he or she is absent for emergency reasons  
4 recognized by the community college board of trustees as  
5 valid. Any employee shall, before claiming and receiving  
6 compensation for the time absent from his or her duties while  
7 absent because of sick leave as prescribed in this section,  
8 make and file a written certificate which shall set forth the  
9 day or days absent, that such absence was necessary, and that  
10 he or she is entitled or not entitled to receive pay for such  
11 absence in accordance with the provisions of this section. The  
12 community college board of trustees may adopt rules under  
13 which the president may require a certificate of illness from  
14 a licensed physician or from the county health officer.

15 (4) COMPENSATION.--Any full-time employee who has  
16 unused sick leave credit shall receive full-time compensation  
17 for the time justifiably absent on sick leave; no compensation  
18 may be allowed beyond that provided in subsection (6).

19 (5) EXPENDITURE AUTHORIZED.--Community college boards  
20 of trustees may expend public funds for payment to employees  
21 on account of sickness. The expending and excluding of such  
22 funds shall be in compliance with rules adopted by the  
23 Department of Management Services pursuant to chapter 650.

24 (6) SICK LEAVE POOL.--Notwithstanding any other  
25 provision of this section, a community college board of  
26 trustees may, by rule, based upon the maintenance of reliable  
27 and accurate records by the community college showing the  
28 amount of sick leave which has been accumulated and is unused  
29 by employees in accordance with this section, establish a plan  
30 allowing participating full-time employees of the community  
31 college to pool sick leave accrued and allowing any sick leave

1 thus pooled to be disbursed to any participating employee who  
2 is in need of sick leave in excess of that amount he or she  
3 has personally accrued. Such rules shall include, but not be  
4 limited to, the following provisions:

5 (a) Participation in the sick leave pool shall at all  
6 times be voluntary on the part of employees.

7 (b) Any full-time employee shall be eligible for  
8 participation in the sick leave pool after 1 year of  
9 employment with the community college, provided such employee  
10 has accrued a minimum amount of unused sick leave, which  
11 minimum shall be established by rule.

12 (c) Any sick leave pooled pursuant to this section  
13 shall be removed from the personally accumulated sick leave  
14 balance of the employee donating such leave.

15 (d) Participating employees shall make equal  
16 contributions to the sick leave pool. There shall be  
17 established a maximum amount of sick leave which may be  
18 contributed to the pool by an employee. After the initial  
19 contribution which an employee makes upon electing to  
20 participate, no further contributions shall be required except  
21 as may be necessary to replenish the pool. Any such further  
22 contribution shall be equally required of all employees  
23 participating in the pool.

24 (e) Any sick leave time drawn from the pool by a  
25 participating employee must be used for that employee's  
26 personal illness, accident, or injury.

27 (f) A participating employee will not be eligible to  
28 use sick leave from the pool until all of his or her sick  
29 leave has been depleted. There shall be established a maximum  
30 number of days for which an employee may draw sick leave from  
31 the sick leave pool.



1       (g) A participating employee who uses sick leave from  
2 the pool will not be required to recontribute such sick leave  
3 to the pool, except as otherwise provided herein.

4       (h) A participating employee who chooses to no longer  
5 participate in the sick leave pool will not be eligible to  
6 withdraw any sick leave already contributed to the pool.

7       (i) Alleged abuse of the use of the sick leave pool  
8 shall be investigated, and, on a finding of wrongdoing, the  
9 employee shall repay all of the sick leave credits drawn from  
10 the sick leave pool and shall be subject to such other  
11 disciplinary action as is determined by the board to be  
12 appropriate. Rules adopted for the administration of this  
13 program shall provide for the investigation of the use of sick  
14 leave utilized by the participating employee in the sick leave  
15 pool.

16       Section 766. Section 1012.87, Florida Statutes, is  
17 created to read:

18       1012.87 Retirement annuities.--Each community college  
19 board of trustees may purchase annuities for its community  
20 college personnel who have 25 or more years of creditable  
21 service and who have reached age 55 and have applied for  
22 retirement under the Florida Retirement System. No such  
23 annuity may provide for more than the total difference in  
24 retirement income between the retirement benefit based on  
25 average monthly compensation and creditable service as of the  
26 member's early retirement date and the early retirement  
27 benefit. Community college boards of trustees may also  
28 purchase annuities for members of the Florida Retirement  
29 System who have out-of-state teaching service in another state  
30 or country which is documented as valid by the appropriate  
31 educational entity. Such annuities may be based on no more

1 than 5 years of out-of-state teaching service and may equal,  
2 but not exceed, the benefits that would be payable under the  
3 Florida Retirement System if credit for out-of-state teaching  
4 was authorized under that system. Each community college board  
5 of trustees may invest funds, purchase annuities, or provide  
6 local supplemental retirement programs for purposes of  
7 providing retirement annuities for community college  
8 personnel. All such retirement annuities shall comply with s.  
9 14, Art. X of the State Constitution.

10 Section 767. Section 1012.875, Florida Statutes, is  
11 created to read:

12 1012.875 Community College Optional Retirement  
13 Program.--Each community college may implement an optional  
14 retirement program, if such program is established therefor  
15 pursuant to s. 1001.64(20), under which annuity contracts  
16 providing retirement and death benefits may be purchased by,  
17 and on behalf of, eligible employees who participate in the  
18 program. Except as otherwise provided herein, this retirement  
19 program, which shall be known as the State Community College  
20 System Optional Retirement Program, may be implemented and  
21 administered only by an individual community college or by a  
22 consortium of community colleges.

23 (1) As used in this section, the term:

24 (a) "Activation" means the date upon which an optional  
25 retirement program is first made available by the program  
26 administrator to eligible employees.

27 (b) "College" means community colleges that are  
28 members of the Florida Community College System.

29 (c) "Department" means the Department of Management  
30 Services.

31

1           (d) "Program administrator" means the individual  
2 college or consortium of colleges responsible for implementing  
3 and administering an optional retirement program.

4           (e) "Program participant" means an eligible employee  
5 who has elected to participate in an available optional  
6 retirement program as authorized by this section.

7           (2) Participation in the optional retirement program  
8 provided by this section is limited to employees who satisfy  
9 the criteria set forth in s. 121.051(2)(c).

10           (3)(a) With respect to any employee who is eligible to  
11 participate in the optional retirement program by reason of  
12 qualifying employment commencing before the program's  
13 activation:

14           1. The employee may elect to participate in the  
15 optional retirement program in lieu of participation in the  
16 Florida Retirement System. To become a program participant,  
17 the employee must file with the personnel officer of the  
18 college, within 60 days after the program's activation, both a  
19 written election on a form provided by the department and a  
20 completed application for an individual contract or  
21 certificate.

22           2. An employee's participation in the optional  
23 retirement program commences on the first day of the next full  
24 calendar month following the filing of the election and  
25 completed application with the program administrator and  
26 receipt of such election by the department. An employee's  
27 membership in the Florida Retirement System terminates on this  
28 same date.

29           3. Any such employee who fails to make an election to  
30 participate in the optional retirement program within 60 days  
31

1 after its activation has elected to retain membership in the  
2 Florida Retirement System.

3 (b) With respect to any employee who becomes eligible  
4 to participate in an optional retirement program by reason of  
5 qualifying employment commencing on or after the program's  
6 activation:

7 1. The employee may elect to participate in the  
8 optional retirement program in lieu of participation in the  
9 Florida Retirement System. To become a program participant,  
10 the employee must file with the personnel officer of the  
11 college, within 60 days after commencing qualifying  
12 employment, both a written election on a form provided by the  
13 department and a completed application for an individual  
14 contract or certificate.

15 2. An employee's participation in the optional  
16 retirement program commences on the first day of the next full  
17 calendar month following the filing of the election and  
18 completed application with the program administrator and  
19 receipt of such election by the department. An employee's  
20 membership in the Florida Retirement System terminates on this  
21 same date.

22 3. If the employee makes an election to participate in  
23 the optional retirement program before the community college  
24 submits its initial payroll for the employee, participation in  
25 the optional retirement program commences on the first date of  
26 employment.

27 4. Any such employee who fails to make an election to  
28 participate in the optional retirement program within 60 days  
29 after commencing qualifying employment has elected to retain  
30 membership in the Florida Retirement System.

31

1           (c) Any employee who, on or after an optional  
2 retirement program's activation, becomes eligible to  
3 participate in the program by reason of a change in status due  
4 to the subsequent designation of the employee's position as  
5 one of those referenced in subsection (2), or due to the  
6 employee's appointment, promotion, transfer, or  
7 reclassification to a position referenced in subsection (2),  
8 must be notified by the community college of the employee's  
9 eligibility to participate in the optional retirement program  
10 in lieu of participation in the Florida Retirement System.  
11 These eligible employees are subject to the provisions of  
12 paragraph (b) and may elect to participate in the optional  
13 retirement program in the same manner as those employees  
14 described in paragraph (b), except that the 60-day election  
15 period commences upon the date notice of eligibility is  
16 received by the employee.

17           (d) Program participants must be fully and immediately  
18 vested in the optional retirement program.

19           (e) The election by an eligible employee to  
20 participate in the optional retirement program is irrevocable  
21 for so long as the employee continues to meet the eligibility  
22 requirements set forth in this section and in s.  
23 121.051(2)(c), except as provided in paragraph (i).

24           (f) If a program participant becomes ineligible to  
25 continue participating in the optional retirement program  
26 pursuant to the criteria referenced in subsection (2), the  
27 employee becomes a member of the Florida Retirement System if  
28 eligible. The college must notify the department of an  
29 employee's change in eligibility status within 30 days after  
30 the event that makes the employee ineligible to continue  
31 participation in the optional retirement program.

1       (g) An eligible employee who is a member of the  
2 Florida Retirement System at the time of election to  
3 participate in the optional retirement program retains all  
4 retirement service credit earned under the Florida Retirement  
5 System at the rate earned. Additional service credit in the  
6 Florida Retirement System may not be earned while the employee  
7 participates in the optional retirement program, nor is the  
8 employee eligible for disability retirement under the Florida  
9 Retirement System.

10       (h) A program participant may not simultaneously  
11 participate in any other state-administered retirement system,  
12 plan, or class.

13       (i) Except as provided in s. 121.052(6)(d), a program  
14 participant who is or who becomes dually employed in two or  
15 more positions covered by the Florida Retirement System, one  
16 of which is eligible for an optional retirement program  
17 pursuant to this section and one of which is not, is subject  
18 to the dual employment provisions of chapter 121.

19       (4)(a) Each college must contribute on behalf of each  
20 program participant an amount equal to 10.43 percent of the  
21 participant's gross monthly compensation. The college shall  
22 deduct an amount approved by the community college to provide  
23 for the administration of the optional retirement program.  
24 Payment of this contribution must be made either directly by  
25 the community college or through the program administrator to  
26 the designated company contracting for payment of benefits to  
27 the program participant.

28       (b) Each community college must contribute on behalf  
29 of each program participant an amount equal to the unfunded  
30 actuarial accrued liability portion of the employer  
31 contribution which would be required if the program

1 participant were a member of the Regular Class of the Florida  
2 Retirement System. Payment of this contribution must be made  
3 directly by the college to the department for deposit in the  
4 Florida Retirement System Trust Fund.

5 (c) Each program participant who has executed an  
6 annuity contract may contribute by way of salary reduction or  
7 deduction a percentage of the program participant's gross  
8 compensation, but this percentage may not exceed the  
9 corresponding percentage contributed by the community college  
10 to the optional retirement program. Payment of this  
11 contribution may be made either directly by the college or  
12 through the program administrator to the designated company  
13 contracting for payment of benefits to the program  
14 participant.

15 (d) Contributions to an optional retirement program by  
16 a college or a program participant are in addition to, and  
17 have no effect upon, contributions required now or in future  
18 by the federal Social Security Act.

19 (5)(a) The benefits to be provided to program  
20 participants must be provided through individual contracts or  
21 group annuity contracts, which may be fixed, variable, or  
22 both. Each individual contract or certificate must state the  
23 type of annuity contract on its face page, and must include at  
24 least a statement of ownership, the contract benefits, annuity  
25 income options, limitations, expense charges, and surrender  
26 charges, if any.

27 (b) Benefits are payable under the optional retirement  
28 program to program participants or their beneficiaries, and  
29 the benefits must be paid only by the designated company in  
30 accordance with the terms of the annuity contracts applicable  
31 to the program participant, provided that benefits funded by

1 employer contributions are payable only as a lifetime annuity  
2 to the program participant, except for:

3 1. A lump-sum payment to the program participant's  
4 beneficiary or estate upon the death of the program  
5 participant; or

6 2. A cash-out of a de minimis account upon the request  
7 of a former program participant who has been terminated for a  
8 minimum of 6 months from the employment that caused the  
9 participant to be eligible for participation. A de minimis  
10 account is an account with a designated company containing  
11 employer contributions and accumulated earnings of not more  
12 than \$3,500. The cash-out must be a complete liquidation of  
13 the account balance with that designated company and is  
14 subject to the provisions of the Internal Revenue Code.

15 (c) The benefits payable to any person under the  
16 optional retirement program, and any contribution accumulated  
17 under the program, are not subject to assignment, execution,  
18 attachment, or to any legal process whatsoever.

19 (6)(a) The optional retirement program authorized by  
20 this section must be implemented and administered by the  
21 program administrator under s. 403(b) of the Internal Revenue  
22 Code. The program administrator has the express authority to  
23 contract with a third party to fulfill any of the program  
24 administrator's duties.

25 (b) The program administrator shall solicit  
26 competitive bids or issue a request for proposal and select no  
27 more than four companies from which annuity contracts may be  
28 purchased under the optional retirement program. In making  
29 these selections, the program administrator shall consider the  
30 following factors:

31 1. The financial soundness of the company.



1           2. The extent of the company's experience in providing  
2 annuity contracts to fund retirement programs.

3           3. The nature and extent of the rights and benefits  
4 provided to program participants in relation to the premiums  
5 paid.

6           4. The suitability of the rights and benefits provided  
7 to the needs of eligible employees and the interests of the  
8 college in the recruitment and retention of employees.

9  
10 In lieu of soliciting competitive bids or issuing a request  
11 for proposals, the program administrator may authorize the  
12 purchase of annuity contracts under the optional retirement  
13 program from those companies currently selected by the  
14 department to offer such contracts through the State  
15 University System Optional Retirement Program, as set forth in  
16 s. 121.35.

17           (c) Optional retirement program annuity contracts must  
18 be approved in form and content by the program administrator  
19 in order to qualify. The program administrator may use the  
20 same annuity contracts currently used within the State  
21 University System Optional Retirement Program, as set forth in  
22 s. 121.35.

23           (d) The provision of each annuity contract applicable  
24 to a program participant must be contained in a written  
25 program description that includes a report of pertinent  
26 financial and actuarial information on the solvency and  
27 actuarial soundness of the program and the benefits applicable  
28 to the program participant. The company must furnish the  
29 description annually to the program administrator, and to each  
30 program participant upon commencement of participation in the  
31 program and annually thereafter.

1           (e) The program administrator must ensure that each  
2 program participant is provided annually with an accounting of  
3 the total contributions and the annual contributions made by  
4 and on the behalf of the program participant.

5           Section 768. Section 1012.88, Florida Statutes, is  
6 created to read:

7           1012.88 Community college police.--

8           (1) Each community college is permitted and empowered  
9 to employ police officers for the college, who must be  
10 designated community college police.

11           (2) Each community college police officer is a law  
12 enforcement officer of the state and a conservator of the  
13 peace who has the authority to arrest, in accordance with the  
14 laws of this state, any person for a violation of state law or  
15 applicable county or municipal ordinance if that violation  
16 occurs on or in any property or facilities of the community  
17 college by which he or she is employed. A community college  
18 police officer may also arrest a person off campus for a  
19 violation committed on campus after a hot pursuit of that  
20 person which began on campus. A community college police  
21 officer may bear arms in the performance of his or her duties  
22 and carry out a search pursuant to a search warrant on the  
23 campus where he or she is employed. Community college police,  
24 upon request of the sheriff or local police authority, may  
25 serve subpoenas or other legal process and may make arrests of  
26 persons against whom arrest warrants have been issued or  
27 against whom charges have been made for violations of federal  
28 or state laws or county or municipal ordinances.

29           (3) Community college police shall promptly deliver  
30 all persons arrested and charged with felonies to the sheriff  
31 of the county within which the community college is located

1 and all persons arrested and charged with misdemeanors to the  
2 applicable authority as provided by law, but otherwise to the  
3 sheriff of the county in which the college is located.

4 (4) Community college police must meet the minimum  
5 standards established by the Police Standards and Training  
6 Commission of the Department of Law Enforcement and chapter  
7 943 for law enforcement officers. Each community college  
8 police officer must, before entering into the performance of  
9 his or her duties, take the oath of office established by the  
10 community college. Each community college that employs police  
11 officers may obtain and approve a bond on each police officer,  
12 conditioned upon the officer's faithful performance of his or  
13 her duties, which bond must be payable to the Governor. The  
14 community college may determine the amount of the bond. In  
15 determining the amount of the bond, the community college may  
16 consider the amount of money or property likely to be in the  
17 custody of the officer at any one time. The community college  
18 shall provide a uniform set of identifying credentials to each  
19 community college police officer it employs.

20 (5) In performance of any of the powers, duties, and  
21 functions authorized by law, community college police have the  
22 same rights, protections, and immunities afforded other law  
23 enforcement officers.

24 (6) The community college, with the approval of the  
25 Department of Law Enforcement, shall adopt rules, including,  
26 without limitation, rules for the appointment, employment, and  
27 removal of community college police in accordance with the  
28 state Career Service System and shall establish in writing a  
29 policy manual, that includes, without limitation, procedures  
30 for managing routine law enforcement situations and emergency  
31 law enforcement situations. The community college shall

1 furnish a copy of the policy manual to each of the police  
2 officers it employs.

3 Section 769. Part IV.c. of chapter 1012 shall be  
4 entitled "Universities; Personnel" and shall consist of ss.  
5 1012.91-1012.97.

6 Section 770. Section 1012.91, Florida Statutes, is  
7 created to read:

8 1012.91 Personnel records.--

9 (1) Each university board of trustees shall adopt  
10 rules prescribing the content and custody of limited-access  
11 records that the university may maintain on its employees.  
12 Such limited-access records are confidential and exempt from  
13 the provisions of s. 119.07(1). Such records are limited to  
14 the following:

15 (a) Records containing information reflecting academic  
16 evaluations of employee performance shall be open to  
17 inspection only by the employee and by officials of the  
18 university responsible for supervision of the employee.

19 (b) Records maintained for the purposes of any  
20 investigation of employee misconduct, including but not  
21 limited to a complaint against an employee and all information  
22 obtained pursuant to the investigation of such complaint,  
23 shall be confidential until the investigation ceases to be  
24 active or until the university provides written notice to the  
25 employee who is the subject of the complaint that the  
26 university has either:

27 1. Concluded the investigation with a finding not to  
28 proceed with disciplinary action;

29 2. Concluded the investigation with a finding to  
30 proceed with disciplinary action; or

31 3. Issued a letter of discipline.

1  
2 For the purpose of this paragraph, an investigation shall be  
3 considered active as long as it is continuing with a  
4 reasonable, good faith anticipation that a finding will be  
5 made in the foreseeable future. An investigation shall be  
6 presumed to be inactive if no finding is made within 90 days  
7 after the complaint is filed.

8 (c) Records maintained for the purposes of any  
9 disciplinary proceeding brought against an employee shall be  
10 confidential until a final decision is made in the  
11 proceeding. The record of any disciplinary proceeding,  
12 including any evidence presented, shall be open to inspection  
13 by the employee at all times.

14 (d) Records maintained for the purposes of any  
15 grievance proceeding brought by an employee for enforcement of  
16 a collective bargaining agreement or contract shall be  
17 confidential and shall be open to inspection only by the  
18 employee and by officials of the university conducting the  
19 grievance proceeding until a final decision is made in the  
20 proceeding.

21 (2) Notwithstanding the foregoing, any records or  
22 portions thereof which are otherwise confidential by law shall  
23 continue to be exempt from the provisions of s. 119.07(1). In  
24 addition, for sexual harassment investigations, portions of  
25 such records which identify the complainant, a witness, or  
26 information which could reasonably lead to the identification  
27 of the complainant or a witness are limited-access records.

28 (3) Except as required for use by the president in the  
29 discharge of his or her official responsibilities, the  
30 custodian of limited-access records may release information  
31

1 from such records only upon authorization in writing from the  
2 employee or upon order of a court of competent jurisdiction.

3 (4) Notwithstanding the provisions of subsection (1),  
4 records comprising the common core items contained in the  
5 State University System Student Assessment of Instruction or  
6 comparable instrument may not be prescribed as limited-access  
7 records.

8 (5) This act shall apply to records created after July  
9 1, 1995.

10 Section 771. Section 1012.92, Florida Statutes, is  
11 created to read:

12 1012.92 Personnel codes of conduct; disciplinary  
13 measures; rulemaking authority.--

14 (1) Each university board of trustees may adopt, by  
15 rule, codes of conduct and appropriate penalties for  
16 violations of rules by employees, to be administered by the  
17 university. Such penalties, unless otherwise provided by law,  
18 may include: reprimand; restitution; fines; restrictions on  
19 the use of or removal from university facilities; educational  
20 training or counseling requirements; and the imposition of  
21 probation, suspension, dismissal, demotion, or other  
22 appropriate disciplinary action.

23 (2) Sanctions authorized by university codes of  
24 conduct may be imposed only for acts or omissions in violation  
25 of rules adopted by the university, including rules adopted  
26 under this section, rules of the State Board of Education,  
27 county and municipal ordinances, and the laws of this state,  
28 the United States, or any other state.

29 (3) The university board of trustees shall adopt rules  
30 for the lawful discipline of any employee who intentionally  
31 acts to impair, interfere with, or obstruct the orderly

1 conduct, processes, and functions of a state university. Said  
2 rules may apply to acts conducted on or off campus when  
3 relevant to such orderly conduct, processes, and functions.

4 Section 772. Section 1012.93, Florida Statutes, is  
5 created to read:

6 1012.93 Faculty members; test of spoken English.--The  
7 State Board of Education shall adopt rules requiring that all  
8 faculty members in each state university and New College,  
9 other than those persons who teach courses that are conducted  
10 primarily in a foreign language, be proficient in the oral use  
11 of English, as determined by a satisfactory grade on the "Test  
12 of Spoken English" of the Educational Testing Service or a  
13 similar test approved by the board.

14 Section 773. Section 1012.94, Florida Statutes, is  
15 created to read:

16 1012.94 Evaluations of faculty members; report.--  
17 (1) For the purpose of evaluating faculty members,  
18 each university board of trustees shall adopt rules for the  
19 assignment of duties and responsibilities to faculty members.  
20 These assigned duties or responsibilities shall be conveyed to  
21 each faculty member at the beginning of each academic term, in  
22 writing, by his or her departmental chair or other appropriate  
23 university administrator making the assignment. In evaluating  
24 the competencies of a faculty member, primary assessment shall  
25 be in terms of his or her performance of the assigned duties  
26 and responsibilities, and such evaluation shall be given  
27 adequate consideration for the purpose of salary adjustments,  
28 promotions, reemployment, and tenure. A faculty member who is  
29 assigned full-time teaching duties as provided by law shall be  
30 rewarded with salary adjustments, promotions, reemployment, or  
31

1 tenure for meritorious teaching and other scholarly activities  
2 related thereto.

3 (2) The State Board of Education shall establish  
4 criteria for evaluating the quantity and quality of service to  
5 public schools by university faculty members and shall require  
6 consideration of this service in promotion, tenure, and other  
7 reward measures. Each university board shall ensure that the  
8 following policies are implemented:

9 (a) Flexible criteria for rewarding faculty members,  
10 consistent with the educational goals and objectives of the  
11 university, shall be established, which criteria shall include  
12 quality teaching and service to public schools as major  
13 factors in determining salary adjustments, promotions,  
14 reemployment, or tenure.

15 (b) Measures shall be taken to increase the  
16 recognition, reinforcements, and rewards given quality  
17 teaching and service to public schools. Such measures might  
18 include grants for professional development, curriculum  
19 improvement, and instructional innovation, as well as awards  
20 of varying kinds for meritorious teaching.

21 (c) The means of identifying and evaluating quality  
22 teachers and outstanding service to public schools shall be  
23 determined in accordance with established guidelines of the  
24 university.

25 (3) The chief academic officer at each state  
26 university and New College shall disseminate information to  
27 all faculty members which clearly states that service to  
28 public schools is one of the criteria used to determine salary  
29 adjustments, promotions, reemployment, and tenure for faculty  
30 members.

31



1           Section 774. Section 1012.945, Florida Statutes, is  
2 created to read:

3           1012.945 Required number of classroom teaching hours  
4 for university faculty members.--

5           (1) As used in this section:

6           (a) "State funds" means those funds appropriated  
7 annually in the General Appropriations Act.

8           (b) "Classroom contact hour" means a regularly  
9 scheduled 1-hour period of classroom activity in a course of  
10 instruction which has been approved by the university.

11           (2) Each full-time equivalent teaching faculty member  
12 at a university who is paid wholly from state funds shall  
13 teach a minimum of 12 classroom contact hours per week at such  
14 university. However, any faculty member who is assigned by his  
15 or her departmental chair or other appropriate university  
16 administrator professional responsibilities and duties in  
17 furtherance of the mission of the university shall teach a  
18 minimum number of classroom contact hours in proportion to 12  
19 classroom hours per week as such especially assigned  
20 aforementioned duties and responsibilities bear to 12  
21 classroom contact hours per week. Any full-time faculty member  
22 who is paid partly from state funds and partly from other  
23 funds or appropriations shall teach a minimum number of  
24 classroom contact hours in such proportion to 12 classroom  
25 contact hours per week as his or her salary paid from state  
26 funds bears to his or her total salary. In determining the  
27 appropriate hourly weighting of assigned duties other than  
28 classroom contact hours, the universities shall develop and  
29 apply a formula designed to equate the time required for  
30 nonclassroom duties with classroom contact hours. "Full-time  
31 equivalent teaching faculty member" shall be interpreted to

1 mean all faculty personnel budgeted in the instruction and  
2 research portion of the budget, exclusive of those full-time  
3 equivalent positions assigned to research, public service,  
4 administrative duties, and academic advising. Full-time  
5 administrators, librarians, and counselors shall be exempt  
6 from the provisions of this section; and colleges of medicine  
7 and law and others which are required for purposes of  
8 accreditation to meet national standards prescribed by the  
9 American Medical Association, the American Bar Association, or  
10 other professional associations shall be exempt from the  
11 provisions of this section to the extent that the requirements  
12 of this section differ from the requirements of accreditation.

13 Section 775. Section 1012.95, Florida Statutes, is  
14 created to read:

15 1012.95 University employment equity accountability  
16 program.--

17 (1) Each state university and New College shall  
18 maintain an annual equity plan for appropriate representation  
19 of women and minorities in senior-level administrative  
20 positions, within tenure-track faculty, and within  
21 faculty-granted tenure. Such plan shall be maintained until  
22 appropriate representation has been achieved. As used in this  
23 subsection, the term:

24 (a) "Appropriate representation" means category  
25 employment representation that at least meets comparable  
26 national standards for at least two consecutive reporting  
27 periods.

28 (b) "Category" means major executive, administrative,  
29 and professional grouping, including senior-level  
30 administrative and professional positions, senior academic  
31 administrative-level positions, and tenure-track faculty.

1       (2)(a) By April 1 of each year, each state university  
2 president shall submit an annual equity report to the  
3 Commissioner of Education and the State Board of Education.  
4 The equity report shall consist of a status update, an  
5 analysis, and a status report of selected personnel  
6 transactions. As used in this paragraph, the term, "selected  
7 personnel transactions" means new hires in, promotions into,  
8 tenure actions in, and terminations from a category. Each  
9 university shall provide the following information for the  
10 selected personnel transactions including, but not limited to:

- 11           1. Job classification title.
- 12           2. Gender.
- 13           3. Race.
- 14           4. Appointment status.

15  
16 The status update shall assess underrepresentation in each  
17 category. The status report shall consist of current category  
18 employment representation, comparable national standards, an  
19 evaluation of representation, and annual goals to address  
20 underrepresentation.

21       (b) After 1 year of implementation of a plan, and  
22 annually thereafter, for those categories in which prior year  
23 goals were not achieved, each university shall provide, in its  
24 annual equity report, a narrative explanation and a plan for  
25 achievement of equity. The plan shall include guidelines for  
26 ensuring balanced membership on selection committees and  
27 specific steps for developing a diverse pool of candidates for  
28 each vacancy in the category. The plan shall also include a  
29 systematic process by which those responsible for hiring are  
30 provided information and are evaluated regarding their  
31 responsibilities pursuant to this section.

1           (c) The equity report shall include an analysis and  
2 assessment of the university's accomplishment of annual goals,  
3 as specified in the university's affirmative action plan, for  
4 increasing the representation of women and minorities in  
5 tenure-earning and senior-level administrative positions.

6           (d) The equity report shall also include the current  
7 rank, race, and gender of faculty eligible for tenure in a  
8 category. In addition, each university shall report  
9 representation of the pool of tenure-eligible faculty at each  
10 stage of the transaction process and provide certification  
11 that each eligible faculty member was apprised annually of  
12 progress toward tenure. Each university shall also report on  
13 the dissemination of standards for achieving tenure; racial  
14 and gender composition of committees reviewing recommendations  
15 at each transaction level; and dissemination of guidelines for  
16 equitable distribution of assignments.

17           (3)(a) A factor in the evaluation of university  
18 presidents, vice presidents, deans, and chairpersons shall be  
19 their annual progress in achieving the annual and long-range  
20 hiring and promotional goals and objectives, as specified in  
21 the university's equity plan and affirmative action plan.  
22 Annual budget allocations for positions and funding shall be  
23 based on this evaluation. A summary of such evaluations shall  
24 be submitted to the Commissioner of Education and the State  
25 Board of Education as part of the university's annual equity  
26 report.

27           (b) The university boards shall annually evaluate the  
28 performance of the university presidents in achieving the  
29 annual equity goals and objectives. A summary of the results  
30 of such evaluations shall be included as part of the annual  
31

1 equity progress report submitted by the university boards to  
2 the Legislature and the State Board of Education.

3 (4) The State Board of Education shall submit an  
4 annual equity progress report to the President of the Senate  
5 and the Speaker of the House of Representatives on or before  
6 August 1 of each year.

7 (5) Each university shall develop a budgetary  
8 incentive plan to support and ensure attainment of the goals  
9 developed pursuant to this section. The plan shall specify, at  
10 a minimum, how resources shall be allocated to support the  
11 achievement of goals and the implementation of strategies in a  
12 timely manner. After prior review and approval by the  
13 university president and the university board, the plan shall  
14 be submitted as part of the annual equity report submitted by  
15 each university to the State Board of Education.

16 (6) Relevant components of each university's  
17 affirmative action plan may be used to satisfy the  
18 requirements of this section.

19 (7) Subject to available funding, the Legislature  
20 shall provide an annual appropriation to be allocated to the  
21 universities to further enhance equity initiatives and related  
22 priorities that support the mission of departments, divisions,  
23 or colleges in recognition of the attainment of equity goals  
24 and objectives.

25 Section 776. Section 1012.96, Florida Statutes, is  
26 created to read:

27 1012.96 IFAS extension personnel; federal health  
28 insurance programs notwithstanding the provisions of s.  
29 110.123.--The Institute of Food and Agricultural Sciences at  
30 the University of Florida may pay the employer's share of  
31 premiums to the Federal Health Benefits Insurance Program from

1 its appropriated budget for any cooperative extension employee  
2 of the institute having both state and federal appointments  
3 and participating in the Federal Civil Service Retirement  
4 System.

5 Section 777. Section 1012.965, Florida Statutes, is  
6 created to read:

7 1012.965 Payment of costs of civil action against  
8 employees.--

9 (1) An employee or agent under the right of control of  
10 a university board of trustees who, pursuant to the university  
11 board's policies or rules, renders medical care or treatment  
12 at any hospital or health care facility with which the  
13 university board maintains an affiliation agreement whereby  
14 the hospital or health care facility provides to the  
15 university board a clinical setting for health care education,  
16 research, and services, shall not be deemed to be an agent of  
17 any person other than the university board in any civil action  
18 resulting from any act or omission of the employee or agent  
19 while rendering said medical care or treatment. For this  
20 subsection to apply, the patient shall be provided separate  
21 written conspicuous notice by the university board or by the  
22 hospital or health care facility, and shall acknowledge  
23 receipt of this notice, in writing, unless impractical by  
24 reason of an emergency, either personally or through another  
25 person authorized to give consent for him or her, that he or  
26 she will receive care provided by university board's employees  
27 and liability, if any, that may arise from that care is  
28 limited as provided by law. Compliance by a hospital or  
29 health care facility with the requirements of chapter 395 or  
30 s. 766.110(1) shall not be used as evidence in any civil  
31 action to establish an employment or agency relationship

1 between the hospital or health care facility and an employee  
2 or agent of the university board providing services within the  
3 hospital or health care facility.

4 (2) All faculty physicians employed by a university  
5 board of trustees who are subject to the requirements of s.  
6 456.013 shall complete their risk management continuing  
7 education on issues specific to academic medicine. Such  
8 continuing education shall include instruction for the  
9 supervision of resident physicians as required by the  
10 Accreditation Council for Graduate Medical Education. The  
11 boards described in s. 456.013 shall adopt rules to implement  
12 the provisions of this subsection.

13 (3) There are appropriated out of any funds available  
14 in the university system, not subject to the obligation of  
15 contract, covenant, or trust, the amounts necessary to carry  
16 out the purposes of this section.

17 (4) Failure of a university board or an affiliated  
18 health care provider to do any act authorized by this section  
19 shall not constitute a cause of action against the university  
20 board, or an affiliated health care provider, or any of their  
21 members, officers, or employees.

22 Section 778. Section 1012.97, Florida Statutes, is  
23 created to read:

24 1012.97 University police.--

25 (1) Each university is empowered and directed to  
26 provide for police officers for the university, and such  
27 police officers shall hereafter be known and designated as the  
28 "university police."

29 (2) The university police are hereby declared to be  
30 law enforcement officers of the state and conservators of the  
31 peace with the right to arrest, in accordance with the laws of

1 this state, any person for violation of state law or  
2 applicable county or city ordinances when such violations  
3 occur on any property or facilities which are under the  
4 guidance, supervision, regulation, or control of the state  
5 university, except that arrests may be made off campus when  
6 hot pursuit originates on campus. Such officers shall have  
7 full authority to bear arms in the performance of their duties  
8 and to execute search warrants within their territorial  
9 jurisdiction. University police, when requested by the sheriff  
10 or local police authority, may serve subpoenas or other legal  
11 process and may make arrest of any person against whom a  
12 warrant has been issued or any charge has been made of  
13 violation of federal or state laws or county or city  
14 ordinances.

15 (3) University police shall promptly deliver all  
16 persons arrested and charged with a felony to the sheriff of  
17 the county within which the university is located, and all  
18 persons arrested and charged with misdemeanors shall be  
19 delivered to the applicable authority as may be provided by  
20 law, but otherwise to the sheriff of the county in which the  
21 university is located.

22 (4) University police must meet the minimum standards  
23 established by the Criminal Justice Standards and Training  
24 Commission and chapter 943. Each police officer shall, before  
25 entering into the performance of his or her duties, take the  
26 oath of office as established by the university; and the  
27 university may obtain and approve a bond on each officer,  
28 payable to the Governor and his or her successors in office,  
29 conditioned on the faithful performance of the duties of such  
30 university police officer. The university may determine the  
31 amount of the bond. In determining the amount of the bond, the



1 university may consider the amount of money or property likely  
2 to be in the custody of the officer at any one time. The  
3 university shall provide a uniform set of identification  
4 credentials for each university police officer.

5 (5) In performance of any of the powers, duties, and  
6 functions authorized by law or this section, university police  
7 shall have the same rights, protections, and immunities  
8 afforded other peace or law enforcement officers.

9 (6) The university, in concurrence with the Department  
10 of Law Enforcement, shall adopt rules, including, but not  
11 limited to, the appointment, employment, and removal of  
12 university police and, further, establish in writing a policy  
13 manual, including, but not limited to, routine and emergency  
14 law enforcement situations. A policy manual shall be furnished  
15 to each university police officer.

16 Section 779. Part V of chapter 1012 shall be entitled  
17 "Professional Development" and shall consist of ss.  
18 1012.98-1012.985.

19 Section 780. Section 1012.98, Florida Statutes, is  
20 created to read:

21 1012.98 School Community Professional Development  
22 Act.--

23 (1) The Department of Education, public postsecondary  
24 institutions, public school districts, and public schools in  
25 this state shall collaborate to establish a coordinated system  
26 of professional development. The purpose of the professional  
27 development system is to enable the school community to meet  
28 state and local student achievement standards and the state  
29 education goals and to succeed in school improvement as  
30 described in s. 229.591.

31

1           (2) The school community includes administrative  
2 personnel, managers, instructional personnel, support  
3 personnel, members of district school boards, members of  
4 school advisory councils, parents, business partners, and  
5 personnel that provide health and social services to school  
6 children. School districts may identify and include  
7 additional members of the school community in the professional  
8 development activities required by this section.

9           (3) The activities designed to implement this section  
10 must:

11           (a) Increase the success of educators in guiding  
12 student learning and development so as to implement state and  
13 local educational standards, goals, and initiatives;

14           (b) Assist the school community in providing  
15 stimulating educational activities that encourage and motivate  
16 students to achieve at the highest levels and to become active  
17 learners; and

18           (c) Provide continuous support for all education  
19 professionals as well as temporary intervention for education  
20 professionals who need improvement in knowledge, skills, and  
21 performance.

22           (4) The Department of Education, school districts,  
23 schools, and public colleges and universities share the  
24 responsibilities described in this section. These  
25 responsibilities include the following:

26           (a) The department shall develop and disseminate to  
27 the school community model professional development methods  
28 and programs that have demonstrated success in meeting  
29 identified student needs. The Commissioner of Education shall  
30 use data on student achievement to identify student needs. The  
31 methods of dissemination must include a statewide performance

1 support system, a database of exemplary professional  
2 development activities, a listing of available professional  
3 development resources, training programs, and technical  
4 assistance.

5 (b) Each school district shall develop a professional  
6 development system. The system shall be developed in  
7 consultation with teachers and representatives of college and  
8 university faculty, community agencies, and other interested  
9 citizen groups to establish policy and procedures to guide the  
10 operation of the district professional development program.

11 The professional development system must:

12 1. Be approved by the department. All substantial  
13 revisions to the system shall be submitted to the department  
14 for review for continued approval.

15 2. Require the use of student achievement data; school  
16 discipline data; school environment surveys; assessments of  
17 parental satisfaction; performance appraisal data of teachers,  
18 managers, and administrative personnel; and other performance  
19 indicators to identify school and student needs that can be  
20 met by improved professional performance.

21 3. Provide inservice activities coupled with followup  
22 support that are appropriate to accomplish district-level and  
23 school-level improvement goals and standards. The inservice  
24 activities for instructional personnel shall primarily focus  
25 on subject content and teaching methods, including technology,  
26 as related to the Sunshine State Standards, assessment and  
27 data analysis, classroom management, and school safety.

28 4. Include a master plan for inservice activities,  
29 pursuant to rules of the State Board of Education, for all  
30 district employees from all fund sources. The master plan  
31 shall be updated annually by September 1 using criteria for

1 continued approval as specified by rules of the State Board of  
2 Education. Written verification that the inservice plan meets  
3 all requirements of this section must be submitted annually to  
4 the commissioner by October 1.

5 5. Require each school principal to establish and  
6 maintain an individual professional development plan for each  
7 instructional employee assigned to the school. The individual  
8 professional development plan must:

9 a. Be related to specific performance data for the  
10 students to whom the teacher is assigned.

11 b. Define the inservice objectives and specific  
12 measurable improvements expected in student performance as a  
13 result of the inservice activity.

14 c. Include an evaluation component that determines the  
15 effectiveness of the professional development plan.

16 6. Include inservice activities for school  
17 administrative personnel that address updated skills necessary  
18 for effective school management and instructional leadership.

19 7. Provide for systematic consultation with regional  
20 and state personnel designated to provide technical assistance  
21 and evaluation of local professional development programs.

22 8. Provide for delivery of professional development by  
23 distance learning and other technology-based delivery systems  
24 to reach more educators at lower costs.

25 9. Provide for the continuous evaluation of the  
26 quality and effectiveness of professional development programs  
27 in order to eliminate ineffective programs and strategies and  
28 to expand effective ones. Evaluations must consider the impact  
29 of such activities on the performance of participating  
30 educators and their students' achievement and behavior.

31

1        (c) Each community college and university shall assist  
2 the department, school districts, and schools in the design,  
3 delivery, and evaluation of professional development  
4 activities. This assistance must include active participation  
5 in state and local activities required by the professional  
6 development system.

7        (5)(a) The Department of Education shall provide a  
8 system for the recruitment, preparation, and professional  
9 development of school administrative personnel. This system  
10 shall:

11            1. Identify the knowledge, competencies, and skills  
12 necessary for effective school management and instructional  
13 leadership that align with student performance standards and  
14 accountability measures.

15            2. Include performance evaluation methods.

16            3. Provide for alternate means for preparation of  
17 school administrative personnel which may include programs  
18 designed by school districts and institutions of higher  
19 education pursuant to guidelines developed by the  
20 commissioner. Such preparation programs shall be approved by  
21 the Department of Education.

22            4. Provide for the hiring of qualified out-of-state  
23 school administrative personnel.

24            5. Provide advanced educational opportunities for  
25 school-based instructional leaders.

26        (b) The Commissioner of Education shall appoint a task  
27 force that includes a district school superintendent, a  
28 district school board member, a principal, an assistant  
29 principal, a teacher, a dean of a college of education, and  
30 parents. The task force shall convene periodically to provide  
31 recommendations to the department in the areas of recruitment,

1 certification, preparation, professional development, and  
2 evaluation of school administrators.

3 (6) Each district school board shall provide funding  
4 for the professional development system as required by s.  
5 1011.62 and the General Appropriations Act, and shall direct  
6 expenditures from other funding sources to strengthen the  
7 system and make it uniform and coherent. A school district  
8 may coordinate its professional development program with that  
9 of another district, with an educational consortium, or with a  
10 college or university, especially in preparing and educating  
11 personnel. Each district school board shall make available  
12 inservice activities to instructional personnel of nonpublic  
13 schools in the district and the state certified teachers who  
14 are not employed by the district school board on a fee basis  
15 not to exceed the cost of the activity per all participants.

16 (7) An organization of private schools which has no  
17 fewer than 10 member schools in this state, which publishes  
18 and files with the Department of Education copies of its  
19 standards, and the member schools of which comply with the  
20 provisions of part II of chapter 1003, relating to compulsory  
21 school attendance, may also develop a professional development  
22 system that includes a master plan for inservice activities.  
23 The system and inservice plan must be submitted to the  
24 commissioner for approval pursuant to rules of the State Board  
25 of Education.

26 (8) The Department of Education shall design methods  
27 by which the state and district school boards may evaluate and  
28 improve the professional development system. The evaluation  
29 must include an annual assessment of data that indicate  
30 progress or lack of progress of all students. If the review of  
31 the data indicates progress, the department shall identify the

1 best practices that attributed to the progress. If the review  
2 of the data indicates a lack of progress, the department shall  
3 investigate the causes of the lack of progress, provide  
4 technical assistance, and require the school district to  
5 employ a different approach to professional development. The  
6 department shall report annually to the State Board of  
7 Education and the Legislature any school district that, in the  
8 determination of the department, has failed to provide an  
9 adequate professional development system. This report must  
10 include the results of the department's investigation and of  
11 any intervention provided.

12 (9) The State Board of Education may adopt rules  
13 pursuant to ss. 120.536(1) and 120.54 to administer this  
14 section.

15 (10) This section does not limit or discourage a  
16 district school board from contracting with independent  
17 entities for professional development services and inservice  
18 education if the district school board believes that, through  
19 such a contract, a better product can be acquired or its goals  
20 for education improvement can be better met.

21 (11) For teachers, managers, and administrative  
22 personnel who have been evaluated as less than satisfactory, a  
23 district school board shall require participation in specific  
24 professional development programs as part of the improvement  
25 prescription.

26 Section 781. Section 1012.985, Florida Statutes, is  
27 created to read:

28 1012.985 Statewide system for inservice professional  
29 development.--The intent of this section is to establish a  
30 statewide system of professional development that provides a  
31 wide range of targeted inservice training to teachers.

1 managers, and administrative personnel designed to upgrade  
2 skills and knowledge needed to reach world class standards in  
3 education. The system shall consist of a network of  
4 professional development academies in each region of the state  
5 that are operated in partnership with area business partners  
6 to develop and deliver high-quality training programs  
7 purchased by school districts. The academies shall be  
8 established to meet the human resource development needs of  
9 professional educators, schools, and school districts. Funds  
10 appropriated for the initiation of professional development  
11 academies shall be allocated by the Commissioner of Education,  
12 unless otherwise provided in an appropriations act. To be  
13 eligible for startup funds, the academy must:

14 (1) Be established by the collaborative efforts of one  
15 or more district school boards, members of the business  
16 community, and the postsecondary institutions which may award  
17 college credits for courses taught at the academy.

18 (2) Demonstrate the capacity to provide effective  
19 training to improve teaching skills in the areas of elementary  
20 reading and mathematics, the use of instructional technology,  
21 high school algebra, and classroom management, and to deliver  
22 such training using face-to-face, distance learning, and  
23 individualized computer-based delivery systems.

24 (3) Propose a plan for responding in an effective and  
25 timely manner to the professional development needs of  
26 teachers, managers, administrative personnel, schools, and  
27 school districts relating to improving student achievement and  
28 meeting state and local education goals.

29 (4) Demonstrate the ability to provide high-quality  
30 trainers and training, appropriate followup and coaching for  
31



1 all participants, and support school personnel in positively  
2 impacting student performance.

3 (5) Be operated under contract with its public  
4 partners and governed by an independent board of directors,  
5 which should include at least one district school  
6 superintendent and one district school board chair from the  
7 participating school districts, the president of the  
8 collective bargaining unit that represents the majority of the  
9 region's teachers, and at least three individuals who are not  
10 employees or elected or appointed officials of the  
11 participating school districts. Regional educational consortia  
12 as defined in s. 228.0857 satisfy the requirements of this  
13 subsection.

14 (6) Be financed during the first year of operation by  
15 an equal or greater match from private funding sources and  
16 demonstrate the ability to be self-supporting within 1 year  
17 after opening through fees for services, grants, or private  
18 contributions. Regional educational consortia as defined in s.  
19 228.0857 which serve rural areas of critical economic concern  
20 are exempt from the funding match required by this subsection.

21 (7) Own or lease a facility that can be used to  
22 deliver training onsite and through distance learning and  
23 other technology-based delivery systems. The participating  
24 district school boards may lease a site or facility to the  
25 academy for a nominal fee and may pay all or part of the costs  
26 of renovating a facility to accommodate the academy. The  
27 academy is responsible for all operational, maintenance, and  
28 repair costs.

29 (8) Provide professional development services for the  
30 participating school districts as specified in the contract  
31 and may provide professional development services to other

1 school districts, private schools, and individuals on a  
2 fee-for-services basis.

3 Section 782. Part VI of chapter 1012 shall be entitled  
4 "Interstate Compact on Qualifications of Educational  
5 Personnel" and shall consist of ss. 1012.99-1012.992.

6 Section 783. Section 1012.99, Florida Statutes, is  
7 created to read:

8 1012.99 Interstate agreement on qualifications of  
9 educational personnel.--The interstate agreement on  
10 qualifications of educational personnel is hereby enacted into  
11 law and entered into with all jurisdictions legally joining  
12 therein, in form substantially as follows:

13  
14 ARTICLE I

15  
16 PURPOSE, FINDINGS, AND POLICY

17 1. The states party to this agreement, desiring by  
18 common action to improve their respective school systems by  
19 utilizing the teacher or other professional educational person  
20 wherever educated, declare that it is the policy of each of  
21 them, on the basis of cooperation with one another, to take  
22 advantage of the preparation and experience of such persons  
23 wherever gained, thereby serving the best interests of  
24 society, of education, and of the teaching profession. It is  
25 the purpose of this agreement to provide for the development  
26 and execution of such programs of cooperation as will  
27 facilitate the movement of teachers and other professional  
28 educational personnel among the states party to it, and to  
29 authorize specific interstate educational personnel contracts  
30 to achieve that end.

1           2. The party states find that included in the large  
2 movement of population among all sections of the nation are  
3 many qualified educational personnel who move for family and  
4 other personal reasons but who are hindered in using their  
5 professional skill and experience in their new locations.  
6 Variations from state to state in requirements for qualifying  
7 educational personnel discourage such personnel from taking  
8 the steps necessary to qualify in other states. As a  
9 consequence, a significant number of professionally prepared  
10 and experienced educators is lost to our school systems.  
11 Facilitating the employment of qualified educational  
12 personnel, without reference to their states of origin, can  
13 increase the available educational resources. Participation in  
14 this compact can increase the availability of educational  
15 personnel.

16  
17   ARTICLE II

18  
19   DEFINITIONS

20           As used in this agreement and contracts made pursuant  
21 to it, unless the context clearly requires otherwise:

22           1. "Educational personnel" means persons who must meet  
23 requirements pursuant to state law as a condition of  
24 employment in educational programs.

25           2. "Designated state official" means the education  
26 official of a state selected by that state to negotiate and  
27 enter into, on behalf of this state, contracts pursuant to  
28 this agreement.

29           3. "Accept," or any variant thereof, means to  
30 recognize and give effect to one or more determinations of  
31 another state relating to the qualifications of educational

1 personnel in lieu of making or requiring a like determination  
2 that would otherwise be required by or pursuant to the laws of  
3 a receiving state.

4 4. "State" means a state, territory, or possession of  
5 the United States; the district of Columbia; or the  
6 Commonwealth of Puerto Rico.

7 5. "Originating state" means a state and the  
8 subdivision thereof, if any, whose determination that certain  
9 educational personnel are qualified to be employed for  
10 specific duties in schools is acceptable in accordance with  
11 the terms of a contract made pursuant to Article III.

12 6. "Receiving state" means a state and the  
13 subdivisions thereof which accept educational personnel in  
14 accordance with the terms of a contract made pursuant to  
15 Article III.

16  
17 ARTICLE III

18  
19 INTERSTATE EDUCATIONAL

20 PERSONNEL CONTRACTS

21 1. The designated state official of a party state may  
22 make one or more contracts on behalf of his or her state with  
23 one or more other party states providing for the acceptance of  
24 educational personnel. Any such contract for the period of  
25 its duration shall be applicable to and binding on the states  
26 whose designated state officials enter into it, and the  
27 subdivisions of those states, with the same force and effect  
28 as if incorporated in this agreement. A designated state  
29 official may enter into a contract pursuant to this article  
30 only with states in which he or she finds that there are  
31 programs of education, certification standards or other

1 acceptable qualifications that assure preparation or  
2 qualification of educational personnel on a basis sufficiently  
3 comparable, even though not identical to that prevailing in  
4 his or her own state.  
5 2. Any such contract shall provide for:  
6 (a) Its duration.  
7 (b) The criteria to be applied by an originating state  
8 in qualifying educational personnel for acceptance by a  
9 receiving state.  
10 (c) Such waivers, substitutions, and conditional  
11 acceptances as shall aid the practical effectuation of the  
12 contract without sacrifice of basic educational standards.  
13 (d) Any other necessary matters.  
14 3. No contract made pursuant to this agreement shall  
15 be for a term longer than five years but any such contract may  
16 be renewed for like or lesser periods.  
17 4. Any contract dealing with acceptance of educational  
18 personnel on the basis of their having completed an  
19 educational program shall specify the earliest date or dates  
20 on which originating state approval of the program or programs  
21 involved can have occurred. No contract made pursuant to this  
22 agreement shall require acceptance by a receiving state or any  
23 persons qualified because of successful completion of a  
24 program prior to January 1, 1954.  
25 5. The certification or other acceptance of a person  
26 who has been accepted pursuant to the terms of a contract  
27 shall not be revoked or otherwise impaired because the  
28 contract has expired or been terminated. However, any  
29 certificate or other qualifying document may be revoked or  
30 suspended on any ground which would be sufficient for  
31

1 revocation or suspension of a certificate or other qualifying  
2 document initially granted or approved in the receiving state.

3 6. A contract committee composed of the designated  
4 state officials of the contracting states or their  
5 representatives shall keep the contract under continuous  
6 review, study means of improving its administration, and  
7 report no less frequently than once a year to the heads of the  
8 appropriate education agencies of the contracting states.

9  
10 ARTICLE IV

11  
12 APPROVED AND ACCEPTED PROGRAMS

13 1. Nothing in this agreement shall be construed to  
14 repeal or otherwise modify any law or regulation of a party  
15 state relating to the approval of programs of educational  
16 preparation having effect solely on the qualification of  
17 educational personnel within that state.

18 2. To the extent that contracts made pursuant to this  
19 agreement deal with the educational requirements for the  
20 proper qualification of educational personnel, acceptance of a  
21 program of educational preparation shall be in accordance with  
22 such procedures and requirements as may be provided in the  
23 applicable contract.

24  
25 ARTICLE V

26  
27 INTERSTATE COOPERATION

28 The party states agree that:

29 1. They will, so far as practicable, prefer the making  
30 of multilateral contracts pursuant to Article III of this  
31 agreement.

1           2. They will facilitate and strengthen cooperation in  
2 interstate certification and other elements of educational  
3 personnel qualification and for this purpose shall cooperate  
4 with agencies, organizations, and associations interested in  
5 certification and other elements of educational personnel  
6 qualification.

7  
8                                   ARTICLE VI

9  
10                           AGREEMENT EVALUATION

11           The designated state officials of any party states may  
12 meet from time to time as a group to evaluate progress under  
13 the agreement, and to formulate recommendations for changes.

14  
15                                   ARTICLE VII

16  
17                           OTHER ARRANGEMENTS

18           Nothing in this agreement shall be construed to prevent  
19 or inhibit other arrangements or practices of any party state  
20 or states to facilitate the interchange of educational  
21 personnel.

22  
23                                   ARTICLE VIII

24  
25                           EFFECT AND WITHDRAWAL

26           1. This agreement shall become effective when enacted  
27 into law by two states. Thereafter it shall become effective  
28 as to any state upon its enactment of this agreement.

29           2. Any party state may withdraw from this agreement by  
30 enacting a statute repealing the same, but no such withdrawal  
31 shall take effect until one year after the governor of the

1 withdrawing state has given notice in writing of the  
2 withdrawal to the governors of all other party states.

3 3. No withdrawal shall relieve the withdrawing state  
4 of any obligation imposed upon it by a contract to which it is  
5 a party. The duration of contracts and the methods and  
6 conditions of withdrawal therefrom shall be those specified in  
7 their terms.

8  
9 ARTICLE IX

10  
11 CONSTRUCTION AND SEVERABILITY

12 This agreement shall be liberally construed so as to  
13 effectuate the purposes thereof. The provisions of this  
14 agreement shall be severable and if any phrase, clause,  
15 sentence or provision of this agreement is declared to be  
16 contrary to the constitution of any state or of the United  
17 States, or the application thereof to any government, agency,  
18 person, or circumstance is held invalid, the validity of the  
19 remainder of this agreement and the applicability thereof to  
20 any government, agency, person, or circumstance shall not be  
21 affected thereby. If this agreement shall be held contrary to  
22 the constitution of any state participating therein, the  
23 agreement shall remain in full force and effect as to the  
24 state affected as to all severable matters.

25 Section 784. Section 1012.991, Florida Statutes, is  
26 created to read:

27 1012.991 Commissioner designated official.--For the  
28 purposes of the agreement set forth in Article IX, the  
29 "designated state official" for this state shall be the  
30 Commissioner of Education. The Commissioner of Education shall  
31 enter into contracts pursuant to Article III of the agreement



1 only with the approval of the specific texts thereof by the  
2 State Board of Education.

3 Section 785. Section 1012.992, Florida Statutes, is  
4 created to read:

5 1012.992 Copies of contracts with other states;  
6 depository.--Two copies of all contracts made on behalf of  
7 this state pursuant to the agreement set forth in Article IX  
8 shall be kept on file in the office of the Commissioner of  
9 Education and in the office of the Department of State. The  
10 Department of Education shall publish all such contracts in  
11 convenient form.

12 Section 786. Chapter 1013 shall be entitled  
13 "Educational Facilities" and shall consist of ss.  
14 1013.01-1013.82.

15 Section 787. Part I of chapter 1013 shall be entitled  
16 "Functions; Department of Education" and shall consist of ss.  
17 1013.01-1013.05.

18 Section 788. Section 1013.01, Florida Statutes, is  
19 created to read:

20 1013.01 Definitions.--The following terms shall be  
21 defined as follows for the purpose of this chapter:

22 (1) "Ancillary plant" is comprised of the building,  
23 site, and site improvements necessary to provide such  
24 facilities as vehicle maintenance, warehouses, maintenance, or  
25 administrative buildings necessary to provide support services  
26 to an educational program.

27 (2) "Auxiliary facility" means the spaces located at  
28 educational plants which are not designed for student occupant  
29 stations.

30 (3) "Board," unless otherwise specified, means a  
31 district school board, a community college board of trustees,

1 a university board of trustees, and the Board of Trustees for  
2 the Florida School for the Deaf and the Blind. The term  
3 "board" does not include the State Board of Education.

4 (4) "Capital project," for the purpose of s. 9(a)(2),  
5 Art. XII of the State Constitution, as amended, means sums of  
6 money appropriated from the Public Education Capital Outlay  
7 and Debt Service Trust Fund to the state system of public  
8 education and other educational agencies as authorized by the  
9 Legislature.

10 (5) "Core facilities" means the media center,  
11 cafeteria, toilet facilities, and circulation space of an  
12 educational plant.

13 (6) "Educational facilities" means the buildings and  
14 equipment, structures, and special educational use areas that  
15 are built, installed, or established to serve primarily the  
16 educational purposes and secondarily the social and  
17 recreational purposes of the community and which may lawfully  
18 be used as authorized by the Florida Statutes and approved by  
19 boards.

20 (7) "Educational plant" comprises the educational  
21 facilities, site and site improvements necessary to  
22 accommodate students, faculty, administrators, staff, and the  
23 activities of the educational program of each plant.

24 (8) "Educational plant survey" means a systematic  
25 study of present educational and ancillary plants and the  
26 determination of future needs to provide an appropriate  
27 educational program and services for each student based on  
28 projected capital outlay FTE's approved by the Department of  
29 Education.

30 (9) "Feasibility study" means the examination and  
31 analysis of information related to projected educational

1 facilities to determine whether they are reasonable and  
2 possible.

3 (10) "Long-range planning" means devising a systematic  
4 method based on educational information and needs, carefully  
5 analyzed, to provide the facilities to meet the goals and  
6 objectives of the educational agency for a period of 5 years.

7 (11) "Low-energy usage features" means engineering  
8 features or devices which supplant or minimize the consumption  
9 of fossil fuels by heating equipment and cooling equipment.  
10 Such features may include, but are not limited to, high  
11 efficiency chillers and boilers, thermal storage tanks, solar  
12 energy systems, waste heat recovery systems, and facility load  
13 management systems.

14 (12) "Maintenance and repair" means the upkeep of  
15 educational and ancillary plants, including, but not limited  
16 to, roof or roofing replacement short of complete replacement  
17 of membrane or structure; repainting of interior or exterior  
18 surfaces; resurfacing of floors; repair or replacement of  
19 glass; repair of hardware, furniture, equipment, electrical  
20 fixtures, and plumbing fixtures; and repair or resurfacing of  
21 parking lots, roads, and walkways. The term "maintenance and  
22 repair" does not include custodial or groundskeeping  
23 functions, or renovation except for the replacement of  
24 equipment with new equipment of equal systems meeting current  
25 code requirements, provided that the replacement item neither  
26 places increased demand upon utilities services or structural  
27 supports nor adversely affects the function of safety to life  
28 systems.

29 (13) "Need determination" means the identification of  
30 types and amounts of educational facilities necessary to  
31 accommodate the educational programs, student population,

1 faculty, administrators, staff, and auxiliary and ancillary  
2 services of an educational agency.

3 (14) "New construction" means any construction of a  
4 building or unit of a building in which the entire work is new  
5 or an entirely new addition connected to an existing building  
6 or which adds additional square footage to the space  
7 inventory.

8 (15) "Passive design elements" means architectural  
9 features which minimize heat gain, heat loss, and the use of  
10 heating and cooling equipment when ambient conditions are  
11 extreme and which permit use of the facility without heating  
12 or air-conditioning when ambient conditions are moderate.  
13 Such features may include, but are not limited to, building  
14 orientation, landscaping, earth berms, insulation, thermal  
15 windows and doors, overhangs, skylights, thermal chimneys, and  
16 other design arrangements.

17 (16) "Public education capital outlay (PECO) funded  
18 projects" means site acquisition, renovation, remodeling,  
19 construction projects, and site improvements necessary to  
20 accommodate buildings, equipment, other structures, and  
21 special educational use areas that are built, installed, or  
22 established to serve primarily the educational instructional  
23 program of the district school board, community college board  
24 of trustees, or university board of trustees.

25 (17) "Remodeling" means the changing of existing  
26 facilities by rearrangement of spaces and their use and  
27 includes, but is not limited to, the conversion of two  
28 classrooms to a science laboratory or the conversion of a  
29 closed plan arrangement to an open plan configuration.

30 (18) "Renovation" means the rejuvenating or upgrading  
31 of existing facilities by installation or replacement of

1 materials and equipment and includes, but is not limited to,  
2 interior or exterior reconditioning of facilities and spaces;  
3 air-conditioning, heating, or ventilating equipment; fire  
4 alarm systems; emergency lighting; electrical systems; and  
5 complete roofing or roof replacement, including replacement of  
6 membrane or structure. As used in this subsection, the term  
7 "materials" does not include instructional materials.

8 (19) "Satisfactory educational facility" means a  
9 facility which has been recommended for continued use by an  
10 educational plant survey or which has been classified as  
11 satisfactory in the state inventory of educational facilities.

12 (20) "Site" means a space of ground occupied or to be  
13 occupied by an educational facility or program.

14 (21) "Site development" means work that must be  
15 performed on an unimproved site in order to make it usable for  
16 the desired purpose; or, work incidental to new construction  
17 or to make an addition usable.

18 (22) "Site improvement" means work that must be  
19 performed on an existing site to improve its utilization,  
20 correct health and safety deficiencies, meet special program  
21 needs or provide additional service areas.

22 (23) "Site improvement incident to construction" means  
23 the work that must be performed on a site as an accompaniment  
24 to the construction of an educational facility.

25 (24) "Satellite facility" means the buildings and  
26 equipment, structures, and special educational use areas that  
27 are built, installed, or established by private business or  
28 industry in accordance with chapter 6A-2, Florida  
29 Administrative Code, to be used exclusively for educational  
30 purposes to serve primarily the students of its employees and  
31 which are staffed professionally by the district school board.

1           Section 789. Section 1013.02, Florida Statutes, is  
2 created to read:

3           1013.02 Purpose; rules.--

4           (1) The purpose of this chapter is to authorize state  
5 and local officials to cooperate in establishing and  
6 maintaining educational plants that will provide for public  
7 educational needs throughout the state.

8           (2) The State Board of Education shall adopt rules  
9 pursuant to ss. 120.536(1) and 120.54 to implement the  
10 provisions of this chapter.

11           Section 790. Section 1013.03, Florida Statutes, is  
12 created to read:

13           1013.03 Functions of the department.--The functions of  
14 the Department of Education as it pertains to educational  
15 facilities shall include, but not be limited to, the  
16 following; it shall:

17           (1) Establish recommended minimum and maximum square  
18 footage standards for different functions and areas and the  
19 procedures for determining the gross square footage for each  
20 educational facility to be funded in whole or in part by the  
21 state, including public broadcasting stations but excluding  
22 postsecondary special purpose laboratory space. The gross  
23 square footage determination standards may be exceeded when  
24 the core facility space of an educational facility is  
25 constructed or renovated to accommodate the future addition of  
26 classrooms to meet projected increases in student enrollment.  
27 The department shall encourage multiple use of facilities and  
28 spaces in educational plants.

29           (2) Establish, for the purpose of determining need,  
30 equitably uniform utilization standards for all types of like  
31 space, regardless of the level of education. These standards

1 shall also establish, for postsecondary education classrooms,  
2 a minimum room utilization rate of 40 hours per week and a  
3 minimum station utilization rate of 60 percent. These rates  
4 shall be subject to increase based on national norms for  
5 utilization of postsecondary education classrooms.

6 (3) Require boards to submit other educational plant  
7 inventories data and statistical data or information relevant  
8 to construction, capital improvements, and related costs.

9 (4) Require each board and other appropriate agencies  
10 to submit complete and accurate financial data as to the  
11 amounts of funds from all sources that are available and spent  
12 for construction and capital improvements. The commissioner  
13 shall prescribe the format and the date for the submission of  
14 this data and any other educational facilities data. If any  
15 district does not submit the required educational facilities  
16 fiscal data by the prescribed date, the Commissioner of  
17 Education shall notify the district school board of this fact  
18 and, if appropriate action is not taken to immediately submit  
19 the required report, the district school board shall be  
20 directed to proceed pursuant to the provisions of s.  
21 1001.42(11)(b). If any community college or university does  
22 not submit the required educational facilities fiscal data by  
23 the prescribed date, the same policy prescribed above for  
24 school districts shall be implemented.

25 (5) Administer, under the supervision of the  
26 commissioner, the Public Education Capital Outlay and Debt  
27 Service Trust Fund and the School District and Community  
28 College District Capital Outlay and Debt Service Trust Fund.

29 (6) Develop, review, update, revise, and recommend a  
30 mandatory portion of the Florida Building Code for educational  
31

1 facilities construction and capital improvement by community  
2 college boards and district school boards.  
3 (7) Provide training, technical assistance, and  
4 building code interpretation for requirements of the mandatory  
5 Florida Building Code for the educational facilities  
6 construction and capital improvement programs of the community  
7 college boards and district school boards and, upon request,  
8 approve phase III construction documents for remodeling,  
9 renovation, or new construction of educational plants or  
10 ancillary facilities, except that university boards of  
11 trustees shall approve specifications and construction  
12 documents for their respective institutions. The Department of  
13 Management Services may, upon request, provide similar  
14 services for the Florida School for the Deaf and the Blind and  
15 shall use the Florida Building Code and the Florida Fire  
16 Prevention Code.  
17 (8) Provide minimum criteria, procedures, and training  
18 to boards to conduct educational plant surveys and document  
19 the determination of future needs.  
20 (9) Make available to boards technical assistance,  
21 awareness training, and research and technical publications  
22 relating to lifesafety, casualty, sanitation, environmental,  
23 maintenance, and custodial issues; and, as needed, technical  
24 assistance for survey, planning, design, construction,  
25 operation, and evaluation of educational and ancillary  
26 facilities and plants, facilities administrative procedures  
27 review, and training for new administrators.  
28 (10)(a) Review and validate surveys proposed or  
29 amended by the boards and recommend to the Commissioner of  
30 Education, for approval, surveys that meet the requirements of  
31 this chapter.



1           1. The term "validate" as applied to surveys by school  
2 districts means to review inventory data as submitted to the  
3 department by district school boards; provide for review and  
4 inspection, where required, of student stations and aggregate  
5 square feet of inventory changed from satisfactory to  
6 unsatisfactory or changed from unsatisfactory to satisfactory;  
7 compare new school inventory to allocation limits provided by  
8 this chapter; review cost projections for conformity with cost  
9 limits set by s. 1013.64(6); compare total capital outlay  
10 full-time equivalent enrollment projections in the survey with  
11 the department's projections; review facilities lists to  
12 verify that student station and auxiliary facility space  
13 allocations do not exceed the limits provided by this chapter  
14 and related rules; review and confirm the application of  
15 uniform facility utilization factors, where provided by this  
16 chapter or related rules; utilize the documentation of  
17 programs offered per site, as submitted by the board, to  
18 analyze facility needs; confirm that need projections for  
19 vocational and adult educational programs comply with needs  
20 documented by the Office of Workforce and Economic  
21 Development; and confirm the assignment of full-time student  
22 stations to all space except auxiliary facilities, which, for  
23 purposes of exemption from student station assignment, include  
24 the following:  
25           a. Cafeterias.  
26           b. Multipurpose dining areas.  
27           c. Media centers.  
28           d. Auditoriums.  
29           e. Administration.  
30           f. Elementary, middle, and high school resource rooms,  
31 up to the number of such rooms recommended for the applicable

1 occupant and space design capacity of the educational plant in  
2 the State Requirements for Educational Facilities, beyond  
3 which student stations must be assigned.

4 g. Elementary school skills labs, up to the number of  
5 such rooms recommended for the applicable occupant and space  
6 design capacity of the educational plant in the State  
7 Requirements for Educational Facilities, beyond which student  
8 stations must be assigned.

9 h. Elementary school art and music rooms.

10 2. The term "validate" as applied to surveys by  
11 community colleges and universities means to review and  
12 document the approval of each new site and official  
13 designation, where applicable; review the inventory database  
14 as submitted by each board to the department, including  
15 noncareer and technical, and total capital outlay full-time  
16 equivalent enrollment projections per site and per college;  
17 provide for the review and inspection, where required, of  
18 student stations and aggregate square feet of space changed  
19 from satisfactory to unsatisfactory; utilize and review the  
20 documentation of programs offered per site submitted by the  
21 boards as accurate for analysis of space requirements and  
22 needs; confirm that needs projected for career and technical  
23 and adult educational programs comply with needs documented by  
24 the Office of Workforce and Economic Development; compare new  
25 facility inventory to allocations limits as provided in this  
26 chapter; review cost projections for conformity with state  
27 averages or limits designated by this chapter; compare student  
28 enrollment projections in the survey to the department's  
29 projections; review facilities lists to verify that area  
30 allocations and space factors for generating space needs do  
31 not exceed the limits as provided by this chapter and related

1 rules; confirm the application of facility utilization factors  
2 as provided by this chapter and related rules; and review, as  
3 submitted, documentation of how survey recommendations will  
4 implement the detail of current campus master plans and  
5 integrate with local comprehensive plans and development  
6 regulations.

7 (b) Recommend priority of projects to be funded for  
8 approval by the state board, when required by law.

9 (11) Prepare the commissioner's comprehensive fixed  
10 capital outlay legislative budget request and provide annually  
11 an estimate of the funds available for developing required  
12 3-year priority lists. This amount shall be based upon the  
13 average percentage for the 5 prior years of funds appropriated  
14 by the Legislature for fixed capital outlay to each level of  
15 public education: public schools, community colleges, and the  
16 universities.

17 (12) Perform any other functions that may be involved  
18 in educational facilities construction and capital improvement  
19 which shall ensure that the intent of the Legislature is  
20 implemented.

21 Section 791. Section 1013.04, Florida Statutes, is  
22 created to read:

23 1013.04 School district facilities work program  
24 performance and productivity standards; development;  
25 measurement; application.--

26 (1) The SMART Schools Clearinghouse shall develop and  
27 adopt measures for evaluating the performance and productivity  
28 of school district facilities work programs. The measures may  
29 be both quantitative and qualitative and must, to the maximum  
30 extent practical, assess those factors that are within the

31

1 districts' control. The measures must, at a minimum, assess  
2 performance in the following areas:  
3 (a) Frugal production of high-quality projects.  
4 (b) Efficient finance and administration.  
5 (c) Optimal school and classroom size and utilization  
6 rate.  
7 (d) Safety.  
8 (e) Core facility space needs and cost-effective  
9 capacity improvements that consider demographic projections.  
10 (f) Level of district local effort.  
11 (2) The clearinghouse shall establish annual  
12 performance objectives and standards that can be used to  
13 evaluate district performance and productivity.  
14 (3) The clearinghouse shall conduct ongoing  
15 evaluations of district educational facilities program  
16 performance and productivity, using the measures adopted under  
17 this section. If, using these measures, the clearinghouse  
18 finds that a district failed to perform satisfactorily, the  
19 clearinghouse must recommend to the district school board  
20 actions to be taken to improve the district's performance.  
21 Section 792. Section 1013.05, Florida Statutes, is  
22 created to read:  
23 1013.05 SMART (Soundly Made, Accountable, Reasonable,  
24 and Thrifty) Schools Clearinghouse.--  
25 (1) The SMART Schools Clearinghouse is established to  
26 assist school districts that seek to access School  
27 Infrastructure Thrift (SIT) Program awards pursuant to ss.  
28 1013.42 and 1013.72 or effort index grants pursuant to s.  
29 1013.73. The clearinghouse must use expedited procedures in  
30 providing such assistance.  
31

1           (2) The clearinghouse shall prioritize school district  
2 SIT Program awards based on a review of the district  
3 facilities work programs and proposed construction projects.

4           Section 793. Part II of chapter 1013 shall be entitled  
5 "Use and Management of Educational Facilities" and shall  
6 consist of ss. 1013.10-1013.28.

7           Section 794. Section 1013.10, Florida Statutes, is  
8 created to read:

9           1013.10 Use of buildings and grounds.--The board may  
10 permit the use of educational facilities and grounds for any  
11 legal assembly or for community use centers or may permit the  
12 same to be used as voting places in any primary, regular, or  
13 special election. The board shall adopt rules or policies and  
14 procedures necessary to protect educational facilities and  
15 grounds when used for such purposes.

16           Section 795. Section 1013.11, Florida Statutes, is  
17 created to read:

18           1013.11 Postsecondary institutions assessment of  
19 physical plant safety.--The president of each postsecondary  
20 institution shall conduct or cause to be conducted an annual  
21 assessment of physical plant safety. An annual report shall  
22 incorporate the findings obtained through such assessment and  
23 recommendations for the improvement of safety on each campus.  
24 The annual report shall be submitted to the respective  
25 governing or licensing board of jurisdiction no later than  
26 January 1 of each year. Each board shall compile the  
27 individual institutional reports and convey the aggregate  
28 institutional reports to the Commissioner of Education. The  
29 Commissioner of Education shall convey these reports and the  
30 reports required in s. 1008.48 to the President of the Senate  
31

1 and the Speaker of the House of Representatives no later than  
2 March 1 of each year.

3 Section 796. Section 1013.12, Florida Statutes, is  
4 created to read:

5 1013.12 Safety and sanitation standards and inspection  
6 of property.--The State Board of Education shall adopt and  
7 administer rules prescribing standards for the safety and  
8 health of occupants of educational and ancillary plants as a  
9 part of State Requirements for Educational Facilities or the  
10 Florida Building Code for educational facilities construction  
11 as provided in s. 1013.37, the provisions of chapter 633 to  
12 the contrary notwithstanding. These standards must be used by  
13 all public agencies when inspecting public educational and  
14 ancillary plants. In accordance with such standards, each  
15 board shall prescribe policies and procedures establishing a  
16 comprehensive program of safety and sanitation for the  
17 protection of occupants of public educational and ancillary  
18 plants. Such policies must contain procedures for periodic  
19 inspections as prescribed herein and for withdrawal of any  
20 educational and ancillary plant, or portion thereof, from use  
21 until unsafe or unsanitary conditions are corrected or  
22 removed.

23 (1) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL  
24 BOARDS.--

25 (a) Each board shall provide for periodic inspection  
26 of each educational and ancillary plant at least once during  
27 each fiscal year to determine compliance with standards of  
28 sanitation and casualty safety prescribed in the rules of the  
29 State Board of Education.

30 (b) Firesafety inspections of each educational and  
31 ancillary plant must be made annually by persons certified by

1 the Division of State Fire Marshal to be eligible to conduct  
2 firesafety inspections in public educational and ancillary  
3 plants.

4 (c) In each firesafety inspection report, the board  
5 shall include a plan of action and a schedule for the  
6 correction of each deficiency. If immediate life-threatening  
7 deficiencies are noted in any inspection, the board shall  
8 either take action to promptly correct the deficiencies or  
9 withdraw the educational or ancillary plant from use until  
10 such time as the deficiencies are corrected.

11 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
12 AGENCIES.--

13 (a) A safety or sanitation inspection of any  
14 educational or ancillary plant may be made at any time by the  
15 Department of Education or any other state or local agency  
16 authorized or required to conduct such inspections by either  
17 general or special law. Each agency conducting inspections  
18 shall use the standards adopted by the Commissioner of  
19 Education in lieu of, and to the exclusion of, any other  
20 inspection standards prescribed either by statute or  
21 administrative rule, the provisions of chapter 633 to the  
22 contrary notwithstanding. The agency shall submit a copy of  
23 the inspection report to the board.

24 (b) In addition to district school board inspections,  
25 the applicable local fire control authority shall also  
26 annually inspect district school board educational facilities  
27 within its fire control district, using the standards adopted  
28 by the Commissioner of Education. Reports shall be filed with  
29 the school board, and a copy shall be on file with the local  
30 site administrator.

31

1           (3) CORRECTIVE ACTION.--Upon failure of the board to  
2 take corrective action within a reasonable time, the agency  
3 making the inspection may request the commissioner to:

4           (a) Order that appropriate action be taken to correct  
5 all deficiencies in accordance with a schedule determined  
6 jointly by the inspecting authority and the board; in  
7 developing the schedule, consideration must be given to the  
8 seriousness of the deficiencies and the ability of the board  
9 to obtain the necessary funds; or

10           (b) After 30 calendar days' notice to the board, order  
11 all or a portion of the educational or ancillary plant  
12 withdrawn from use until the deficiencies are corrected.

13           (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION  
14 FACILITIES.--Firesafety inspections of community college and  
15 university facilities shall comply with State Board of  
16 Education rules.

17           Section 797. Section 1013.13, Florida Statutes, is  
18 created to read:

19           1013.13 Coordination of school safety information;  
20 construction design documents.--

21           (1) Each district school superintendent must provide  
22 to the law enforcement agency and fire department that has  
23 jurisdiction over each educational facility a copy of the  
24 floor plans and other relevant documents for each educational  
25 facility in the district, as defined in s. 1013.01. After the  
26 initial submission of the floor plans and other relevant  
27 documents, the district superintendent of schools shall  
28 submit, by October 1 of each year, revised floor plans and  
29 other relevant documents for each educational facility in the  
30 district that was modified during the preceding year.

31



1       (2) Each community college president must provide to  
2 the law enforcement agency and fire department that has  
3 jurisdiction over the community college a copy of the floor  
4 plans and other relevant documents for each educational  
5 facility as defined in s. 1013.01. After the initial  
6 submission of the floor plans and other relevant documents,  
7 the community college president shall submit, by October 1 of  
8 each year, revised floor plans and other relevant documents  
9 for each educational facility that was modified during the  
10 preceding year.

11           Section 798. Section 1013.14, Florida Statutes, is  
12 created to read:

13           1013.14 Proposed purchase of real property by a board;  
14 confidentiality of records; procedure.--

15           (1)(a) In any case in which a board, pursuant to the  
16 provisions of this chapter, seeks to acquire by purchase any  
17 real property for educational purposes, every appraisal,  
18 offer, or counteroffer must be in writing and is exempt from  
19 the provisions of s. 119.07(1) until an option contract is  
20 executed or, if no option contract is executed, until 30 days  
21 before a contract or agreement for purchase is considered for  
22 approval by the board. If a contract or agreement for purchase  
23 is not submitted to the board for approval, the exemption from  
24 s. 119.07(1) will expire 30 days after the termination of  
25 negotiations. The board shall maintain complete and accurate  
26 records of every such appraisal, offer, and counteroffer. For  
27 the purposes of this section, the term "option contract" means  
28 an agreement by the board to purchase a piece of property,  
29 subject to the approval of the board at a public meeting after  
30 30 days' public notice.

1       (b) Prior to acquisition of the property, the board  
2 shall obtain at least one appraisal by an appraiser approved  
3 pursuant to s. 253.025(6)(b) for each purchase in an amount  
4 greater than \$100,000 and not more than \$500,000. For each  
5 purchase in an amount in excess of \$500,000, the board shall  
6 obtain at least two appraisals by appraisers approved pursuant  
7 to s. 253.025(6)(b). If the agreed purchase price exceeds the  
8 average appraised value, the board is required to approve the  
9 purchase by an extraordinary vote.

10       (2) Nothing in this section shall be interpreted as  
11 providing an exemption from, or an exception to, s. 286.011.

12       Section 799. Section 1013.15, Florida Statutes, is  
13 created to read:

14       1013.15 Lease, rental, and lease-purchase of  
15 educational facilities and sites.--

16       (1) A board may lease any land, facilities, or  
17 educational plants owned by it to any person or entity for  
18 such term, for such rent, and upon such terms and conditions  
19 as the board determines to be in its best interests; any such  
20 lease may provide for the optional or binding purchase of the  
21 land, facilities, or educational plants by the lessee upon  
22 such terms and conditions as the board determines are in its  
23 best interests. A determination that any such land, facility,  
24 or educational plant so leased is unnecessary for educational  
25 purposes is not a prerequisite to the leasing or  
26 lease-purchase of such land, facility, or educational plant.  
27 Prior to entering into or executing any such lease, a board  
28 shall consider approval of the lease or lease-purchase  
29 agreement at a public meeting, at which a copy of the proposed  
30 agreement in its final form shall be available for inspection  
31 and review by the public, after due notice as required by law.

1           (2)(a) A district school board may rent or lease  
2 educational facilities and sites as defined in s. 1013.01.  
3 Educational facilities and sites rented or leased for 1 year  
4 or less shall be funded through the operations budget or funds  
5 derived from millage proceeds pursuant to s. 1011.71(2). A  
6 lease contract for 1 year or less, when extended or renewed  
7 beyond a year, becomes a multiple-year lease. Operational  
8 funds or funds derived from millage proceeds pursuant to s.  
9 1011.71(2) may be authorized to be expended for multiple-year  
10 leases. All leased facilities and sites must be inspected  
11 prior to occupancy by the authority having jurisdiction.

12           1. All newly leased spaces must be inspected and  
13 brought into compliance with the Florida Building Code  
14 pursuant to chapter 553, and the life safety codes pursuant to  
15 chapter 633, prior to occupancy, using the board's operations  
16 budget or funds derived from millage proceeds pursuant to s.  
17 1011.71(2).

18           2. Plans for renovation or remodeling of leased space  
19 shall conform to the Florida Building Code and the Florida  
20 Fire Prevention Code for educational occupancies, or other  
21 occupancies as appropriate, as required in chapters 553 and  
22 633, prior to occupancy.

23           3. All leased facilities must be inspected annually  
24 for firesafety deficiencies in accordance with the applicable  
25 code and have corrections made in accordance with s. 1013.12.  
26 Operational funds or funds derived from millage proceeds  
27 pursuant to s. 1011.71(2) may be used to correct deficiencies  
28 in leased space.

29           4. When the board declares that a public emergency  
30 exists, it may take up to 30 days to bring the leased facility  
31

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. 235.26, be advertised for and receive  
7 competitive proposals and be awarded to the best proposer, and  
8 be funded using current or other funds specifically authorized  
9 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

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, nor 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 which 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

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

1           4. The building has been examined for suitability,  
2 safety, and conformance with state minimum building and life  
3 safety codes. The building examination shall consist, at a  
4 minimum, of a review of existing documents, building site  
5 reconnaissance, and analysis of the building conducted by, or  
6 under the responsible charge of, a licensed structural  
7 engineer.

8           5. A certificate of evaluation has been issued by an  
9 appropriately licensed design professional which states that,  
10 based on available documents, building site reconnaissance,  
11 current knowledge, and design judgment in the professional's  
12 opinion, the building meets the requirements of state minimum  
13 building and life safety codes, provides safe egress of  
14 occupants from the building, provides adequate firesafety, and  
15 does not pose a substantial threat to life to persons who  
16 would occupy the building for classroom use.

17           6. The plans for conversion of the building were  
18 prepared by an appropriate design professional licensed in  
19 this state, and the work of conversion was performed by  
20 contractors licensed in this state.

21           7. The conversion of the building was observed by an  
22 appropriate design professional licensed in this state.

23           8. The building has been reviewed, inspected, and  
24 granted a certificate of occupancy by the local building  
25 department.

26           9. All ceilings, light fixtures, ducts, and registers  
27 within the area to be occupied for classroom purposes were  
28 constructed or have been reconstructed to meet state minimum  
29 requirements.

30           Section 800. Section 1013.16, Florida Statutes, is  
31 created to read:

1           1013.16 Construction of facilities on leased property;  
2 conditions.--

3           (1) A board may construct or place educational  
4 facilities and ancillary facilities on land which is owned by  
5 any person after the board has acquired from the owner of the  
6 land a long-term lease for the use of this land for a period  
7 of not less than 40 years or the life expectancy of the  
8 permanent facilities constructed thereon, whichever is longer.

9           (2) A board may enter into a short-term lease for the  
10 use of land owned by any person on which temporary or  
11 relocatable facilities are to be utilized.

12           Section 801. Section 1013.17, Florida Statutes, is  
13 created to read:

14           1013.17 University leasing in affiliated research and  
15 development park.--A university is exempt from the  
16 requirements of s. 255.25(3), (4), and (8) when leasing  
17 educational facilities in a research and development park with  
18 which the university is affiliated and when the State Board of  
19 Education certifies in writing that the leasing of said  
20 educational facilities is in the best interests of the  
21 university and that the exemption from competitive bid  
22 requirements would not be detrimental to the state.

23           Section 802. Section 1013.171, Florida Statutes, is  
24 created to read:

25           1013.171 University lease agreements; land,  
26 facilities.--

27           (1) Each university is authorized to negotiate and  
28 enter into agreements to lease land under its jurisdiction to  
29 for-profit and nonprofit corporations, registered by the  
30 Secretary of State to do business in this state, for the  
31 purpose of erecting thereon facilities and accommodations



1 necessary and desirable to serve the needs and purposes of the  
2 university, as determined by the systemwide strategic plan  
3 adopted by the State Board of Education. Such agreement will  
4 be for a term not in excess of 99 years or the life expectancy  
5 of the permanent facilities constructed thereon, whichever is  
6 shorter, and shall include as a part of the consideration  
7 provisions for the eventual ownership of the completed  
8 facilities by the state. The Board of Trustees of the Internal  
9 Improvement Trust Fund upon request of the university shall  
10 lease any such property to the university for sublease as  
11 heretofore provided.

12 (2) Each university board of trustees is authorized to  
13 enter into agreements with for-profit and nonprofit  
14 corporations, registered by the Secretary of State to do  
15 business in this state, whereby income-producing buildings,  
16 improvements, and facilities necessary and desirable to serve  
17 the needs and purposes of the university, as determined by the  
18 systemwide strategic plan adopted by the State Board of  
19 Education, are acquired by purchase or lease-purchase by the  
20 university. When such agreements provide for lease-purchase of  
21 facilities erected on land that is not under the jurisdiction  
22 of the university, the agreement shall include as a part of  
23 the consideration provisions for the eventual ownership of the  
24 land and facility by the state. Agreements for lease-purchase  
25 shall not exceed 30 years or the life expectancy of the  
26 permanent facility constructed, whichever is shorter.  
27 Notwithstanding the provisions of any other law, the  
28 university board of trustees may enter into an agreement for  
29 the lease-purchase of a facility under this section for a term  
30 greater than 1 year. Each university board of trustees is  
31 authorized to use any auxiliary trust funds, available and not

1 otherwise obligated, to pay rent to the owner should income  
2 from the facilities not be sufficient in any debt payment  
3 period. The trust funds used for payment of rent shall be  
4 reimbursed as soon as possible to the extent that income from  
5 the facilities exceeds the amount necessary for such debt  
6 payment.

7 (3) Each university board of trustees may:

8 (a) Construct educational facilities on land that is  
9 owned by a direct-support organization, as defined in s.  
10 1004.28, or a governmental agency at the federal, state,  
11 county, or municipal level, if the university has acquired a  
12 long-term lease for the use of the land. The lease must be for  
13 at least 40 years or the expected time the facilities to be  
14 constructed on the land are expected to remain in a condition  
15 acceptable for use, whichever is longer.

16 (b) Acquire a short-term lease from one of the  
17 entities listed in paragraph (a) for the use of land, if  
18 adequate temporary or relocatable facilities are available on  
19 the land.

20 (c) Enter into a short-term lease for the use of land  
21 and buildings upon which capital improvements may be made.

22  
23 If sufficient land is not available from any of the entities  
24 listed in paragraph (a), a university may acquire a short-term  
25 lease from a private landowner or developer.

26 (4) Agreements as provided in this section shall be  
27 entered into with an offeror resulting from publicly announced  
28 competitive bids or proposals, except that the university may  
29 enter into an agreement with an entity enumerated in paragraph  
30 (3)(a) for leasing land or with a direct-support organization  
31 as provided in s. 1004.28, which shall enter into subsequent

1 agreements for financing and constructing the project after  
2 receiving competitive bids or proposals. Any facility  
3 constructed, lease-purchased, or purchased under such  
4 agreements, whether erected on land under the jurisdiction of  
5 the university or not, shall conform to the construction  
6 standards and codes applicable to university facilities. Each  
7 university board of trustees shall adopt such rules as are  
8 necessary to carry out its duties and responsibilities imposed  
9 by this section.

10 (5) Agreements executed by the State Board of  
11 Education prior to January 1, 1980, for the purposes listed  
12 herein shall be validated, and said board's capacity to act in  
13 such cases ratified and confirmed.

14 Section 803. Section 1013.18, Florida Statutes, is  
15 created to read:

16 1013.18 Radio and television facilities.--

17 (1) A board may acquire, by purchase, license,  
18 permanent easement, or gift, suitable lands and other  
19 facilities, either within or without the boundaries of the  
20 district, for use in providing educational radio or television  
21 transmitting sites and may erect such buildings, antennas,  
22 transmission equipment, towers, or other structures as are  
23 necessary to accomplish the purposes of this section.

24 (2) Fixed capital outlay budget requests for public  
25 broadcasting stations and instructional television and radio  
26 facilities shall be submitted pursuant to s. 1013.60. The  
27 commissioner may include any recommendations for these  
28 purposes in the legislative budget request for fixed capital  
29 outlay.

30 Section 804. Section 1013.19, Florida Statutes, is  
31 created to read:

1           1013.19 Purchase, conveyance, or encumbrance of  
2 property interests above surface of land; joint-occupancy  
3 structures.--For the purpose of implementing jointly financed  
4 construction project agreements, or for the construction of  
5 combined occupancy structures, any board may purchase, own,  
6 convey, sell, lease, or encumber airspace or any other  
7 interests in property above the surface of the land, provided  
8 the lease of airspace for nonpublic use is for such reasonable  
9 rent, length of term, and conditions as the board in its  
10 discretion may determine. All proceeds from such sale or lease  
11 shall be used by the board or boards receiving the proceeds  
12 solely for fixed capital outlay purposes. These purposes may  
13 include the renovation or remodeling of existing facilities  
14 owned by the board or the construction of new facilities;  
15 however, for a community college board or university board,  
16 such new facility must be authorized by the Legislature. It is  
17 declared that the use of such rental by the board for public  
18 purposes in accordance with its statutory authority is a  
19 public use. Airspace or any other interest in property held by  
20 the Board of Trustees of the Internal Improvement Trust Fund  
21 or the State Board of Education may not be divested or  
22 conveyed without approval of the respective board. Any  
23 building, including any building or facility component that is  
24 common to both nonpublic and educational portions thereof,  
25 constructed in airspace that is sold or leased for nonpublic  
26 use pursuant to this section is subject to all applicable  
27 state, county, and municipal regulations pertaining to land  
28 use, zoning, construction of buildings, fire protection,  
29 health, and safety to the same extent and in the same manner  
30 as such regulations would be applicable to the construction of  
31 a building for nonpublic use on the appurtenant land beneath

1 the subject airspace. Any educational facility constructed or  
2 leased as a part of a joint-occupancy facility is subject to  
3 all rules and requirements of the respective boards or  
4 departments having jurisdiction over educational facilities.

5 Section 805. Section 1013.20, Florida Statutes, is  
6 created to read:

7 1013.20 Standards for relocatables used as classroom  
8 space; inspections.--

9 (1) The State Board of Education shall adopt rules  
10 establishing standards for relocatables intended for long-term  
11 use as classroom space at a public elementary school, middle  
12 school, or high school. "Long-term use" means the use of  
13 relocatables at the same educational plant for a period of 4  
14 years or more. Each relocatable acquired by a district school  
15 board after the effective date of the rules and intended for  
16 long-term use must comply with the standards. The rules shall  
17 require that, by July 1, 2002, relocatables that fail to meet  
18 the standards may not be used as classrooms. The standards  
19 shall protect the health, safety, and welfare of occupants by  
20 requiring compliance with the state requirements for  
21 educational facilities or other adopted state minimum building  
22 codes to ensure the safety and stability of construction and  
23 onsite installation; fire and moisture protection; air quality  
24 and ventilation; appropriate wind resistance; and compliance  
25 with the requirements of the Americans with Disabilities Act  
26 of 1990. If appropriate, the standards must also require  
27 relocatables to provide access to the same technologies  
28 available to similar classrooms within the main school  
29 facility and, if appropriate, to be accessible by adequate  
30 covered walkways. The State Board of Education shall adopt  
31 standards for all relocatables intended for long-term use as

1 classrooms. A relocatable that is subject to this section and  
2 does not meet the standards shall not be reported as providing  
3 satisfactory student stations in the Florida Inventory of  
4 School Houses.

5 (2) Annual inspections for all satisfactory  
6 relocatables designed for classroom use or being occupied by  
7 students are required for: foundations; tie-downs; structural  
8 integrity; weatherproofing; HVAC; electrical; plumbing, if  
9 applicable; firesafety; and accessibility. Reports shall be  
10 filed with the district school board and posted in each  
11 respective relocatable in order to facilitate corrective  
12 action.

13 Section 806. Section 1013.21, Florida Statutes, is  
14 created to read:

15 1013.21 Reduction of relocatable facilities in use.--

16 (1)(a) It is a goal of the Legislature that all school  
17 districts shall provide a quality educational environment for  
18 their students such that, by July 1, 2003, student stations in  
19 relocatable facilities exceeding 20 years of age and in use by  
20 a district during the 1998-1999 fiscal year shall be removed  
21 and the number of all other relocatable student stations at  
22 over-capacity schools during that fiscal year shall be  
23 decreased by half. The Legislature finds, however, that  
24 necessary maintenance of existing facilities and public school  
25 enrollment growth impair the ability of some districts to  
26 achieve the goal of this section within 5 years. Therefore,  
27 the Legislature is increasing its commitment to school funding  
28 in this act, in part to help districts reduce the number of  
29 temporary, relocatable student stations at over-capacity  
30 schools. The Legislature intends that local school districts  
31 also increase their investment toward meeting this goal. Each

1 district's progress toward meeting this goal shall be measured  
2 annually by comparing district facilities work programs for  
3 replacing relocatables with the state capital outlay  
4 projections for education prepared by the SMART Schools  
5 Clearinghouse pursuant to s. 235.217(3)(e). District  
6 facilities work programs shall be monitored by the SMART  
7 Schools Clearinghouse to measure the commitment of local  
8 school districts toward this goal.

9 (b) For the purposes of this section, an  
10 "over-capacity school" means a school the capital outlay FTE  
11 enrollment of which exceeds 100 percent of the space and  
12 occupant design capacity of its nonrelocatable facilities.  
13 However, if a school's initial design incorporated relocatable  
14 or modular instructional space, an "over-capacity school"  
15 shall mean a school the capital outlay FTE enrollment of which  
16 exceeds 100 percent of the space and occupant design capacity  
17 of its core facilities.

18 (2) In accordance with the legislative goal described  
19 in subsection (1), any relocatables purchased with money  
20 appropriated from this act shall be counted at actual student  
21 capacity for purposes of ss. 1013.05 and 1013.31 for the life  
22 cycle of the relocatable.

23 Section 807. Section 1013.22, Florida Statutes, is  
24 created to read:

25 1013.22 Obscenity on educational buildings or  
26 vehicles.--Whoever willfully cuts, paints, pastes, marks, or  
27 defaces by writing or in any other manner any educational  
28 building, furniture, apparatus, appliance, outbuilding,  
29 ground, fence, tree, post, vehicle, or other educational  
30 property with an obscene word, image, or device is guilty of a  
31 misdemeanor of the second degree, punishable as provided in s.

1 775.082 or s. 775.083. This section shall not apply to any  
2 student in grades K-12 subject to the discipline of a district  
3 school board.

4 Section 808. Section 1013.23, Florida Statutes, is  
5 created to read:

6 1013.23 Energy efficiency contracting.--

7 (1) LEGISLATIVE INTENT.--The Legislature finds that  
8 investment in energy conservation measures in educational  
9 facilities can reduce the amount of energy consumed and  
10 produce immediate and long-term savings. It is the policy of  
11 this state to encourage school districts, state community  
12 colleges, and state universities to invest in energy  
13 conservation measures that reduce energy consumption, produce  
14 a cost savings, and improve the quality of indoor air in  
15 facilities, and, when economically feasible, to build,  
16 operate, maintain, or renovate educational facilities in such  
17 a manner so as to minimize energy consumption and maximize  
18 energy savings. It is further the policy of this state to  
19 encourage school districts, state community colleges, and  
20 state universities to reinvest any energy savings resulting  
21 from energy conservation measures into additional energy  
22 conservation efforts.

23 (2) DEFINITIONS.--For purposes of this section, the  
24 term:

25 (a) "Energy conservation measure" means a training  
26 program, facility alteration, or equipment to be used in new  
27 construction, including an addition to an existing facility,  
28 that reduces energy costs, and includes, but is not limited  
29 to:

30 1. Insulation of the facility structure and systems  
31 within the facility.



1           2. Storm windows and doors, caulking or  
2 weatherstripping, multiglazed windows and doors,  
3 heat-absorbing, or heat-reflective, glazed and coated window  
4 and door systems, additional glazing, reductions in glass  
5 area, and other window and door system modifications that  
6 reduce energy consumption.

7           3. Automatic energy control systems.

8           4. Heating, ventilating, or air-conditioning system  
9 modifications or replacements.

10           5. Replacement or modifications of lighting fixtures  
11 to increase the energy efficiency of the lighting system  
12 which, at a minimum, shall conform to the Florida Building  
13 Code.

14           6. Energy recovery systems.

15           7. Cogeneration systems that produce steam or forms of  
16 energy such as heat, as well as electricity, for use primarily  
17 within a facility or complex of facilities.

18           8. Energy conservation measures that provide long-term  
19 operating cost reductions and significantly reduce Btu  
20 consumed.

21           9. Renewable energy systems, such as solar, biomass,  
22 and wind.

23           10. Devices which reduce water consumption or sewer  
24 charges.

25           (b) "Energy cost savings" means:

26           1. A measured reduction in fuel, energy, or operation  
27 and maintenance costs created from the implementation of one  
28 or more energy conservation measures when compared with an  
29 established baseline for previous fuel, energy, or operation  
30 and maintenance costs; or

31

1           2. For new construction, a projected reduction in  
2 fuel, energy, or operation and maintenance costs created from  
3 the implementation of one or more energy conservation measures  
4 when compared with the projected fuel, energy, or operation  
5 and maintenance costs for equipment if the minimum standards  
6 of the Florida Building Code for educational facilities  
7 construction were implemented and signed and sealed by a  
8 registered professional engineer.

9           (c) "Energy performance-based contract" means a  
10 contract for the evaluation, recommendation, and  
11 implementation of energy conservation measures which includes,  
12 at a minimum:

13           1. The design and installation of equipment to  
14 implement one or more of such measures, and, if applicable,  
15 operation and maintenance of such measures.

16           2. The amount of any actual annual savings. This  
17 amount must meet or exceed total annual contract payments made  
18 by the school, state community college, or state university  
19 for such contract.

20           3. Financing charges to be incurred by the school,  
21 state community college, or state university over the life of  
22 the contract.

23           (d) "Energy performance contractor" means a person or  
24 business licensed pursuant to chapter 471, chapter 481, or  
25 chapter 489 and experienced in the analysis, design,  
26 implementation, and installation of energy conservation  
27 measures through the implementation of energy  
28 performance-based contracts.

29           (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.--

30           (a) A school district, state community college, or  
31 state university may enter into an energy performance-based

1 contract with an energy performance contractor to  
2 significantly reduce energy or operating costs of an  
3 educational facility through one or more energy conservation  
4 measures.

5 (b) The energy performance contractor shall be  
6 selected in compliance with s. 287.055; except that in a case  
7 where a school district, state community college, or state  
8 university determines that fewer than three firms are  
9 qualified to perform the required services, the requirement  
10 for agency selection of three firms, as provided in s.  
11 287.055(4)(b), shall not apply and the bid requirements of s.  
12 287.057 shall not apply.

13 (c) Before entering into a contract pursuant to this  
14 section, the district school board, state community college,  
15 or state university shall provide published notice of the  
16 meeting in which it proposes to award the contract, the names  
17 of the parties to the proposed contract, and the contract's  
18 purpose.

19 (d) Prior to the design and installation of the energy  
20 conservation measure, the school district, state community  
21 college, or state university must obtain from the energy  
22 performance contractor a report that discloses all costs  
23 associated with the energy conservation measure and provides  
24 an estimate of the amount of the energy cost savings. The  
25 report must be reviewed by either the Department of Education  
26 or the Department of Management Services or signed and sealed  
27 by a registered professional engineer.

28 (e) A school district, state community college, or  
29 state university may enter into an energy performance-based  
30 contract with an energy performance contractor if, after  
31 review of the report required by paragraph (d), it finds that

1 the amount it would spend on the energy conservation measures  
2 recommended in the report will not exceed the amount to be  
3 saved in energy and operation costs over 20 years from the  
4 date of installation, based on life-cycle costing  
5 calculations, if the recommendations in the report were  
6 followed and if the energy performance contractor provides a  
7 written guarantee that the energy or operating cost savings  
8 will meet or exceed the costs of the system. The contract may  
9 provide for payments over a period of time not to exceed 20  
10 years.

11 (f) A school district, state community college, or  
12 state university may enter into an installment payment  
13 contract for the purchase and installation of energy  
14 conservation measures. The contract shall provide for  
15 payments of not less than one-twentieth of the price to be  
16 paid within 2 years from the date of the complete installation  
17 and acceptance by the school board, state community college,  
18 or state university, and the remaining costs to be paid at  
19 least quarterly, not to exceed a 20-year term based on  
20 life-cycle costing calculations.

21 (g) Energy performance-based contracts may extend  
22 beyond the fiscal year in which they become effective;  
23 however, the term of any contract shall expire at the end of  
24 each fiscal year and may be automatically renewed annually up  
25 to 20 years, subject to a school board, state community  
26 college, or state university making sufficient annual  
27 appropriations based upon continued realized energy cost  
28 savings. Such contracts shall stipulate that the agreement  
29 does not constitute a debt, liability, or obligation of the  
30 state or a school board, state community college, or state  
31 university, or a pledge of the faith and credit of the state

1 or a school board, state community college, or state  
2 university.

3 (4) CONTRACT PROVISIONS.--

4 (a) An energy performance-based contract shall include  
5 a guarantee by the energy performance contractor that annual  
6 energy cost savings will meet or exceed the amortized cost of  
7 energy conservation measures.

8 (b) The contract shall provide that all payments,  
9 except obligations on termination of the contract before its  
10 expiration, are to be made over time, but not to exceed 20  
11 years from the date of complete installation and acceptance by  
12 the school board, state community college, or state  
13 university, and that the annual savings are guaranteed to the  
14 extent necessary to make annual payments to satisfy the  
15 contract.

16 (c) The contract must require that the energy  
17 performance contractor to whom the contract is awarded provide  
18 a 100-percent public construction bond to the school district,  
19 state community college, or state university for its faithful  
20 performance, as required by s. 255.05.

21 (d) The contract shall require the energy performance  
22 contractor to provide to the school district, state community  
23 college, or state university an annual reconciliation of the  
24 guaranteed energy cost savings. The energy performance  
25 contractor shall be liable for any annual savings shortfall  
26 which may occur. In the event that such reconciliation reveals  
27 an excess in annual energy cost savings, such excess savings  
28 shall not be used to cover potential energy cost savings  
29 shortages in subsequent contract years.

30 Section 809. Section 1013.24, Florida Statutes, is  
31 created to read:

1           1013.24 Right of eminent domain.--

2           (1) There is conferred upon the school board in each  
3 of the several districts in the state the authority and right  
4 to take private property for any public school purpose or use  
5 when, in the opinion of the school board, such property is  
6 needed in the operation of any or all of the public schools  
7 within the district, including property needed for any school  
8 purpose or use in any school district or districts within the  
9 county. The absolute fee simple title to all property so  
10 taken and acquired shall vest in the school board of such  
11 district, unless the school board seeks to appropriate a  
12 particular right or estate in such property.

13           Section 810. Section 1013.25, Florida Statutes, is  
14 created to read:

15           1013.25 When university or community college board of  
16 trustees may exercise power of eminent domain.--Whenever it  
17 becomes necessary for the welfare and convenience of any of  
18 its institutions or divisions to acquire private property for  
19 the use of such institutions, and the same cannot be acquired  
20 by agreement satisfactory to a university or community college  
21 board of trustees and the parties interested in, or the owners  
22 of, said private property, the board of trustees may exercise  
23 the power of eminent domain after receiving approval therefor  
24 from the State Board of Education and may then proceed to  
25 condemn the property in the manner provided by chapter 73 or  
26 74.

27           Section 811. Section 1013.26, Florida Statutes, is  
28 created to read:

29           1013.26 Department of Legal Affairs to represent  
30 university board in condemnation proceedings.--Any suits or  
31 actions brought by a university board of trustees to condemn

1 property, as provided in s. 1013.25, shall be brought in the  
2 name of the university board of trustees, and the Department  
3 of Legal Affairs shall conduct the proceedings for, and act as  
4 the counsel of, the university board of trustees.

5 Section 812. Section 1013.27, Florida Statutes, is  
6 created to read:

7 1013.27 Purchase of land by municipality.--Any  
8 municipality wherein a community college (as defined by s.  
9 1004.65) is situated is authorized and empowered to purchase  
10 land with municipal funds and to donate and convey such land  
11 or any other land to the community college board of trustees.

12 Section 813. Section 1013.28, Florida Statutes, is  
13 created to read:

14 1013.28 Disposal of property.--

15 (1) REAL PROPERTY.--Subject to rules of the State  
16 Board of Education, a board may dispose of any land or real  
17 property that is, by resolution of the board, determined to be  
18 unnecessary for educational purposes as recommended in an  
19 educational plant survey. A board shall take diligent measures  
20 to dispose of educational property only in the best interests  
21 of the public. However, appraisals may be obtained by the  
22 board prior to or simultaneously with the receipt of bids.

23 (2) TANGIBLE PERSONAL PROPERTY.--Tangible personal  
24 property which has been properly classified as surplus by a  
25 district school board or community college board of trustees  
26 shall be disposed of in accordance with the procedure  
27 established by chapter 274 and by a university board of  
28 trustees by chapter 273. However, the provisions of chapter  
29 274 shall not be applicable to a motor vehicle used in driver  
30 education to which title is obtained for a token amount from  
31 an automobile dealer or manufacturer. In such cases, the

1 disposal of the vehicle shall be as prescribed in the  
2 contractual agreement between the automotive agency or  
3 manufacturer and the board.

4 Section 814. Part III of chapter 1013 shall be  
5 entitled "Planning and Construction of Educational Facilities"  
6 and shall consist of ss. 1013.30-1013.54.

7 Section 815. Part III.a. of chapter 1013 shall be  
8 entitled "Campus Master Plans and Educational Plant Surveys"  
9 and shall consist of ss. 1013.30-1013.36.

10 Section 816. Section 1013.30, Florida Statutes, is  
11 created to read:

12 1013.30 University campus master plans and campus  
13 development agreements.--

14 (1) This section contains provisions for campus  
15 planning and concurrency management that supersede the  
16 requirements of part II of chapter 163, except when stated  
17 otherwise in this section. These special growth management  
18 provisions are adopted in recognition of the unique  
19 relationship between university campuses and the local  
20 governments in which they are located. While the campuses  
21 provide research and educational benefits of statewide and  
22 national importance, and further provide substantial  
23 educational, economic, and cultural benefits to their host  
24 local governments, they may also have an adverse impact on the  
25 public facilities and services and natural resources of host  
26 governments. On balance, however, universities should be  
27 considered as vital public facilities of the state and local  
28 governments. The intent of this section is to address this  
29 unique relationship by providing for the preparation of campus  
30 master plans and associated campus development agreements.

31 (2) As used in this section:



1           (a) "Affected local government" means a unit of local  
2 government that provides public services to or is responsible  
3 for maintaining facilities within a campus of an institution  
4 or is directly affected by development that is proposed for a  
5 campus.

6           (b) "Affected person" means a host local government;  
7 an affected local government; any state, regional, or federal  
8 agency; or a person who resides, owns property, or owns or  
9 operates a business within the boundaries of a host local  
10 government or affected local government.

11           (c) "Host local government" means a local government  
12 within the jurisdiction of which all or part of a campus of an  
13 institution is located, but does not include a county if no  
14 part of an institution is located within its unincorporated  
15 area.

16           (d) "Institution" means a university.

17           (3) Each university board of trustees shall prepare  
18 and adopt a campus master plan for the university. The master  
19 plan must identify general land uses and address the need for  
20 and plans for provision of roads, parking, public  
21 transportation, solid waste, drainage, sewer, potable water,  
22 and recreation and open space during the coming 10 to 20  
23 years. The plans must contain elements relating to future land  
24 use, intergovernmental coordination, capital improvements,  
25 recreation and open space, general infrastructure, housing,  
26 and conservation. Each element must address compatibility with  
27 the surrounding community. The master plan must identify  
28 specific land uses, location of structures, densities and  
29 intensities of use, and contain standards for onsite  
30 development, site design, environmental management, and the  
31 preservation of historic and archaeological resources. The

1 transportation element must address reasonable transportation  
2 demand management techniques to minimize offsite impacts where  
3 possible. Data and analyses on which the elements are based  
4 must include, at a minimum: the characteristics of vacant  
5 lands; projected impacts of development on onsite and offsite  
6 infrastructure, public services, and natural resources;  
7 student enrollment projections; student housing needs; and the  
8 need for academic and support facilities. Master plans must be  
9 updated at least every 5 years.

10 (4) Campus master plans may contain additional  
11 elements at the discretion of the State Board of Education;  
12 however, such elements are not subject to review under this  
13 section. These additional elements may include the academic  
14 mission of the institution, academic program, utilities,  
15 public safety, architectural design, landscape architectural  
16 design, and facilities maintenance.

17 (5) Subject to the right of the university board of  
18 trustees to initiate the dispute resolution provisions of  
19 subsection (8), a campus master plan must not be in conflict  
20 with the comprehensive plan of the host local government and  
21 the comprehensive plan of any affected local governments. A  
22 campus master plan must be consistent with the state  
23 comprehensive plan.

24 (6) Before a campus master plan is adopted, a copy of  
25 the draft master plan must be sent for review to the host and  
26 any affected local governments, the state land planning  
27 agency, the Department of Environmental Protection, the  
28 Department of Transportation, the Department of State, the  
29 Fish and Wildlife Conservation Commission, and the applicable  
30 water management district and regional planning council. These  
31 agencies must be given 90 days after receipt of the campus

1 master plans in which to conduct their review and provide  
2 comments to the university board of trustees. The commencement  
3 of this review period must be advertised in newspapers of  
4 general circulation within the host local government and any  
5 affected local government to allow for public comment.  
6 Following receipt and consideration of all comments, and the  
7 holding of at least two public hearings within the host  
8 jurisdiction, the university board of trustees shall adopt the  
9 campus master plan. It is the intent of the Legislature that  
10 the university board of trustees comply with the notice  
11 requirements set forth in s. 163.3184(15) to ensure full  
12 public participation in this planning process. Campus master  
13 plans developed under this section are not rules and are not  
14 subject to chapter 120 except as otherwise provided in this  
15 section.

16 (7) Notice that the campus master plan has been  
17 adopted must be forwarded within 45 days after its adoption to  
18 any affected person that submitted comments on the draft  
19 campus master plan. The notice must state how and where a copy  
20 of the master plan may be obtained or inspected. Within 30  
21 days after receipt of the notice of adoption of the campus  
22 master plan, or 30 days after the date the adopted plan is  
23 available for review, whichever is later, an affected person  
24 who submitted comments on the draft master plan may petition  
25 the university board of trustees, challenging the campus  
26 master plan as not being in compliance with this section or  
27 any rule adopted under this section. The petition must state  
28 each objection, identify its source, and provide a recommended  
29 action. A petition filed by an affected local government may  
30 raise only those issues directly pertaining to the public  
31 facilities or services that the affected local government

1 provides to or maintains within the campus or to the direct  
2 impact that campus development would have on the affected  
3 local government.

4 (8) Following receipt of a petition, the petitioning  
5 party or parties and the university board of trustees shall  
6 mediate the issues in dispute as follows:

7 (a) The parties have 60 days to resolve the issues in  
8 dispute. Other affected parties that submitted comments on the  
9 draft campus master plan must be given the opportunity to  
10 participate in these and subsequent proceedings.

11 (b) If resolution of the matter cannot be achieved  
12 within 60 days, the issues must be submitted to the state land  
13 planning agency. The state land planning agency has 60 days to  
14 hold informal hearings, if necessary, identify the issues  
15 remaining in dispute, prepare a record of the proceedings, and  
16 submit the matter to the Administration Commission for final  
17 action. The report to the Administration Commission must list  
18 each issue in dispute, describe the nature and basis for each  
19 dispute, identify alternative resolutions of the dispute, and  
20 make recommendations.

21 (c) After receiving the report from the state land  
22 planning agency, the Administration Commission shall take  
23 action to resolve the issues in dispute. In deciding upon a  
24 proper resolution, the Administration Commission shall  
25 consider the nature of the issues in dispute, the compliance  
26 of the parties with this section, the extent of the conflict  
27 between the parties, the comparative hardships, and the public  
28 interest involved. If the Administration Commission  
29 incorporates in its final order a term or condition that  
30 specifically requires the university board of trustees or a  
31 local government to amend or modify its plan, the university

1 board of trustees shall have a reasonable period of time to  
2 amend or modify its plan, and a local government shall  
3 initiate the required plan amendment, which shall be exempt  
4 from the requirements of s. 163.3187(1). Any required  
5 amendment to a local government comprehensive plan must be  
6 limited in scope so as to only relate to specific impacts  
7 attributable to the campus development. The final order of the  
8 Administration Commission is subject to judicial review as  
9 provided in s. 120.68.

10 (9) An amendment to a campus master plan must be  
11 reviewed and adopted under subsections (6)-(8) if such  
12 amendment, alone or in conjunction with other amendments,  
13 would:

14 (a) Increase density or intensity of use of land on  
15 the campus by more than 10 percent;

16 (b) Decrease the amount of natural areas, open space,  
17 or buffers on the campus by more than 10 percent; or

18 (c) Rearrange land uses in a manner that will increase  
19 the impact of any proposed campus development by more than 10  
20 percent on a road or on another public facility or service  
21 provided or maintained by the state, the county, the host  
22 local government, or any affected local government.

23 (10) Upon adoption of a campus master plan, the  
24 university board of trustees shall draft a proposed campus  
25 development agreement for each local government and send it to  
26 the local government within 270 days after the adoption of the  
27 relevant campus master plan.

28 (11) At a minimum, each campus development agreement:

29 (a) Must identify the geographic area of the campus  
30 and local government covered by the campus development  
31 agreement.

1           (b) Must establish its duration, which must be at  
2 least 5 years and not more than 10 years.

3           (c) Must address public facilities and services  
4 including roads, sanitary sewer, solid waste, drainage,  
5 potable water, parks and recreation, and public  
6 transportation.

7           (d) Must, for each of the facilities and services  
8 listed in paragraph (c), identify the level-of-service  
9 standard established by the applicable local government,  
10 identify the entity that will provide the service to the  
11 campus, and describe any financial arrangements between the  
12 State Board of Education and other entities relating to the  
13 provision of the facility or service.

14           (e) Must, for each of the facilities and services  
15 listed in paragraph (c), determine the impact of existing and  
16 proposed campus development reasonably expected over the term  
17 of the campus development agreement on each service or  
18 facility and any deficiencies in such service or facility  
19 which the proposed campus development will create or to which  
20 it will contribute.

21           (f) May, if proposed by the university board of  
22 trustees, address the issues prescribed in paragraphs (d) and  
23 (e) with regard to additional facilities and services,  
24 including, but not limited to, electricity, nonpotable water,  
25 law enforcement, fire and emergency rescue, gas, and  
26 telephone.

27           (g) Must, to the extent it addresses issues addressed  
28 in the campus master plan and host local government  
29 comprehensive plan, be consistent with the adopted campus  
30 master plan and host local government comprehensive plan.  
31

1           (12)(a) Each proposed campus development agreement  
2 must clearly identify the lands to which the university board  
3 of trustees intends the campus development agreement to apply.

4           (b) Such land may include:

5           1. Land to be purchased by the university board of  
6 trustees and if purchased with state appropriated funds titled  
7 in the name of the board of trustees of the Internal  
8 Improvement Trust Fund for use by an institution over the life  
9 of the campus development agreement.

10           2. Land not owned by the board of trustees of the  
11 Internal Improvement Trust Fund if the university board of  
12 trustees intends to undertake development activities on the  
13 land during the term of the campus development agreement.

14           (c) Land owned by the Board of Trustees of the  
15 Internal Improvement Trust Fund for lease to the State Board  
16 of Education acting on behalf of the institution may be  
17 excluded, but any development activity undertaken on excluded  
18 land is subject to part II of chapter 163.

19           (13) With regard to the impact of campus development  
20 on the facilities and services listed in paragraph (11)(c),  
21 the following applies:

22           (a) All improvements to facilities or services which  
23 are necessary to eliminate the deficiencies identified in  
24 paragraph (11)(e) must be specifically listed in the campus  
25 development agreement.

26           (b) The university board of trustees' fair share of  
27 the cost of the measures identified in paragraph (a) must be  
28 stated in the campus development agreement. In determining the  
29 fair share, the effect of any demand management techniques,  
30 which may include such techniques as flexible work hours and  
31

1 carpooling, that are used by the State Board of Education to  
2 minimize the offsite impacts shall be considered.

3 (c) The university board of trustees is responsible  
4 for paying the fair share identified in paragraph (b), and it  
5 may do so by:

6 1. Paying a fair share of each of the improvements  
7 identified in paragraph (a); or

8 2. Taking on full responsibility for the improvements,  
9 selected from the list of improvements identified in paragraph  
10 (a), and agreed to between the host local government and the  
11 State Board of Education, the total cost of which equals the  
12 contribution identified in paragraph (b).

13 (d) All concurrency management responsibilities of the  
14 university board of trustees are fulfilled if the university  
15 board of trustees expends the total amount of funds identified  
16 in paragraph (b) notwithstanding that the university board of  
17 trustees may not have undertaken or made contributions to some  
18 of the measures identified in paragraph (a).

19 (e) Capital projects included in the campus  
20 development agreement may be used by the local government for  
21 the concurrency management purposes.

22 (f) Funds provided by universities in accordance with  
23 campus development agreements are subject to appropriation by  
24 the Legislature. A development authorized by a campus  
25 development agreement may not be built until the funds to be  
26 provided pursuant to paragraph (b) are appropriated by the  
27 Legislature.

28 (14) A campus development agreement may not address or  
29 include any standards or requirements for onsite development,  
30 including environmental management requirements or  
31 requirements for site preparation.



1       (15) Once the university board of trustees and host  
2 local government agree on the provisions of the campus  
3 development agreement, the campus development agreement shall  
4 be executed by the university board of trustees and the host  
5 local government in a manner consistent with the requirements  
6 of s. 163.3225. Once the campus development agreement is  
7 executed, it is binding upon the university board of trustees  
8 and host local government. A copy of the executed campus  
9 development agreement must be sent to the state land planning  
10 agency within 14 days after the date of execution.

11       (16) If, within 180 days following the host local  
12 government's receipt of the proposed campus development  
13 agreement, the university board of trustees and host local  
14 government cannot reach agreement on the provisions of the  
15 campus development agreement, the following procedures for  
16 resolving the matter must be followed:

17       (a) The matter must be submitted to the state land  
18 planning agency, which has 60 days to hold informal hearings,  
19 if necessary, and identify the issues remaining in dispute,  
20 prepare a record of the proceedings, and submit the matter to  
21 the Administration Commission for final action. The report to  
22 the Administration Commission must list each issue in dispute,  
23 describe the nature and basis for each dispute, identify  
24 alternative resolutions of each dispute, and make  
25 recommendations.

26       (b) After receiving the report from the state land  
27 planning agency, the Administration Commission shall take  
28 action to resolve the issues in dispute. In deciding upon a  
29 proper resolution, the Administration Commission shall  
30 consider the nature of the issues in dispute, the compliance  
31 of the parties with this section, the extent of the conflict

1 between the parties, the comparative hardships, and the public  
2 interest involved. In resolving the matter, the Administration  
3 Commission may prescribe, by order, the contents of the campus  
4 development agreement.

5 (17) Disputes that arise in the implementation of an  
6 executed campus development agreement must be resolved as  
7 follows:

8 (a) Each party shall select one mediator and notify  
9 the other in writing of the selection. Thereafter, within 15  
10 days after their selection, the two mediators selected by the  
11 parties shall select a neutral, third mediator to complete the  
12 mediation panel.

13 (b) Each party is responsible for all costs and fees  
14 payable to the mediator selected by it and shall equally bear  
15 responsibility for the costs and fees payable to the third  
16 mediator for services rendered and costs expended in  
17 connection with resolving disputes pursuant to the campus  
18 development agreement.

19 (c) Within 10 days after the selection of the  
20 mediation panel, proceedings must be convened by the panel to  
21 resolve the issues in dispute.

22 (d) Within 60 days after the convening of the panel,  
23 the panel shall issue a report containing a recommended  
24 resolution of the issues in dispute.

25 (e) If either the university board of trustees or  
26 local government rejects the recommended resolution of the  
27 issues in dispute, the disputed issues must be resolved  
28 pursuant to the procedures provided by subsection (16).

29 (18) Once the campus development agreement is  
30 executed, all campus development may proceed without further  
31 review by the host local government if it is consistent with

1 the adopted campus master plan and associated campus  
2 development agreement.

3 (19) A campus development agreement may be amended  
4 under subsections (10)-(16):

5 (a) In conjunction with any amendment to the campus  
6 master plan subject to the requirements in subsection (9).

7 (b) If either party delays by more than 12 months the  
8 construction of a capital improvement identified in the  
9 agreement.

10 (20) Any party to a campus development agreement or  
11 aggrieved or adversely affected person, as defined in s.  
12 163.3215(2), may file an action for injunctive relief in the  
13 circuit court where the host local government is located to  
14 enforce the terms of a campus development agreement or to  
15 challenge compliance of the agreement with this section. This  
16 action shall be the sole and exclusive remedy of an adversely  
17 affected person other than a party to the agreement to enforce  
18 any rights or obligations arising from a development  
19 agreement.

20 (21) State and regional environmental program  
21 requirements remain applicable, except that this section  
22 supersedes all other sections of part II of chapter 163 and s.  
23 380.06 except as provided in this section.

24 (22) In consultation with the state land planning  
25 agency, the State Board of Education shall adopt rules  
26 implementing subsections (3)-(6). The rules must set specific  
27 schedules and procedures for the development and adoption of  
28 campus master plans.

29 (23) Until the campus master plan and campus  
30 development agreement for an institution have been finalized,  
31 any dispute between the university board of trustees and a

1 local government relating to campus development for that  
2 institution shall be resolved by the process established in  
3 subsection (8).

4 Section 817. Section 1013.31, Florida Statutes, is  
5 created to read:

6 1013.31 Educational plant survey; localized need  
7 assessment; PECO project funding.--

8 (1) At least every 5 years, each board shall arrange  
9 for an educational plant survey, to aid in formulating plans  
10 for housing the educational program and student population,  
11 faculty, administrators, staff, and auxiliary and ancillary  
12 services of the district or campus, including consideration of  
13 the local comprehensive plan. The Office of Workforce and  
14 Economic Development shall document the need for additional  
15 career and adult education programs and the continuation of  
16 existing programs before facility construction or renovation  
17 related to career or adult education may be included in the  
18 educational plant survey of a school district or community  
19 college that delivers career or adult education programs.  
20 Information used by the Office of Workforce and Economic  
21 Development to establish facility needs must include, but need  
22 not be limited to, labor market data, needs analysis, and  
23 information submitted by the school district or community  
24 college.

25 (a) Survey preparation and required data.--Each survey  
26 shall be conducted by the board or an agency employed by the  
27 board. Surveys shall be reviewed and approved by the board,  
28 and a file copy shall be submitted to the commissioner. The  
29 survey report shall include at least an inventory of existing  
30 educational and ancillary plants; recommendations for existing  
31 educational and ancillary plants; recommendations for new

1 educational or ancillary plants, including the general  
2 location of each in coordination with the land use plan;  
3 campus master plan update and detail for community colleges;  
4 the utilization of school plants based on an extended school  
5 day or year-round operation; and such other information as may  
6 be required by the rules of the State Board of Education. This  
7 report may be amended, if conditions warrant, at the request  
8 of the board or commissioner.

9 (b) Required need assessment criteria for district,  
10 community college, and state university plant surveys.--Each  
11 educational plant survey completed must use uniform data  
12 sources and criteria specified in this paragraph. Each revised  
13 educational plant survey and each new educational plant survey  
14 supersedes previous surveys.

15 1. Each school district's educational plant survey  
16 must reflect the capacity of existing satisfactory facilities  
17 as reported in the Florida Inventory of School Houses.  
18 Projections of facility space needs may not exceed the norm  
19 space and occupant design criteria established by the State  
20 Requirements for Educational Facilities. Existing and  
21 projected capital outlay full-time equivalent student  
22 enrollment must be consistent with data prepared by the  
23 department and must include all enrollment used in the  
24 calculation of the distribution formula in s. 1013.64(3). To  
25 insure that the data reported to the Department of Education  
26 as required by this section is correct, the department shall  
27 annually conduct an onsite review of 5 percent of the  
28 facilities reported for each school district completing a new  
29 survey that year. If the department's review finds the data  
30 reported by a district is less than 95 percent accurate,  
31 within one year from the time of notification by the

1 department the district must submit revised reports correcting  
2 its data. If a district fails to correct its reports, the  
3 commissioner may direct that future fixed capital outlay funds  
4 be withheld until such time as the district has corrected its  
5 reports so that they are not less than 95 percent accurate.  
6 All satisfactory relocatable classrooms, including those  
7 owned, lease-purchased, or leased by the school district,  
8 shall be included in the school district inventory of gross  
9 capacity of facilities and must be counted at actual student  
10 capacity for purposes of the inventory. For future needs  
11 determination, student capacity shall not be assigned to any  
12 relocatable classroom that is scheduled for elimination or  
13 replacement with a permanent educational facility in the  
14 adopted 5-year educational plant survey and in the district  
15 facilities work program adopted under s. 1013.35. Those  
16 relocatables clearly identified and scheduled for replacement  
17 in a school board adopted financially feasible 5-year district  
18 facilities work program shall be counted at zero capacity at  
19 the time the work program is adopted and approved by the  
20 school board. However, if the district facilities work program  
21 is changed or altered and the relocatables are not replaced as  
22 scheduled in the work program, they must then be reentered  
23 into the system for counting at actual capacity. Relocatables  
24 may not be perpetually added to the work program and  
25 continually extended for purposes of circumventing the intent  
26 of this section. All remaining relocatable classrooms,  
27 including those owned, lease-purchased, or leased by the  
28 school district, shall be counted at actual student capacity.  
29 The educational plant survey shall identify the number of  
30 relocatable student stations scheduled for replacement during  
31 the 5-year survey period and the total dollar amount needed

1 for that replacement. All district educational plant surveys  
2 shall include information on leased space used for conducting  
3 the district's instructional program, in accordance with the  
4 recommendations of the department's report authorized in s.  
5 1013.15. A definition of satisfactory relocatable classrooms  
6 shall be established by rule of the State Board of Education.

7 2. Each survey of a special facility, joint-use  
8 facility, or cooperative career and technical education  
9 facility must be based on capital outlay full-time equivalent  
10 student enrollment data prepared by the department for school  
11 districts, community colleges, and universities. A survey of  
12 space needs of a joint-use facility shall be based upon the  
13 respective space needs of the school districts, community  
14 colleges, and universities, as appropriate. Projections of a  
15 school district's facility space needs may not exceed the norm  
16 space and occupant design criteria established by the State  
17 Requirements for Educational Facilities.

18 3. Each community college's survey must reflect the  
19 capacity of existing facilities as specified in the inventory  
20 maintained by the Department of Education. Projections of  
21 facility space needs must comply with standards for  
22 determining space needs as specified by rule of the State  
23 Board of Education. The 5-year projection of capital outlay  
24 student enrollment must be consistent with the annual report  
25 of capital outlay full-time student enrollment prepared by the  
26 Department of Education.

27 4. Each state university's survey must reflect the  
28 capacity of existing facilities as specified in the inventory  
29 maintained and validated by the Department of Education.  
30 Projections of facility space needs must be consistent with  
31 standards for determining space needs approved by the

1 Department of Education. The projected capital outlay  
2 full-time equivalent student enrollment must be consistent  
3 with the 5-year planned enrollment cycle for the State  
4 University System approved by the Department of Education.

5 5. The educational plant survey of a school district,  
6 community college, or state university may include space needs  
7 that deviate from approved standards for determining space  
8 needs if the deviation is justified by the district or  
9 institution and approved by the department as necessary for  
10 the delivery of an approved educational program.

11 (c) Review and validation.--The department shall  
12 review and validate the surveys of school districts, community  
13 colleges, and universities, and any amendments thereto for  
14 compliance with the requirements of this chapter and, when  
15 required by the State Constitution, shall recommend those in  
16 compliance for approval by the State Board of Education.  
17 Annually, the department shall perform an in-depth analysis of  
18 a representative sample of each survey of recommended needs  
19 for five districts selected by the commissioner from among  
20 districts with the largest need-to-revenue ratio. For the  
21 purpose of this subsection, the need-to-revenue ratio is  
22 determined by dividing the total 5-year cost of projects  
23 listed on the district survey by the total 5-year fixed  
24 capital outlay revenue projections from state and local  
25 sources as determined by the department. The commissioner may  
26 direct fixed capital outlay funds to be withheld from  
27 districts until such time as the survey accurately projects  
28 facilities needs.

29 (2) Only the district school superintendent, community  
30 college president, or university president shall certify to  
31



1 the department a project's compliance with the requirements  
2 for expenditure of PECO funds prior to release of funds.

3 (a) Upon request for release of PECO funds for  
4 planning purposes, certification must be made to the  
5 department that the need and location of the facility are in  
6 compliance with the board-approved survey recommendations and  
7 that the project meets the definition of a PECO project and  
8 the limiting criteria for expenditures of PECO funding.

9 (b) Upon request for release of construction funds,  
10 certification must be made to the department that the need and  
11 location of the facility are in compliance with the  
12 board-approved survey recommendations, that the project meets  
13 the definition of a PECO project and the limiting criteria for  
14 expenditures of PECO funding, and that the construction  
15 documents meet the requirements of the Florida Building Code  
16 for educational facilities construction or other applicable  
17 codes as authorized in this chapter.

18 Section 818. Section 1013.32, Florida Statutes, is  
19 created to read:

20 1013.32 Exception to recommendations in educational  
21 plant survey.--An exception to the recommendations in the  
22 educational plant survey may be allowed if a board considers  
23 that it will be advantageous to the welfare of the educational  
24 system or that it will make possible a substantial saving of  
25 funds. A board, upon determining that an exception is  
26 warranted, must present a full statement, in writing, setting  
27 forth all the facts to the Commissioner of Education.

28 Section 819. Section 1013.33, Florida Statutes, is  
29 created to read:

30 1013.33 Coordination of planning with local governing  
31 bodies.--

1           (1) It is the policy of this state to require the  
2 coordination of planning between boards and local governing  
3 bodies to ensure that plans for the construction and opening  
4 of public educational facilities are facilitated and  
5 coordinated in time and place with plans for residential  
6 development, concurrently with other necessary services. Such  
7 planning shall include the integration of the educational  
8 plant survey and applicable policies and procedures of a board  
9 with the local comprehensive plan and land development  
10 regulations of local governing bodies. The planning must  
11 include the consideration of allowing students to attend the  
12 school located nearest their homes when a new housing  
13 development is constructed near a county boundary and it is  
14 more feasible to transport the students a short distance to an  
15 existing facility in an adjacent county than to construct a  
16 new facility or transport students longer distances in their  
17 county of residence. The planning must also consider the  
18 effects of the location of public education facilities,  
19 including the feasibility of keeping central city facilities  
20 viable, in order to encourage central city redevelopment and  
21 the efficient use of infrastructure and to discourage  
22 uncontrolled urban sprawl.

23           (2) A board and the local governing body must share  
24 and coordinate information related to existing and planned  
25 school facilities; proposals for development, redevelopment,  
26 or additional development; and infrastructure required to  
27 support the school facilities, concurrent with proposed  
28 development. A school board shall use Department of Education  
29 enrollment projections when preparing the 5-year district  
30 facilities work program pursuant to s. 1013.35, and a school  
31 board shall affirmatively demonstrate in the educational

1 facilities report consideration of local governments'  
2 population projections to ensure that the 5-year work program  
3 not only reflects enrollment projections but also considers  
4 applicable municipal and county growth and development  
5 projections. A school board is precluded from siting a new  
6 school in a jurisdiction where the school board has failed to  
7 provide the annual educational facilities report for the prior  
8 year required pursuant to s. 1013.34 unless the failure is  
9 corrected.

10 (3) The location of educational facilities shall be  
11 consistent with the comprehensive plan of the appropriate  
12 local governing body developed under part II of chapter 163  
13 and the plan's implementing land development regulations, to  
14 the extent that the regulations are not in conflict with or  
15 the subject regulated is not specifically addressed by this  
16 chapter or the state requirements for educational facilities,  
17 unless mutually agreed by the local government and the board.

18 (4) To improve coordination relative to potential  
19 educational facility sites, a board shall provide written  
20 notice to the local government that has regulatory authority  
21 over the use of the land at least 60 days prior to acquiring  
22 or leasing property that may be used for a new public  
23 educational facility. The local government, upon receipt of  
24 this notice, shall notify the board within 45 days if the site  
25 proposed for acquisition or lease is consistent with the land  
26 use categories and policies of the local government's  
27 comprehensive plan. This preliminary notice does not  
28 constitute the local government's determination of consistency  
29 pursuant to subsection (5).

30 (5) As early in the design phase as feasible, but at  
31 least before commencing construction of a new public

1 educational facility, the local governing body that regulates  
2 the use of land shall determine, in writing within 90 days  
3 after receiving the necessary information and a school board's  
4 request for a determination, whether a proposed educational  
5 facility is consistent with the local comprehensive plan and  
6 local land development regulations, to the extent that the  
7 regulations are not in conflict with or the subject regulated  
8 is not specifically addressed by this chapter or the Florida  
9 Building Code for educational facilities and construction,  
10 unless mutually agreed. If the determination is affirmative,  
11 school construction may proceed and further local government  
12 approvals are not required, except as provided in this  
13 section. Failure of the local governing body to make a  
14 determination in writing within 90 days after a school board's  
15 request for a determination of consistency shall be considered  
16 an approval of the school board's application. Campus master  
17 plans and development agreements must comply with the  
18 provisions of ss. 1013.30 and 1013.63.

19 (6) A local governing body may not deny the site  
20 applicant based on adequacy of the site plan as it relates  
21 solely to the needs of the school. If the site is consistent  
22 with the comprehensive plan's future land use policies and  
23 categories in which public schools are identified as allowable  
24 uses, the local government may not deny the application but it  
25 may impose reasonable development standards and conditions in  
26 accordance with s. 1013.51(1) and consider the site plan and  
27 its adequacy as it relates to environmental concerns, health,  
28 safety and welfare, and effects on adjacent property.  
29 Standards and conditions may not be imposed which conflict  
30 with those established in this chapter or the State Uniform  
31 Building Code, unless mutually agreed.

1       (7) This section does not prohibit a local governing  
2 body and district school board from agreeing and establishing  
3 an alternative process for reviewing a proposed educational  
4 facility and site plan, and offsite impacts.

5       (8) Existing schools shall be considered consistent  
6 with the applicable local government comprehensive plan  
7 adopted under part II of chapter 163. The collocation of a new  
8 proposed public educational facility with an existing public  
9 educational facility, or the expansion of an existing public  
10 educational facility is not inconsistent with the local  
11 comprehensive plan, if the site is consistent with the  
12 comprehensive plan's future land use policies and categories  
13 in which public schools are identified as allowable uses, and  
14 levels of service adopted by the local government for any  
15 facilities affected by the proposed location for the new  
16 facility are maintained. If a board submits an application to  
17 expand an existing school site, the local governing body may  
18 impose reasonable development standards and conditions on the  
19 expansion only, and in a manner consistent with s. 1013.51(1).  
20 Standards and conditions may not be imposed which conflict  
21 with those established in this chapter or the State Uniform  
22 Building Code, unless mutually agreed. Local government review  
23 or approval is not required for:

24       (a) The placement of temporary or portable classroom  
25 facilities; or

26       (b) Proposed renovation or construction on existing  
27 school sites, with the exception of construction that changes  
28 the primary use of a facility, includes stadiums, or results  
29 in a greater than 5 percent increase in student capacity, or  
30 as mutually agreed.

1 Section 820. Section 1013.34, Florida Statutes, is  
2 created to read:

3 1013.34 General educational facilities report.--

4 (1) It is the policy of the state to foster  
5 coordination between school boards and the local  
6 general-purpose governments as those local general-purpose  
7 governments develop and implement plans under the Local  
8 Government Comprehensive Planning and Land Development  
9 Regulation Act, part II of chapter 163.

10 (2) Each school board shall submit annually on October  
11 1 to each local government within the school board's  
12 jurisdiction a general educational facilities report. The  
13 general educational facilities report must contain information  
14 detailing existing educational facilities and their locations  
15 and projected needs. The report must also contain the board's  
16 capital improvement plan, including planned facilities with  
17 funding over the next 3 years, and the educational facilities  
18 representing the district's unmet need. The school board shall  
19 also provide a copy of its educational plan survey to each  
20 local government at least once every 5 years.

21 Section 821. Section 1013.35, Florida Statutes, is  
22 created to read:

23 1013.35 School district facilities work program;  
24 definitions; preparation, adoption, and amendment; long-term  
25 work programs.--

26 (1) DEFINITIONS.--As used in this section, the term:

27 (a) "Adopted district facilities work program" means  
28 the 5-year work program adopted by the district school board  
29 as provided in subsection (3).

30 (b) "Tentative district facilities work program" means  
31 the 5-year listing of capital outlay projects required:

1           1. To properly maintain the educational plant and  
2 ancillary facilities of the district.

3           2. To provide an adequate number of satisfactory  
4 student stations for the projected student enrollment of the  
5 district in K-12 programs in accordance with the goal in s.  
6 1013.21.

7           (2) PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK  
8 PROGRAM.--

9           (a) Annually, prior to the adoption of the district  
10 school budget, each school board shall prepare a tentative  
11 district facilities work program that includes:

12           1. A schedule of major repair and renovation projects  
13 necessary to maintain the educational plant and ancillary  
14 facilities of the district.

15           2. A schedule of capital outlay projects necessary to  
16 ensure the availability of satisfactory student stations for  
17 the projected student enrollment in K-12 programs. This  
18 schedule shall consider:

19           a. The locations, capacities, and planned utilization  
20 rates of current educational facilities of the district.

21           b. The proposed locations of planned facilities.

22           c. Plans for the use and location of relocatable  
23 facilities, leased facilities, and charter school facilities.

24           d. Plans for multitrack scheduling, grade level  
25 organization, block scheduling, or other alternatives that  
26 reduce the need for permanent student stations.

27           e. Information concerning average class size and  
28 utilization rate by grade level within the district that will  
29 result if the tentative district facilities work program is  
30 fully implemented. The average shall not include exceptional  
31 student education classes or prekindergarten classes.

1           f. The number and percentage of district students  
2 planned to be educated in relocatable facilities during each  
3 year of the tentative district facilities work program.

4           g. Plans for the closure of any school, including  
5 plans for disposition of the facility or usage of facility  
6 space, and anticipated revenues.

7           3. The projected cost for each project identified in  
8 the tentative district facilities work program. For proposed  
9 projects for new student stations, a schedule shall be  
10 prepared comparing the planned cost and square footage for  
11 each new student station, by elementary, middle, and high  
12 school levels, to the low, average, and high cost of  
13 facilities constructed throughout the state during the most  
14 recent fiscal year for which data is available from the  
15 Department of Education.

16           4. A schedule of estimated capital outlay revenues  
17 from each currently approved source which is estimated to be  
18 available for expenditure on the projects included in the  
19 tentative district facilities work program.

20           5. A schedule indicating which projects included in  
21 the tentative district facilities work program will be funded  
22 from current revenues projected in subparagraph 4.

23           6. A schedule of options for the generation of  
24 additional revenues by the district for expenditure on  
25 projects identified in the tentative district facilities work  
26 program which are not funded under subparagraph 5. Additional  
27 anticipated revenues may include effort index grants, SIT  
28 Program awards, and Classrooms First funds.

29           (b) To the extent available, the tentative district  
30 facilities work program shall be based on information produced  
31



1 by the demographic, revenue, and education estimating  
2 conferences pursuant to s. 216.136.

3 (c) Provision shall be made for public comment  
4 concerning the tentative district facilities work program.

5 (3) ADOPTED DISTRICT FACILITIES WORK  
6 PROGRAM.--Annually, the district school board shall consider  
7 and adopt the tentative district facilities work program  
8 completed pursuant to subsection (2). Upon giving proper  
9 public notice and opportunity for public comment, the district  
10 school board may amend the program to revise the priority of  
11 projects, to add or delete projects, to reflect the impact of  
12 change orders, or to reflect the approval of new revenue  
13 sources which may become available. The adopted district  
14 facilities work program shall:

15 (a) Be a complete, balanced capital outlay financial  
16 plan for the district.

17 (b) Set forth the proposed commitments and planned  
18 expenditures of the district to address the educational  
19 facilities needs of its students and to adequately provide for  
20 the maintenance of the educational plant and ancillary  
21 facilities.

22 (4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK  
23 PROGRAM.--The first year of the adopted district facilities  
24 work program shall constitute the capital outlay budget  
25 required in s. 1013.61. The adopted district facilities work  
26 program shall include the information required in  
27 subparagraphs (2)(a)1., 2., and 3., based upon projects  
28 actually funded in the program.

29 (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to  
30 the adopted district facilities work program covering the  
31 5-year work program, the district school board shall adopt

1 annually a 10-year and a 20-year work program which include  
2 the information set forth in subsection (2), but based upon  
3 enrollment projections and facility needs for the 10-year and  
4 20-year periods. It is recognized that the projections in the  
5 10-year and 20-year timeframes are tentative and should be  
6 used only for general planning purposes.

7 Section 822. Section 1013.36, Florida Statutes, is  
8 created to read:

9 1013.36 Site planning and selection.--

10 (1) Before acquiring property for sites, each district  
11 school board and community college board of trustees shall  
12 determine the location of proposed educational centers or  
13 campuses. In making this determination, the board shall  
14 consider existing and anticipated site needs and the most  
15 economical and practicable locations of sites. The board shall  
16 coordinate with the long-range or comprehensive plans of  
17 local, regional, and state governmental agencies to assure the  
18 compatibility of such plans with site planning. Boards are  
19 encouraged to locate educational facilities proximate to urban  
20 residential areas to the extent possible, and shall seek to  
21 collocate educational facilities with other public facilities,  
22 such as parks, libraries, and community centers, to the extent  
23 possible.

24 (2) Each new site selected must be adequate in size to  
25 meet the educational needs of the students to be served on  
26 that site by the original educational facility or future  
27 expansions of the facility through renovation or the addition  
28 of relocatables. The State Board of Education shall prescribe  
29 by rule recommended sizes for new sites according to  
30 categories of students to be housed and other appropriate  
31 factors determined by the state board. Less-than-recommended

1 site sizes are allowed if the board recommends such a site and  
2 finds that it can provide an appropriate and equitable  
3 educational program on the site.

4 (3) Sites recommended for purchase, or purchased, in  
5 accordance with chapter 230 or chapter 240 must meet standards  
6 prescribed therein and such supplementary standards as the  
7 State Board of Education prescribes to promote the educational  
8 interests of the students. Each site must be well drained and  
9 suitable for outdoor educational purposes as appropriate for  
10 the educational program. As provided in s. 333.03, the site  
11 must not be located within any path of flight approach of any  
12 airport. Insofar as is practicable, the site must not adjoin a  
13 right-of-way of any railroad or through highway and must not  
14 be adjacent to any factory or other property from which noise,  
15 odors, or other disturbances, or at which conditions, would be  
16 likely to interfere with the educational program.

17 (4) It shall be the responsibility of the board to  
18 provide adequate notice to appropriate municipal, county,  
19 regional, and state governmental agencies for requested  
20 traffic control and safety devices so they can be installed  
21 and operating prior to the first day of classes or to satisfy  
22 itself that every reasonable effort has been made in  
23 sufficient time to secure the installation and operation of  
24 such necessary devices prior to the first day of classes. It  
25 shall also be the responsibility of the board to review  
26 annually traffic control and safety device needs and to  
27 request all necessary changes indicated by such review.

28 (5) Each board may request county and municipal  
29 governments to construct and maintain sidewalks and bicycle  
30 trails within a 2-mile radius of each educational facility  
31 within the jurisdiction of the local government. When a board

1 discovers or is aware of an existing hazard on or near a  
2 public sidewalk, street, or highway within a 2-mile radius of  
3 a school site and the hazard endangers the life or threatens  
4 the health or safety of students who walk, ride bicycles, or  
5 are transported regularly between their homes and the school  
6 in which they are enrolled, the board shall, within 24 hours  
7 after discovering or becoming aware of the hazard, excluding  
8 Saturdays, Sundays, and legal holidays, report such hazard to  
9 the governmental entity within the jurisdiction of which the  
10 hazard is located. Within 5 days after receiving notification  
11 by the board, excluding Saturdays, Sundays, and legal  
12 holidays, the governmental entity shall investigate the  
13 hazardous condition and either correct it or provide such  
14 precautions as are practicable to safeguard students until the  
15 hazard can be permanently corrected. However, if the  
16 governmental entity that has jurisdiction determines upon  
17 investigation that it is impracticable to correct the hazard,  
18 or if the entity determines that the reported condition does  
19 not endanger the life or threaten the health or safety of  
20 students, the entity shall, within 5 days after notification  
21 by the board, excluding Saturdays, Sundays, and legal  
22 holidays, inform the board in writing of its reasons for not  
23 correcting the condition. The governmental entity, to the  
24 extent allowed by law, shall indemnify the board from any  
25 liability with respect to accidents or injuries, if any,  
26 arising out of the hazardous condition.

27           Section 823. Part III.b. of chapter 1013 shall be  
28 entitled "Building Codes and Construction for Educational  
29 Facilities" and shall consist of ss. 1013.37-1013.45.

30           Section 824. Section 1013.37, Florida Statutes, is  
31 created to read:

1           1013.37 State uniform building code for public  
2 educational facilities construction.--

3           (1) UNIFORM BUILDING CODE.--A uniform statewide  
4 building code for the planning and construction of public  
5 educational and ancillary plants by district school boards and  
6 community college district boards of trustees shall be adopted  
7 by the Florida Building Commission within the Florida Building  
8 Code, pursuant to s. 553.73. Included in this code must be  
9 flood plain management criteria in compliance with the rules  
10 and regulations in 44 C.F.R. parts 59 and 60, and subsequent  
11 revisions thereto which are adopted by the Federal Emergency  
12 Management Agency. It is also the responsibility of the  
13 department to develop, as a part of the uniform building code,  
14 standards relating to:

15           (a) Prefabricated facilities or factory-built  
16 facilities that are designed to be portable, relocatable,  
17 demountable, or reconstructible; are used primarily as  
18 classrooms; and do not fall under the provisions of ss.  
19 320.822-320.862. Such standards must permit boards to contract  
20 with the Department of Community Affairs for factory  
21 inspections by certified building code inspectors to certify  
22 conformance with applicable law and rules. The standards must  
23 comply with the requirements of s. 1013.20 for relocatable  
24 facilities intended for long-term use as classroom space, and  
25 the relocatable facilities shall be designed subject to  
26 missile impact criteria of s. 423(24)(d)(1) of the Florida  
27 Building Code when located in the windborne debris region.

28           (b) The sanitation of educational and ancillary plants  
29 and the health of occupants of educational and ancillary  
30 plants.

31

1           (c) The safety of occupants of educational and  
2 ancillary plants as provided in s. 1013.12, except that the  
3 firesafety criteria shall be established by the State Fire  
4 Marshal in cooperation with the Florida Building Commission  
5 and the department and such firesafety requirements must be  
6 incorporated into the Florida Fire Prevention Code.

7           (d) Accessibility for children, notwithstanding the  
8 provisions of s. 553.512.

9           (e) The performance of life-cycle cost analyses on  
10 alternative architectural and engineering designs to evaluate  
11 their energy efficiencies.

12           1. The life-cycle cost analysis must consist of the  
13 sum of:

14           a. The reasonably expected fuel costs over the life of  
15 the building which are required to maintain illumination,  
16 water heating, temperature, humidity, ventilation, and all  
17 other energy-consuming equipment in a facility; and

18           b. The reasonable costs of probable maintenance,  
19 including labor and materials, and operation of the building.

20           2. For computation of the life-cycle costs, the  
21 department shall develop standards that must include, but need  
22 not be limited to:

23           a. The orientation and integration of the facility  
24 with respect to its physical site.

25           b. The amount and type of glass employed in the  
26 facility and the directions of exposure.

27           c. The effect of insulation incorporated into the  
28 facility design and the effect on solar utilization of the  
29 properties of external surfaces.

30           d. The variable occupancy and operating conditions of  
31 the facility and subportions of the facility.

1           e. An energy-consumption analysis of the major  
2 equipment of the facility's heating, ventilating, and cooling  
3 system; lighting system; and hot water system and all other  
4 major energy-consuming equipment and systems as appropriate.

5           3. Life-cycle cost criteria published by the  
6 Department of Education for use in evaluating projects.

7           4. Standards for construction materials and systems  
8 based on life-cycle costs that consider initial costs,  
9 maintenance costs, custodial costs, operating costs, and life  
10 expectancy. The standards may include multiple acceptable  
11 materials. It is the intent of the Legislature to require  
12 district school boards to comply with these standards when  
13 expending funds from the Public Education Capital Outlay and  
14 Debt Service Trust Fund or the School District and Community  
15 College District Capital Outlay and Debt Service Trust Fund  
16 and to prohibit district school boards from expending local  
17 capital outlay revenues for any project that includes  
18 materials or systems that do not comply with these standards,  
19 unless the district school board submits evidence that  
20 alternative materials or systems meet or exceed standards  
21 developed by the department.

22  
23 It is not a purpose of the Florida Building Code to inhibit  
24 the use of new materials or innovative techniques; nor may it  
25 specify or prohibit materials by brand names. The code must be  
26 flexible enough to cover all phases of construction so as to  
27 afford reasonable protection for the public safety, health,  
28 and general welfare. The department may secure the service of  
29 other state agencies or such other assistance as it finds  
30 desirable in recommending to the Florida Building Commission  
31 revisions to the code.

1           (2) APPROVAL.--  
2           (a) Before a contract has been let for the  
3 construction, the department, the district school board, the  
4 community college board, or its authorized review agent must  
5 approve the phase III construction documents. A district  
6 school board or a community college board may reuse prototype  
7 plans on another site, provided the facilities list and phase  
8 III construction documents have been updated for the new site  
9 and for compliance with the Florida Building Code and the  
10 Florida Fire Prevention Code and any laws relating to  
11 firesafety, health and sanitation, casualty safety, and  
12 requirements for the physically handicapped which are in  
13 effect at the time a construction contract is to be awarded.  
14           (b) In reviewing plans for approval, the department,  
15 the district school board, the community college board, or its  
16 review agent as authorized in s. 1013.38, shall take into  
17 consideration:  
18           1. The need for the new facility.  
19           2. The educational and ancillary plant planning.  
20           3. The architectural and engineering planning.  
21           4. The location on the site.  
22           5. Plans for future expansion.  
23           6. The type of construction.  
24           7. Sanitary provisions.  
25           8. Conformity to Florida Building Code standards.  
26           9. The structural design and strength of materials  
27 proposed to be used.  
28           10. The mechanical design of any heating,  
29 air-conditioning, plumbing, or ventilating system. Typical  
30 heating, ventilating, and air-conditioning systems preapproved  
31



1 by the department for specific applications may be used in the  
2 design of educational facilities.  
3 11. The electrical design of educational plants.  
4 12. The energy efficiency and conservation of the  
5 design.  
6 13. Life-cycle cost considerations.  
7 14. The design to accommodate physically handicapped  
8 persons.  
9 15. The ratio of net to gross square footage.  
10 16. The proposed construction cost per gross square  
11 foot.  
12 17. Conformity with the Florida Fire Prevention Code.  
13 (c) The district school board or the community college  
14 board may not occupy a facility until the project has been  
15 inspected to verify compliance with statutes, rules, and codes  
16 affecting the health and safety of the occupants. Verification  
17 of compliance with rules, statutes, and codes for nonoccupancy  
18 projects such as roofing, paving, site improvements, or  
19 replacement of equipment may be certified by the architect or  
20 engineer of record and verification of compliance for other  
21 projects may be made by an inspector certified by the  
22 department or certified pursuant to chapter 468 who is not the  
23 architect or engineer of record. The board shall maintain a  
24 record of the project's completion and permanent archive of  
25 phase III construction documents, including any addenda and  
26 change orders to the project. The boards shall provide project  
27 data to the department, as requested, for purposes and reports  
28 needed by the Legislature.  
29 (3) REVIEW PROCEDURE.--The Commissioner of Education  
30 shall cooperate with the Florida Building Commission in  
31 addressing all questions, disputes, or interpretations

1 involving the provisions of the Florida Building Code which  
2 govern the construction of public educational and ancillary  
3 facilities, and any objections to decisions made by the  
4 inspectors or the department must be submitted in writing.

5 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The  
6 department shall biennially review and recommend to the  
7 Florida Building Commission updates and revisions to the  
8 provisions of the Florida Building Code which govern the  
9 construction of public educational and ancillary facilities.  
10 The department shall publish and make available to each board  
11 at no cost copies of the state requirements for educational  
12 facilities and each amendment and revision thereto. The  
13 department shall make additional copies available to all  
14 interested persons at a price sufficient to recover costs.

15 (5) LOCAL LEGISLATION PROHIBITED.--After June 30,  
16 1985, pursuant to s. 11(a)(21), Art. III of the State  
17 Constitution, there shall not be enacted any special act or  
18 general law of local application which proposes to amend,  
19 alter, or contravene any provisions of the State Building Code  
20 adopted under the authority of this section.

21 Section 825. Section 1013.371, Florida Statutes, is  
22 created to read:

23 1013.371 Conformity to codes.--

24 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA  
25 FIRE PREVENTION STANDARDS REQUIRED FOR APPROVAL.--

26 (a) Except as otherwise provided in paragraph (b), all  
27 public educational and ancillary plants constructed by a board  
28 must conform to the Florida Building Code and the Florida Fire  
29 Prevention Code, and the plants are exempt from all other  
30 state building codes; county, municipal, or other local  
31 amendments to the Florida Building Code and local amendments

1 to the Florida Fire Prevention Code; building permits, and  
2 assessments of fees for building permits, except as provided  
3 in s. 553.80; ordinances; road closures; and impact fees or  
4 service availability fees. Any inspection by local or state  
5 government must be based on the Florida Building Code and the  
6 Florida Fire Prevention Code. Each board shall provide for  
7 periodic inspection of the proposed educational plant during  
8 each phase of construction to determine compliance with the  
9 state requirements for educational facilities.

10 (b) A board may comply with the Florida Building Code  
11 and the Florida Fire Prevention Code and the administration of  
12 the codes when constructing ancillary plants that are not  
13 attached to educational facilities, if those plants conform to  
14 the space size requirements established in the codes.

15 (c) A board may not approve any plans for the  
16 construction, renovation, remodeling, or demolition of any  
17 educational or ancillary plants unless these plans conform to  
18 the requirements of the Florida Building Code and the Florida  
19 Fire Prevention Code. Each board may adopt policies for  
20 delegating to the district school superintendent, community  
21 college president, or university president authority for  
22 submitting documents to the department and for awarding  
23 contracts subsequent to and consistent with board approval of  
24 the scope, timeframes, funding source, and budget of a  
25 survey-recommended project.

26 (2) ENFORCEMENT BY BOARD.--It is the responsibility of  
27 each board to ensure that all plans and educational and  
28 ancillary plants meet the standards of the Florida Building  
29 Code and the Florida Fire Prevention Code and to provide for  
30 the enforcement of these codes in the areas of its  
31 jurisdiction. Each board shall provide for the proper

1 supervision and inspection of the work. Each board may employ  
2 a chief building official or inspector and such other  
3 inspectors, who have been certified pursuant to chapter 468,  
4 and such personnel as are necessary to administer and enforce  
5 the provisions of this code. Boards may also use local  
6 building department inspectors who are certified by the  
7 department to enforce this code. Plans or facilities that fail  
8 to meet the standards of the Florida Building Code or the  
9 Florida Fire Prevention Code may not be approved. When  
10 planning for and constructing an educational, auxiliary, or  
11 ancillary facility, a board must use construction materials  
12 and systems that meet standards adopted pursuant to s.  
13 1013.37(1)(e)3. and 4. If the planned or actual construction  
14 of a facility deviates from the adopted standards, the board  
15 must, at a public hearing, quantify and compare the costs of  
16 constructing the facility with the proposed deviations and in  
17 compliance with the adopted standards and the Florida Building  
18 Code. The board must explain the reason for the proposed  
19 deviations and compare how the total construction costs and  
20 projected life-cycle costs of the facility or component system  
21 of the facility would be affected by implementing the proposed  
22 deviations rather than using materials and systems that meet  
23 the adopted standards.

24 (3) ENFORCEMENT BY DEPARTMENT.--As a further means of  
25 ensuring that all educational and ancillary facilities  
26 constructed or materially altered or added to conform to the  
27 Florida Building Code standards or Florida Fire Prevention  
28 Code standards, each board that undertakes the construction,  
29 renovation, remodeling, purchasing, or lease-purchase of any  
30 educational plant or ancillary facility, the cost of which  
31

1 exceeds \$200,000, may submit plans to the department for  
2 approval.

3 Section 826. Section 1013.372, Florida Statutes, is  
4 created to read:

5 1013.372 Education facilities as emergency shelters.--

6 (1) The Department of Education shall, in consultation  
7 with boards and county and state emergency management offices,  
8 include within the standards to be developed under this  
9 subsection public shelter design criteria to be incorporated  
10 into the Florida Building Code. The new criteria must be  
11 designed to ensure that appropriate new educational facilities  
12 can serve as public shelters for emergency-management  
13 purposes. A facility, or an appropriate area within a  
14 facility, for which a design contract is entered into after  
15 the effective date of the inclusion of the public shelter  
16 criteria in the code must be built in compliance with the  
17 amended code unless the facility or a part of it is exempted  
18 from using the new shelter criteria due to its location, size,  
19 or other characteristics by the applicable board with the  
20 concurrence of the applicable local emergency management  
21 agency or the Department of Community Affairs. Any educational  
22 facility located or proposed to be located in an identified  
23 category 1, 2, or 3 evacuation zone is not subject to the  
24 requirements of this subsection. If the regional planning  
25 council region in which the county is located does not have a  
26 hurricane evacuation shelter deficit, as determined by the  
27 Department of Community Affairs, educational facilities within  
28 the planning council region are not required to incorporate  
29 the public shelter criteria.

30 (2) By January 31 of each even-numbered year, the  
31 Department of Community Affairs shall prepare and submit a

1 statewide emergency shelter plan to the Governor and the  
2 Cabinet for approval. The plan must identify the general  
3 location and square footage of existing shelters, by regional  
4 planning council region, and the general location and square  
5 footage of needed shelters, by regional planning council  
6 region, during the next 5 years. The plan must identify the  
7 types of public facilities that should be constructed to  
8 comply with emergency-shelter criteria and must recommend an  
9 appropriate and available source of funding for the additional  
10 cost of constructing emergency shelters within these public  
11 facilities. After the approval of the plan, a board may not be  
12 required to build more emergency-shelter space than identified  
13 as needed in the plan, and decisions pertaining to exemptions  
14 pursuant to subsection (1) must be guided by the plan.

15 (3) The provisions of s. 1013.74 apply to university  
16 facilities as emergency shelters.

17 Section 827. Section 1013.38, Florida Statutes, is  
18 created to read:

19 1013.38 Boards to ensure that facilities comply with  
20 building codes and life safety codes.--

21 (1) Boards shall ensure that all new construction,  
22 renovation, remodeling, day labor, and maintenance projects  
23 conform to the appropriate sections of the Florida Building  
24 Code, Florida Fire Prevention Code, or, where applicable as  
25 authorized in other sections of law, other building codes, and  
26 life safety codes.

27 (2) Boards may provide compliance as follows:

28 (a) Boards or consortia may individually or  
29 cooperatively provide review services under the insurance risk  
30 management oversight through the use of board employees or  
31

1 consortia employees, registered pursuant to chapter 471,  
2 chapter 481, or part XII of chapter 468.

3 (b) Boards may elect to review construction documents  
4 using their own employees registered pursuant to chapter 471,  
5 chapter 481, or part XII of chapter 468.

6 (c) Boards may submit phase III construction documents  
7 for review to the department.

8 (d) Boards or consortia may contract for plan review  
9 services directly with engineers and architects registered  
10 pursuant to chapter 471 or chapter 481.

11 (3) The Department of Management Services may, upon  
12 request, provide facilities services for the Florida School  
13 for the Deaf and the Blind, the Division of Blind Services,  
14 and Public Broadcasting. As used in this section, the term  
15 "facilities services" means project management, code and  
16 design plan review, and code compliance inspection for  
17 projects as defined in s. 287.017(1)(e).

18 Section 828. Section 1013.39, Florida Statutes, is  
19 created to read:

20 1013.39 Building construction standards;  
21 exemptions.--Universities are exempt from local amendments to  
22 the Florida Building Code and the Fire Prevention Code.

23 Section 829. Section 1013.40, Florida Statutes, is  
24 created to read:

25 1013.40 Planning and construction of community college  
26 facilities; property acquisition.--

27 (1) The need for community college facilities shall be  
28 established by a survey conducted pursuant to this chapter;  
29 the facilities recommended by such survey must be approved by  
30 the State Board of Education; and the projects must be

31

1 constructed according to the provisions of this chapter and  
2 State Board of Education rules.

3 (2) No community college may expend public funds for  
4 the acquisition of additional property without the specific  
5 approval of the Legislature.

6 (3) No facility may be acquired or constructed by a  
7 community college or its direct-support organization if such  
8 facility requires general revenue funds for operation or  
9 maintenance upon project completion or in subsequent years of  
10 operation, unless prior approval is received from the  
11 Legislature.

12 Section 830. Section 1013.41, Florida Statutes, is  
13 created to read:

14 1013.41 SMART schools; Classrooms First; legislative  
15 purpose.--

16 (1) SMART SCHOOLS.--"SMART schools" are schools that  
17 are soundly made, accountable, reasonable, and thrifty. It is  
18 the purpose of the Legislature to provide a balanced and  
19 principle-based plan for a functional, safe, adequate, and  
20 thrifty learning environment for Florida's K-12 students  
21 through SMART schools. The plan must be balanced in serving  
22 all school districts and must also be balanced between the  
23 operating and capital sides of the budget. The principles upon  
24 which the plan is based are less government, lower taxes,  
25 increased responsibility of school districts, increased  
26 freedom through local control, and family and community  
27 empowerment.

28 (2) CLASSROOMS FIRST.--It is the purpose of the  
29 Legislature to increase substantially the state's investment  
30 in school construction in an equitable, fair, and reasonable  
31 way.



1           (3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.--It is  
2 the purpose of the Legislature to create s. 1013.35, requiring  
3 each school district annually to adopt a district facilities  
4 5-year work program. The purpose of the district facilities  
5 work program is to keep the school board and the public fully  
6 informed as to whether the district is using sound policies  
7 and practices that meet the essential needs of students and  
8 that warrant public confidence in district operations. The  
9 district facilities work program will be monitored by the  
10 SMART Schools Clearinghouse, which will also apply performance  
11 standards pursuant to s. 1013.04.

12           (4) SMART SCHOOLS CLEARINGHOUSE.--It is the purpose of  
13 the Legislature to create s. 1013.05, establishing the SMART  
14 Schools Clearinghouse to assist the school districts in  
15 building SMART schools utilizing functional and frugal  
16 practices. The SMART Schools Clearinghouse must review  
17 district facilities work programs and projects and identify  
18 districts qualified for incentive funding available through  
19 School Infrastructure Thrift Program awards; identify  
20 opportunities to maximize design and construction savings;  
21 develop school district facilities work program performance  
22 standards; and provide for review and recommendations to the  
23 Governor, the Legislature, and the State Board of Education.

24           (5) EFFORT INDEX GRANTS.--It is the purpose of the  
25 Legislature to create s. 1013.73, in order to provide grants  
26 from state funds to assist school districts that have provided  
27 a specified level of local effort funding.

28           (6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM  
29 AWARDS.--It is the purpose of the Legislature to convert the  
30 SIT Program established in ss. 1013.42 and 1013.72 to an  
31

1 incentive award program to encourage functional, frugal  
2 facilities and practices.

3 Section 831. Section 1013.42, Florida Statutes, is  
4 created to read:

5 1013.42 School Infrastructure Thrift Program Act.--

6 (1) This section and s. 1013.72 may be cited as the  
7 "School Infrastructure Thrift Program Act."

8 (2) The School Infrastructure Thrift Program (SIT  
9 Program) is established within the Department of Education,  
10 and the State Board of Education may adopt rules as necessary  
11 to operate the program. To facilitate the program's purposes,  
12 the department shall aggressively seek the elimination or  
13 revision of obsolete, excessively restrictive, or unnecessary  
14 laws, rules, and regulations for the purpose of reducing the  
15 cost of constructing educational facilities and related costs  
16 without sacrificing safety or quality of construction. Such  
17 efforts must include, but are not limited to, the elimination  
18 of duplicate or overlapping inspections; the relaxation of  
19 requirements relating to the life cycle of buildings,  
20 landscaping, operable glazing, operable windows, radon  
21 testing, firesafety, and emergency shelter construction where  
22 lawful, safe, and cost-beneficial; and other cost savings  
23 identified as lawful, safe, and cost-beneficial.

24 (3) The SIT Program is designed as:

25 (a) An incentive program to reward districts for  
26 savings realized through functional, frugal construction.

27 (b) A recognition program to provide an annual SMART  
28 school of the year recognition award to the district that  
29 builds the highest quality functional, frugal school.

30 (4) Funds shall be appropriated to the SIT Program on  
31 an annual basis as determined by the Legislature.

1 Notwithstanding the provisions of s. 216.301 and pursuant to  
2 s. 216.351, undisbursed balances of appropriations to the SIT  
3 Program shall not revert. It is the intent of the Legislature  
4 to continue funding the SIT Program with funds available  
5 through frugal government operation and agency savings.

6 (5) Participating school districts may seek SIT  
7 Program awards beginning July 1, 1997, for projects commenced  
8 after or for projects underway at that time, if the projects  
9 comply with s. 1013.72.

10 (6)(a) Each school district may submit to the SMART  
11 Schools Clearinghouse, with supporting data, its request,  
12 based on eligibility pursuant to s. 1013.72 for an award of  
13 SIT Program dollars.

14 (b) The SMART Schools Clearinghouse shall examine the  
15 supporting data from each school district and shall report to  
16 the commissioner each district's eligibility pursuant to s.  
17 1013.72. Based on the clearinghouse's report and pursuant to  
18 ss. 1013.04 and 1013.05, the clearinghouse shall make  
19 recommendations, ranked in order of priority, for SIT Program  
20 awards.

21 (c) The criteria for SIT Program evaluation and  
22 recommendation for awards must be based on the school  
23 district's eligibility pursuant to s. 1013.72 and the balance  
24 of dollars in the SIT Program.

25 (7) Awards from the SIT Program shall be made by the  
26 commissioner from funds appropriated by the Legislature. An  
27 award funded by an appropriation from the General Revenue Fund  
28 may be used for any lawful capital outlay expenditure. An  
29 award funded by an appropriation of the proceeds of bonds  
30 issued pursuant to s. 1013.70 may be used only for bondable  
31 capital outlay projects.

1 Section 832. Section 1013.43, Florida Statutes, is  
2 created to read:

3 1013.43 Small school requirement.--

4 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

5 (a) Florida's schools are among the largest in the  
6 nation.

7 (b) Smaller schools provide benefits of reduced  
8 discipline problems and crime, reduced truancy and gang  
9 participation, reduced dropout rates, improved teacher and  
10 student attitudes, improved student self-perception, student  
11 academic achievement equal to or superior to that of students  
12 at larger schools, and increased parental involvement.

13 (c) Smaller schools can provide these benefits while  
14 not increasing administrative and construction costs.

15 (2) DEFINITION.--As used in this section, "small  
16 school" means:

17 (a) An elementary school with a student population of  
18 not more than 500 students.

19 (b) A middle school with a student population of not  
20 more than 700 students.

21 (c) A high school with a student population of not  
22 more than 900 students.

23 (d) A school serving kindergarten through grade 8 with  
24 a student population of not more than 700 students.

25 (e) A school serving kindergarten through grade 12  
26 with a student population of not more than 900 students.

27  
28 A school on a single campus which operates as a  
29 school-within-a-school, as defined by s. 1003.02(4), shall be  
30 considered a small school if each smaller unit located on the  
31 single campus meets the requirements of this subsection.

1           (3) REQUIREMENTS.--

2           (a) Beginning July 1, 2003, all plans for new  
3 educational facilities to be constructed within a school  
4 district and reflected in the 5-year school district  
5 facilities work plan shall be plans for small schools in order  
6 to promote increased learning and more effective use of school  
7 facilities.

8           (b) Small schools shall comply with all laws, rules,  
9 and court orders relating to racial balance.

10           (4) EXCEPTIONS.--This section does not apply to plans  
11 for new educational facilities already under architectural  
12 contract on July 1, 2003.

13           Section 833. Section 1013.44, Florida Statutes, is  
14 created to read:

15           1013.44 Low-energy use design; solar energy systems;  
16 swimming pool heaters.--

17           (1)(a) Passive design elements and low-energy usage  
18 features shall be included in the design and construction of  
19 new educational facilities. Operable glazing consisting of at  
20 least 5 percent of the floor area shall be placed in each  
21 classroom located on the perimeter of the building. For a  
22 relocatable classroom, the area of operable glazing and the  
23 area of exterior doors, together, shall consist of at least 5  
24 percent of the floor area. Operable glazing is not required in  
25 community colleges, auxiliary facilities, music rooms, gyms,  
26 locker and shower rooms, special laboratories requiring  
27 special climate control, and large group instruction areas  
28 having a capacity of more than 100 persons.

29           (b) In the remodeling and renovation of educational  
30 facilities which have existing natural ventilation, adequate  
31 sources of natural ventilation shall be retained, or a

1 combination of natural and low-energy usage mechanical  
2 equipment shall be provided that will permit the use of the  
3 facility without air-conditioning or heat when ambient  
4 conditions are moderate. However, the Commissioner of  
5 Education is authorized to waive this requirement when  
6 environmental conditions, particularly noise and pollution  
7 factors, preclude the effective use of natural ventilation.

8 (2) Each new educational facility for which the  
9 projected demand for hot water exceeds 1,000 gallons a day  
10 shall be constructed, whenever economically and physically  
11 feasible, with a solar energy system as the primary energy  
12 source for the domestic hot water system of the facility. The  
13 solar energy system shall be sized so as to provide at least  
14 65 percent of the estimated needs of the facility. Sizing  
15 shall be determined by generally recognized simulation models,  
16 such as F-chart and SOLCOST, or by sizing tables generated by  
17 the Florida Solar Energy Center.

18 (3) If swimming and wading pools constructed as an  
19 integral part of an educational facility or plant are heated,  
20 such pools shall, whenever feasible, be heated by either a  
21 waste heat recovery system or a solar energy system.

22 Section 834. Section 1013.45, Florida Statutes, is  
23 created to read:

24 1013.45 Educational facilities contracting and  
25 construction techniques.--

26 (1) Boards may employ procedures to contract for  
27 construction of new facilities, or major additions to existing  
28 facilities, that will include, but not be limited to:

29 (a) Competitive bids.

30 (b) Design-build pursuant to s. 287.055.

31

1        (c) Selecting a construction management entity,  
2 pursuant to the process provided by s. 287.055, that would be  
3 responsible for all scheduling and coordination in both design  
4 and construction phases and is generally responsible for the  
5 successful, timely, and economical completion of the  
6 construction project. The construction management entity must  
7 consist of or contract with licensed or registered  
8 professionals for the specific fields or areas of construction  
9 to be performed, as required by law. At the option of the  
10 board, the construction management entity, after having been  
11 selected, may be required to offer a guaranteed maximum price  
12 or a guaranteed completion date; in which case, the  
13 construction management entity must secure an appropriate  
14 surety bond pursuant to s. 255.05 and must hold construction  
15 subcontracts. The criteria for selecting a construction  
16 management entity shall not unfairly penalize an entity that  
17 has relevant experience in the delivery of construction  
18 projects of similar size and complexity by methods of delivery  
19 other than construction management.

20        (d) Selecting a program management entity, pursuant to  
21 the process provided by s. 287.055, that would act as the  
22 agent of the board and would be responsible for schedule  
23 control, cost control, and coordination in providing or  
24 procuring planning, design, and construction services. The  
25 program management entity must consist of or contract with  
26 licensed or registered professionals for the specific areas of  
27 design or construction to be performed as required by law. The  
28 program management entity may retain necessary design  
29 professionals selected under the process provided in s.  
30 287.055. At the option of the board, the program management  
31 entity, after having been selected, may be required to offer a

1 guaranteed maximum price or a guaranteed completion date, in  
2 which case, the program management entity must secure an  
3 appropriate surety bond pursuant to s. 255.05 and must hold  
4 design and construction subcontracts. The criteria for  
5 selecting a program management entity shall not unfairly  
6 penalize an entity that has relevant experience in the  
7 delivery of construction programs of similar size and  
8 complexity by methods of delivery other than program  
9 management.

10 (e) Day-labor contracts not exceeding \$200,000 for  
11 construction, renovation, remodeling, or maintenance of  
12 existing facilities.

13 (2) For the purposes of this section, "day-labor  
14 contract" means a project constructed using persons employed  
15 directly by a board or by contracted labor.

16 (3) Contractors, design-build firms, contract  
17 management entities, program management entities, or any other  
18 person under contract to construct facilities or major  
19 additions to facilities may use any construction techniques  
20 allowed by contract and not prohibited by law, including, but  
21 not limited to, those techniques known as fast-track  
22 construction scheduling, use of components, and systems  
23 building process.

24 (4) Except as otherwise provided in this section and  
25 s. 481.229, the services of a registered architect must be  
26 used for the development of plans for the erection,  
27 enlargement, or alteration of any educational facility. The  
28 services of a registered architect are not required for a  
29 minor renovation project for which the construction cost is  
30 less than \$50,000 or for the placement or hookup of  
31 relocatable educational facilities that conform with standards



1 adopted under s. 1013.37. However, boards must provide  
2 compliance with building code requirements and ensure that  
3 these structures are adequately anchored for wind resistance  
4 as required by law. Boards are encouraged to consider the  
5 reuse of existing construction documents or design criteria  
6 packages where such reuse is feasible and practical.  
7 Notwithstanding s. 287.055, a board may purchase the  
8 architectural services for the design of educational or  
9 ancillary facilities under an existing contract agreement for  
10 professional services held by a district school board in the  
11 State of Florida, provided that the purchase is to the  
12 economic advantage of the purchasing board, the services  
13 conform to the standards prescribed by rules of the State  
14 Board of Education, and such reuse is not without notice to,  
15 and permission from, the architect of record whose plans or  
16 design criteria are being reused. Plans shall be reviewed for  
17 compliance with the state requirements for educational  
18 facilities. Rules adopted under this section must establish  
19 uniform prequalification, selection, bidding, and negotiation  
20 procedures applicable to construction management contracts and  
21 the design-build process. This section does not supersede any  
22 small, woman-owned or minority-owned business enterprise  
23 preference program adopted by a board. Except as otherwise  
24 provided in this section, the negotiation procedures  
25 applicable to construction management contracts and the  
26 design-build process must conform to the requirements of s.  
27 287.055. A board may not modify any rules regarding  
28 construction management contracts or the design-build process.

29           Section 835. Part III.c. of chapter 1013 shall be  
30 entitled "Contracting for Educational Facilities" and shall  
31 consist of ss. 1013.46-1013.51.

1           Section 836. Section 1013.46, Florida Statutes, is  
2 created to read:

3           1013.46 Advertising and awarding contracts;  
4 prequalification of contractor.--

5           (1)(a) As soon as practicable after any bond issue has  
6 been voted upon and authorized or funds have been made  
7 available for the construction, remodeling, renovation,  
8 demolition, or otherwise for the improvement, of any  
9 educational or ancillary plant, and after plans for the work  
10 have been approved, the board, if competitively bidding the  
11 project pursuant to s. 1013.45, after advertising the same in  
12 the manner prescribed by law or rule, shall award the contract  
13 for the building or improvements to the lowest responsible  
14 bidder. However, if after taking all deductive alternates, the  
15 bid of the lowest responsible bidder exceeds the construction  
16 budget for the project established at the phase III submittal,  
17 the board may declare an emergency. After stating the reasons  
18 why an emergency exists, the board may negotiate the  
19 construction contract or modify the contract, including the  
20 specifications, with the lowest responsible bidder and, if the  
21 contract is modified, shall resubmit the documents to the  
22 authorized review authority for review to confirm that the  
23 project remains in compliance with building and fire codes.  
24 The board may reject all bids received and may readvertise,  
25 calling for new bids.

26           (b) Each board may declare an emergency pursuant to  
27 this subsection. A situation created by fire, storm, or other  
28 providential cause resulting in:

- 29           1. Imminent danger to life or safety; or  
30           2. Overcrowding of students

31

1 constitutes an emergency.

2 (c) As an option, any county, municipality, or board  
3 may set aside up to 10 percent of the total amount of funds  
4 allocated for the purpose of entering into construction  
5 capital project contracts with minority business enterprises,  
6 as defined in s. 287.094. Such contracts shall be  
7 competitively bid only among minority business enterprises.  
8 The set-aside shall be used to redress present effects of past  
9 discriminatory practices and shall be subject to periodic  
10 reassessment to account for changing needs and circumstances.

11 (2) Boards shall prequalify bidders for construction  
12 contracts according to rules prescribed by the State Board of  
13 Education which require the prequalification of bidders of  
14 educational facilities construction. Boards shall require that  
15 all construction or capital improvement bids be accompanied by  
16 evidence that the bidder holds an appropriate certificate or  
17 license or that the prime contractor has a current valid  
18 license.

19 (3) A public agency that is authorized to purchase  
20 services for maintenance, repair, and site improvement of  
21 facilities on behalf of various agencies of a county must give  
22 any board in that county the option of purchasing those  
23 services for educational facilities and ancillary plants under  
24 those contracts at the unit prices stated in those contracts.  
25 However, the person providing those services under such a  
26 contract may, without jeopardizing the contract, refuse to  
27 provide the services to the board. A board may purchase those  
28 services under such a contract only if the purchase is to its  
29 economic advantage and the services conform to the standards  
30 and specifications prescribed by rules of the State Board of  
31 Education and, if applicable, to the requirements of s.

1 287.055. This subsection does not apply to contracts in  
2 existence on July 1, 1994.

3 Section 837. Section 1013.47, Florida Statutes, is  
4 created to read:

5 1013.47 Substance of contract; contractors to give  
6 bond; penalties.--Each board shall develop contracts  
7 consistent with this chapter and statutes governing public  
8 facilities. Such a contract must contain the drawings and  
9 specifications of the work to be done and the material to be  
10 furnished, the time limit in which the construction is to be  
11 completed, the time and method by which payments are to be  
12 made upon the contract, and the penalty to be paid by the  
13 contractor for any failure to comply with the terms of the  
14 contract. The board may require the contractor to pay a  
15 penalty for any failure to comply with the terms of the  
16 contract and may provide an incentive for early completion.  
17 Upon accepting a satisfactory bid, the board shall enter into  
18 a contract with the party or parties whose bid has been  
19 accepted. The contractor shall furnish the board with a  
20 performance and payment bond as set forth in s. 255.05. A  
21 board or other public entity may not require a contractor to  
22 secure a surety bond under s. 255.05 from a specific agent or  
23 bonding company. Notwithstanding any other provision of this  
24 section, if 25 percent or more of the costs of any  
25 construction project is paid out of a trust fund established  
26 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics  
27 employed by contractors or subcontractors on such construction  
28 will be paid wages not less than those prevailing on similar  
29 construction projects in the locality, as determined by the  
30 Secretary of Labor in accordance with the Davis-Bacon Act, as  
31 amended. A person, firm, or corporation that constructs any

1 part of any educational plant, or addition thereto, on the  
2 basis of any unapproved plans or in violation of any plans  
3 approved in accordance with the provisions of this chapter and  
4 rules of the State Board of Education relating to building  
5 standards or specifications is subject to forfeiture of bond  
6 and unpaid compensation in an amount sufficient to reimburse  
7 the board for any costs that will need to be incurred in  
8 making any changes necessary to assure that all requirements  
9 are met and is also guilty of a misdemeanor of the second  
10 degree, punishable as provided in s. 775.082 or s. 775.083,  
11 for each separate violation.

12 Section 838. Section 1013.48, Florida Statutes, is  
13 created to read:

14 1013.48 Changes in construction requirements after  
15 award of contract.--The board may, at its option and by  
16 written policy duly adopted and entered in its official  
17 minutes, authorize the superintendent or president or other  
18 designated individual to approve change orders in the name of  
19 the board for preestablished amounts. Approvals shall be for  
20 the purpose of expediting the work in progress and shall be  
21 reported to the board and entered in its official minutes. For  
22 accountability, the school district shall monitor and report  
23 the impact of change orders on its district facilities work  
24 program pursuant to s. 1013.35.

25 Section 839. Section 1013.49, Florida Statutes, is  
26 created to read:

27 1013.49 Toxic substances in construction, repair, or  
28 maintenance of educational facilities.--

29 (1) All toxic substances enumerated in the Florida  
30 Substance List established pursuant to s. 442.103 that are to  
31

1 be used in the construction, repair, or maintenance of  
2 educational facilities have restricted usage provisions.

3 (2) Before any such substance may be used, the  
4 contractor shall notify the district school superintendent or  
5 public postsecondary institution president in writing at least  
6 three working days prior to using the substance. The  
7 notification shall contain:

- 8 (a) The name of the substance to be used;  
9 (b) Where the substance is to be used; and  
10 (c) When the substance is to be used.

11  
12 There shall be attached to the notification a copy of a  
13 material safety data sheet as defined in s. 442.102 for each  
14 such substance.

15 Section 840. Section 1013.50, Florida Statutes, is  
16 created to read:

17 1013.50 Final payment to contractor.--

18 (1) The final payment to the contractor shall not be  
19 made until the construction project has been inspected by the  
20 architect or other person designated by the board for that  
21 purpose and until he or she has issued a written certificate  
22 that the project has been constructed in accordance with the  
23 approved plans and specifications and approved change orders  
24 and until the board, acting on these recommendations, has  
25 accepted the project. After acceptance by the board, a  
26 duplicate copy of this written certificate, duly certified as  
27 having been accepted by the board, as well as other related  
28 data on contract costs and total costs per student station,  
29 space inventory update, and other related building information  
30 must be filed with the department for budget and cost  
31 reporting purposes.

1           (2) Boards shall have full authority and  
2 responsibility for all decisions regarding educational and  
3 ancillary plant construction contracts, change orders, and  
4 payments.

5           Section 841. Section 1013.51, Florida Statutes, is  
6 created to read:

7           1013.51 Expenditures authorized for certain  
8 infrastructure.--

9           (1)(a) Subject to exemption from the assessment of  
10 fees pursuant to s. 1013.37(1), education boards, boards of  
11 county commissioners, municipal boards, and other agencies and  
12 boards of the state may expend funds, separately or  
13 collectively, by contract or agreement, for the placement,  
14 paving, or maintaining of any road, byway, or sidewalk if the  
15 road, byway, or sidewalk is contiguous to or runs through the  
16 property of any educational plant or for the maintenance or  
17 improvement of the property of any educational plant or of any  
18 facility on such property. Expenditures may also be made for  
19 sanitary sewer, water, stormwater, and utility improvements  
20 upon, or contiguous to, and for the installation, operation,  
21 and maintenance of traffic control and safety devices upon, or  
22 contiguous to, any existing or proposed educational plant.

23           (b) A board may pay its proportionate share of the  
24 cost of onsite and offsite system improvements necessitated by  
25 the educational facility development, but a board is not  
26 required to pay for or install any improvements that exceed  
27 those required to meet the onsite and offsite needs of a new  
28 public educational facility or an expanded site. Development  
29 exactions assessed against school boards or community college  
30 districts may not exceed the proportionate share of the cost  
31 of system improvements necessitated by the educational

1 facility development and may not address existing facility or  
2 service backlogs or deficits.

3 (c) The boards of county commissioners, municipal  
4 boards, and other agencies and boards of the state may plant  
5 or maintain trees, flowers, shrubbery, and beautifying plants  
6 upon the grounds of any educational plant, upon approval of  
7 the superintendent or president or the designee of either of  
8 them. Payment by a board for any improvement set forth in this  
9 section shall be authorized in any amounts agreed to by the  
10 board. Any payments so authorized to be made are not mandatory  
11 unless the specific improvement and costs have been agreed to  
12 prior to the improvement's being made.

13 (2) The provisions of any law, municipal ordinance, or  
14 county ordinance to the contrary notwithstanding, the  
15 provisions of this section regulate the levying of assessments  
16 for special benefits on school or community college districts  
17 and the directing of the payment thereof. Any municipal  
18 ordinance or county ordinance making provision to the contrary  
19 is void.

20 (3) Notwithstanding any other law, if a board agrees  
21 to construct or upgrade water or sewer facilities, or  
22 otherwise provide, construct, upgrade, or maintain offsite  
23 infrastructure beyond its proportionate share of  
24 responsibility, the local government that issues development  
25 approvals shall assure that the board is reimbursed for the  
26 additional costs incurred, to the extent that other  
27 development occurs which demands use of such infrastructure.

28 (4) Expenditure for infrastructure for universities  
29 shall be as authorized in s. 1013.30.  
30  
31



1 Section 842. Part III.d. of chapter 1013 shall be  
2 entitled "Cooperative Development of Educational Facilities"  
3 and shall consist of ss. 1013.52-1013.54.

4 Section 843. Section 1013.52, Florida Statutes, is  
5 created to read:

6 1013.52 Cooperative development and joint use of  
7 facilities by two or more boards.--

8 (1) Two or more boards, including district school  
9 boards, community college boards of trustees, the Board of  
10 Trustees for the Florida School for the Deaf and the Blind,  
11 and university boards of trustees, desiring to cooperatively  
12 establish a common educational facility to accommodate  
13 students shall:

14 (a) Jointly request a formal assessment by the  
15 Commissioner of Education of the academic program need and the  
16 need to build new joint-use facilities to house approved  
17 programs. Completion of the assessment and approval of the  
18 project by the State Board of Education or the Commissioner of  
19 Education, as appropriate, should be done prior to conducting  
20 an educational facilities survey.

21 (b) Demonstrate the need for construction of new  
22 joint-use facilities involving postsecondary institutions by  
23 those institutions presenting evidence of the presence of  
24 sufficient actual full-time equivalent enrollments in the  
25 locale in leased, rented, or borrowed spaces to justify the  
26 requested facility for the programs identified in the formal  
27 assessment rather than using projected or anticipated future  
28 full-time equivalent enrollments as justification. If the  
29 decision is made to construct new facilities to meet this  
30 demonstrated need, then building plans should consider  
31 full-time equivalent enrollment growth facilitated by this new

1 construction and subsequent new program offerings made  
2 possible by the existence of the new facilities.

3 (c) Adopt and submit to the commissioner a joint  
4 resolution of the participating boards indicating their  
5 commitment to the utilization of the requested facility and  
6 designating the locale of the proposed facility. The joint  
7 resolution shall contain a statement of determination by the  
8 participating boards that alternate options, including the use  
9 of leased, rented, or borrowed space, were considered and  
10 found less appropriate than construction of the proposed  
11 facility. The joint resolution shall contain assurance that  
12 the development of the proposed facility has been examined in  
13 conjunction with the programs offered by neighboring public  
14 educational facilities offering instruction at the same level.  
15 The joint resolution also shall contain assurance that each  
16 participating board shall provide for continuity of  
17 educational progression. All joint resolutions shall be  
18 submitted to the commissioner by August 1 for consideration of  
19 funding by the subsequent Legislature.

20 (d) Submit requests for funding of joint-use  
21 facilities projects involving state universities and community  
22 colleges for approval by the Commissioner of Education. The  
23 Commissioner of Education shall determine the priority for  
24 funding these projects in relation to the priority of all  
25 other capital outlay projects under their consideration. To be  
26 eligible for funding from the Public Education Capital Outlay  
27 and Debt Service Trust Fund under the provisions of this  
28 section, projects involving both state universities and  
29 community colleges shall appear on the 3-year capital outlay  
30 priority lists of community colleges and of universities  
31 required by s. 1013.64. Projects involving a state university,

1 community college, and a public school, and in which the  
2 larger share of the proposed facility is for the use of the  
3 state university or the community college, shall appear on the  
4 3-year capital outlay priority lists of the community colleges  
5 or of the universities, as applicable.

6 (e) Include in their joint resolution for the  
7 joint-use facilities, comprehensive plans for the operation  
8 and management of the facility upon completion. Institutional  
9 responsibilities for specific functions shall be identified,  
10 including designation of one participating board as sole owner  
11 of the facility. Operational funding arrangements shall be  
12 clearly defined.

13 (2) An educational plant survey must be conducted  
14 within 90 days after submission of the joint resolution and  
15 substantiating data describing the benefits to be obtained,  
16 the programs to be offered, and the estimated cost of the  
17 proposed project. Upon completion of the educational plant  
18 survey, the participating boards may include the recommended  
19 projects in their plan as provided in s. 1013.31. Upon  
20 approval of the project by the commissioner, 25 percent of the  
21 total cost of the project, or the pro rata share based on  
22 space utilization of 25 percent of the cost, must be included  
23 in the department's legislative capital outlay budget request  
24 as provided in s. 1013.60 for educational plants. The  
25 participating boards must include in their joint resolution a  
26 commitment to finance the remaining funds necessary to  
27 complete the planning, construction, and equipping of the  
28 facility. Funds from the Public Education Capital Outlay and  
29 Debt Service Trust Fund may not be expended on any project  
30 unless specifically authorized by the Legislature.  
31

1       (3) Included in all proposals for joint-use facilities  
2 must be documentation that the proposed new campus or new  
3 joint-use facility has been reviewed by the State Board of  
4 Education and has been formally requested for authorization by  
5 the Legislature.

6       (4) No district school board, community college, or  
7 state university shall receive funding for more than one  
8 approved joint-use facility per campus in any 3-year period.

9       Section 844. Section 1013.53, Florida Statutes, is  
10 created to read:

11       1013.53 Cooperative development of educational  
12 facilities in juvenile justice programs.--

13       (1) The Department of Juvenile Justice shall provide  
14 early notice to school districts regarding the siting of new  
15 juvenile justice facilities. School districts shall include  
16 the projected number of students in the districts' annual  
17 estimates. School districts must be consulted regarding the  
18 types of students expected to be assigned to commitment  
19 facilities for education planning and budgeting purposes.

20       (2) The Department of Juvenile Justice shall notify,  
21 in writing, the Department of Education when a request for  
22 proposals is issued for the construction or operation of a  
23 commitment or detention facility anywhere in the state. The  
24 Department of Juvenile Justice shall notify, in writing, the  
25 appropriate school district when a request for proposals is  
26 issued for the construction or operation of a commitment or  
27 detention facility when a county or site is specifically  
28 identified.

29       (3) The Department of Juvenile Justice shall also  
30 notify the district school superintendent within 30 days  
31 after:

1       (a) The award of a contract for the construction or  
2 operation of a commitment or detention facility within that  
3 school district.

4       (b) Obtaining a permit to begin construction of a new  
5 detention or commitment facility within that school district.

6           Section 845. Section 1013.54, Florida Statutes, is  
7 created to read:

8           1013.54 Cooperative development and use of satellite  
9 facilities by private industry and school boards.--

10          (1) Each district school board may submit, prior to  
11 August 1 of each year, a request to the commissioner for funds  
12 from the Public Education Capital Outlay and Debt Service  
13 Trust Fund to construct, remodel, or renovate an educational  
14 facility within the industrial environment. No district school  
15 board may apply for more than one facility per year. Such  
16 request shall contain the following provisions:

17           (a) A detailed description of the satellite site, the  
18 site development necessary for new construction, remodeling,  
19 or renovation for the accomplishment of the project, and the  
20 facility to be constructed. The facility shall be located on a  
21 site owned by the business and leased to the school board at  
22 no cost. However, the minimum agreement shall be for a period  
23 of at least 5 years. The amounts provided by the state and the  
24 school board shall be considered full consideration for the  
25 lease. If the lease agreement is terminated early, the  
26 business shall reimburse the school board an amount determined  
27 by multiplying the amounts contributed by the school board and  
28 the state by a fraction the numerator of which is the number  
29 of months remaining in the original agreement and the  
30 denominator of which is the total number of months of the  
31 agreement.

1           (b) A detailed description and analysis of the  
2 educational programs to be offered and the benefits that will  
3 accrue to the students through the instructional programs upon  
4 completion of the facility.

5           (c) The estimated number of full-time students whose  
6 regularly scheduled daily instructional program will utilize  
7 the facility.

8           (d) The estimated cost of the facility and site  
9 development not to exceed the department's average cost of new  
10 construction adjusted to the respective county cost index. If  
11 a site must be acquired, the estimated cost of the site shall  
12 be provided.

13           (e) A resolution or other appropriate indication of  
14 intent to participate in the funding and utilization of the  
15 educational facility from private industry. Such indication  
16 shall include a commitment by private industry to provide at  
17 least one-half of the cost of the facility. The school board  
18 shall provide one-fourth of the cost of the facility and, if  
19 approved, the state shall provide one-fourth of the cost of  
20 the facility. Funds from the Public Education Capital Outlay  
21 and Debt Service Trust Fund may not be expended on any project  
22 unless specifically authorized by the Legislature.

23           (f) The designation as to which agency is to assume  
24 responsibility for the operation, maintenance, and control of  
25 the proposed facility.

26           (g) Documentation by the school board that a long-term  
27 lease for the use of the educational facility for a period of  
28 not less than 40 years or the life expectancy of the permanent  
29 facility constructed thereon, whichever is longer, has been  
30 obtained from private industry.

31

1       (2) The commissioner shall appoint a review committee  
2 to make recommendations and prioritize requests. If the  
3 project is approved by the commissioner, the commissioner  
4 shall include up to one-fourth of the cost of the project in  
5 the legislative capital outlay budget request, as provided in  
6 s. 1013.60, for the funding of capital outlay projects  
7 involving both educational and private industry. The  
8 commissioner shall prioritize any such projects for each  
9 fiscal year and, notwithstanding the provisions of s.  
10 1013.64(3)(c), limit the recommended state funding amount not  
11 to exceed 5 percent off the top of the total funds recommended  
12 pursuant to s. 1013.64(2) and (3).

13       (3) Facilities funded pursuant to this section and all  
14 existing satellite facilities shall be exempt from ad valorem  
15 taxes as long as the facility is used exclusively for public  
16 educational purposes.

17       Section 846. Part IV of chapter 1013 shall be entitled  
18 "Funding for Educational Facilities" and shall consist of ss.  
19 1013.60-1013.82.

20       Section 847. Section 1013.60, Florida Statutes, is  
21 created to read:

22       1013.60 Legislative capital outlay budget request.--

23       (1) The commissioner shall develop a procedure deemed  
24 appropriate in arriving at the amounts required to fund  
25 projects as reflected in the integrated, comprehensive budget  
26 request required by this section. The official estimates for  
27 funds accruing to the Public Education Capital Outlay and Debt  
28 Service Trust Fund made by the revenue estimating conference  
29 shall be used in determining the budget request pursuant to  
30 this section. The commissioner, in consultation with the  
31 appropriations committees of the Legislature, shall provide

1 annually an estimate of funds that shall be utilized by  
2 community colleges and universities in developing their  
3 required 3-year priority lists pursuant to s. 1013.64.

4 (2) The commissioner shall submit to the Governor and  
5 to the Legislature an integrated, comprehensive budget request  
6 for educational facilities construction and fixed capital  
7 outlay needs for school districts, community colleges, and  
8 universities, pursuant to the provisions of s. 1013.64 and  
9 applicable provisions of chapter 216. Each community college  
10 board of trustees and each university board of trustees shall  
11 submit to the commissioner a 3-year plan and data required in  
12 the development of the annual capital outlay budget. No  
13 further disbursements shall be made from the Public Education  
14 Capital Outlay and Debt Service Trust Fund to a board of  
15 trustees that fails to timely submit the required data until  
16 such board of trustees submits the data.

17 (3) The commissioner shall submit an integrated,  
18 comprehensive budget request to the Executive Office of the  
19 Governor and to the Legislature each fiscal year by the  
20 submission date specified in s. 216.023(1). Notwithstanding  
21 the provisions of s. 216.043, the integrated, comprehensive  
22 budget request shall include:

23 (a) Recommendations for the priority of expenditure of  
24 funds in the state system of public education, with reasons  
25 for the recommended priorities, and other recommendations  
26 which relate to the effectiveness of the educational  
27 facilities construction program.

28 (b) All items in s. 1013.64.

29 Section 848. Section 1013.61, Florida Statutes, is  
30 created to read:  
31



1           1013.61 Annual capital outlay budget.--Each board  
2 shall, each year, adopt a capital outlay budget for the  
3 ensuing year in order that the capital outlay needs of the  
4 board for the entire year may be well understood by the  
5 public. This capital outlay budget shall be a part of the  
6 annual budget and shall be based upon and in harmony with the  
7 board's capital outlay plan. This budget shall designate the  
8 proposed capital outlay expenditures by project for the year  
9 from all fund sources. The board may not expend any funds on  
10 any project not included in the budget, as amended. Each  
11 district school board must prepare its tentative district  
12 facilities work program as required by s. 1013.35 before  
13 adopting the capital outlay budget.

14           Section 849. Section 1013.62, Florida Statutes, is  
15 created to read:

16           1013.62 Charter schools capital outlay funding.--  
17           (1) In each year in which funds are appropriated for  
18 charter school capital outlay purposes, the Commissioner of  
19 Education shall allocate the funds among eligible charter  
20 schools. To be eligible for a funding allocation, a charter  
21 school must meet the provisions of subsection (6), must have  
22 received final approval from its sponsor pursuant to s.  
23 1002.33 for operation during that fiscal year, and must serve  
24 students in facilities that are not provided by the charter  
25 school's sponsor. Prior to the release of capital outlay funds  
26 to a school district on behalf of the charter school, the  
27 Department of Education shall ensure that the district school  
28 board and the charter school governing board enter into a  
29 written agreement that includes provisions for the reversion  
30 of any unencumbered funds and all equipment and property  
31 purchased with public education funds to the ownership of the

1 district school board, as provided for in subsection (3), in  
2 the event that the school terminates operations. Any funds  
3 recovered by the state shall be deposited in the General  
4 Revenue Fund. A charter school is not eligible for a funding  
5 allocation if it was created by the conversion of a public  
6 school and operates in facilities provided by the charter  
7 school's sponsor for a nominal fee or at no charge or if it is  
8 directly or indirectly operated by the school district. Unless  
9 otherwise provided in the General Appropriations Act, the  
10 funding allocation for each eligible charter school shall be  
11 determined by multiplying the school's projected student  
12 enrollment by one-fifteenth of the cost-per-student station  
13 specified in s. 1013.64(6)(b) for an elementary, middle, or  
14 high school, as appropriate. If the funds appropriated are not  
15 sufficient, the commissioner shall prorate the available funds  
16 among eligible charter schools. Funds shall be distributed on  
17 the basis of the capital outlay full-time equivalent  
18 membership by grade level, which shall be calculated by  
19 averaging the results of the second and third enrollment  
20 surveys. The Department of Education shall distribute capital  
21 outlay funds monthly, beginning in the first quarter of the  
22 fiscal year, based on one-twelfth of the amount the department  
23 reasonably expects the charter school to receive during that  
24 fiscal year. The commissioner shall adjust subsequent  
25 distributions as necessary to reflect each charter school's  
26 actual student enrollment as reflected in the second and third  
27 enrollment surveys. The commissioner shall establish the  
28 intervals and procedures for determining the projected and  
29 actual student enrollment of eligible charter schools.

30 (2) A charter school's governing body may use charter  
31 school capital outlay funds for any capital outlay purpose

1 that is directly related to the functioning of the charter  
2 school, including the:  
3       (a) Purchase of real property.  
4       (b) Construction, renovation, repair, and maintenance  
5 of school facilities.  
6       (c) Purchase, lease-purchase, or lease of permanent or  
7 relocatable school facilities.  
8       (d) Purchase of vehicles to transport students to and  
9 from the charter school.  
10       (3) When a charter school is nonrenewed or terminated,  
11 any unencumbered funds and all equipment and property  
12 purchased with district public funds shall revert to the  
13 ownership of the district school board, as provided for in s.  
14 1002.33(8)(e) and (f). In the case of a charter lab school,  
15 any unencumbered funds and all equipment and property  
16 purchased with university public funds shall revert to the  
17 ownership of the state university that issued the charter. The  
18 reversion of such equipment, property, and furnishings shall  
19 focus on recoverable assets, but not on intangible or  
20 irrecoverable costs such as rental or leasing fees, normal  
21 maintenance, and limited renovations. The reversion of all  
22 property secured with public funds is subject to the complete  
23 satisfaction of all lawful liens or encumbrances. If there are  
24 additional local issues such as the shared use of facilities  
25 or partial ownership of facilities or property, these issues  
26 shall be agreed to in the charter contract prior to the  
27 expenditure of funds.  
28       (4) The Commissioner of Education shall specify  
29 procedures for submitting and approving requests for funding  
30 under this section and procedures for documenting  
31 expenditures.

1           (5) The annual legislative budget request of the  
2 Department of Education shall include a request for capital  
3 outlay funding for charter schools. The request shall be based  
4 on the projected number of students to be served in charter  
5 schools who meet the eligibility requirements of this section.

6           (6) Unless authorized otherwise by the Legislature,  
7 allocation and proration of charter school capital outlay  
8 funds shall be made to eligible charter schools by the  
9 Commissioner of Education in an amount and in a manner  
10 authorized by subsection (1).

11           Section 850. Section 1013.63, Florida Statutes, is  
12 created to read:

13           1013.63 University Concurrency Trust  
14 Fund.--Notwithstanding any other provision of law, the general  
15 revenue service charge deducted pursuant to s. 215.20 on  
16 revenues raised by any local option motor fuel tax levied  
17 pursuant to s. 336.025(1)(b), as created by chapter 93-206,  
18 Laws of Florida, shall be deposited in the University  
19 Concurrency Trust Fund, which is administered by the State  
20 Board of Education. Moneys in such trust fund shall be for the  
21 purpose of funding university offsite improvements required to  
22 meet concurrency standards adopted under part II of chapter  
23 163. In addition, in any year in which campus master plans are  
24 updated pursuant to s. 1013.30, but no more frequently than  
25 once every 5 years, up to 25 percent of the balance in the  
26 trust fund for that year may be used to defray the costs  
27 incurred in updating those campus master plans.

28           Section 851. Section 1013.64, Florida Statutes, is  
29 created to read:

30           1013.64 Funds for comprehensive educational plant  
31 needs; construction cost maximums for school district capital

1 projects.--Allocations from the Public Education Capital  
2 Outlay and Debt Service Trust Fund to the various boards for  
3 capital outlay projects shall be determined as follows:  
4 (1)(a) Funds for remodeling, renovation, maintenance,  
5 repairs, and site improvement for existing satisfactory  
6 facilities shall be given priority consideration by the  
7 Legislature for appropriations allocated to the boards from  
8 the total amount of the Public Education Capital Outlay and  
9 Debt Service Trust Fund appropriated. These funds shall be  
10 calculated pursuant to the following basic formula: the  
11 building value times the building age over the sum of the  
12 years' digits assuming a 50-year building life. For  
13 relocatable facilities, a 20-year life shall be used.  
14 "Building value" is calculated by multiplying each building's  
15 total assignable square feet times the appropriate  
16 net-to-gross conversion rate found in state board rules and  
17 that product times the current average new construction cost.  
18 "Building age" is calculated by multiplying the prior year's  
19 building age times 1 minus the prior year's sum received from  
20 this subsection divided by the prior year's building value. To  
21 the net result shall be added the number 1. Each board shall  
22 receive the percentage generated by the preceding formula of  
23 the total amount appropriated for the purposes of this  
24 section.  
25 (b) Each board shall not use the funds received  
26 pursuant to this section to supplant funds in the current  
27 fiscal year approved operating budget, and all budgeted funds  
28 shall be expended at a rate not less than would have been  
29 expended had the funds under this section not been received.  
30  
31

1       (c) Each remodeling, renovation, maintenance, repair,  
2 or site improvement project will expand or upgrade current  
3 educational plants to prolong the useful life of the plant.

4       (d) Each board shall maintain fund accounting in a  
5 manner which will permit a detailed audit of the funds  
6 expended in this program.

7       (e) Remodeling projects shall be based on the  
8 recommendations of a survey pursuant to s. 1013.31.

9       (f) At least one-tenth of a board's annual allocation  
10 provided under this section shall be spent to correct unsafe,  
11 unhealthy, or unsanitary conditions in its educational  
12 facilities, as required by s. 1013.12, or a lesser amount  
13 sufficient to correct all deficiencies cited in its annual  
14 comprehensive safety inspection reports. This paragraph shall  
15 not be construed to limit the amount a board may expend to  
16 correct such deficiencies.

17       (g) When an existing educational plant is determined  
18 to be unsatisfactory pursuant to the survey conducted under s.  
19 1013.31, the board may, by resolution, designate the plant as  
20 a historic educational facility and may use funds generated  
21 for renovation and remodeling pursuant to this section to  
22 restore the facility for use by the board. The board shall  
23 agree to pay renovation and remodeling costs in excess of  
24 funds which such facility would have generated through the  
25 depreciation formula in paragraph (a) had the facility been  
26 determined to be satisfactory. The board shall further agree  
27 that the plant shall continue to house students. The board may  
28 designate a plant as a historic educational facility only if  
29 the Division of Historical Resources of the Department of  
30 State or the appropriate historic preservation board under  
31 chapter 266 certifies that:

1           1. The plant is listed or determined eligible for  
2 listing in the National Register of Historic Places pursuant  
3 to the National Historic Preservation Act of 1966, as amended,  
4 16 U.S.C. s. 470;

5           2. The plant is designated historic within a certified  
6 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal  
7 Revenue Code; or

8           3. The division or historic preservation board  
9 otherwise finds that the plant is historically significant.

10           (h) University boards of trustees may utilize funds  
11 appropriated pursuant to this section for replacement of minor  
12 facilities provided that such projects do not exceed \$500,000  
13 in cost or 5,000 gross square feet in size. Minor facilities  
14 may not be replaced from funds provided pursuant to this  
15 section unless the board determines that the cost of repair or  
16 renovation is greater than or equal to the cost of  
17 replacement.

18           (2)(a) The department shall establish, as a part of  
19 the Public Education Capital Outlay and Debt Service Trust  
20 Fund, a separate account, in an amount determined by the  
21 Legislature, to be known as the "Special Facility Construction  
22 Account." The Special Facility Construction Account shall be  
23 used to provide necessary construction funds to school  
24 districts which have urgent construction needs but which lack  
25 sufficient resources at present, and cannot reasonably  
26 anticipate sufficient resources within the period of the next  
27 3 years, for these purposes from currently authorized sources  
28 of capital outlay revenue. A school district requesting  
29 funding from the Special Facility Construction Account shall  
30 submit one specific construction project, not to exceed one  
31 complete educational plant, to the Special Facility

1 Construction Committee. No district shall receive funding for  
2 more than one approved project in any 3-year period. The first  
3 year of the 3-year period shall be the first year a district  
4 receives an appropriation. The department shall encourage a  
5 construction program that reduces the average size of schools  
6 in the district. The request must meet the following criteria  
7 to be considered by the committee:

8 1. The project must be deemed a critical need and must  
9 be recommended for funding by the Special Facility

10 Construction Committee. Prior to developing plans for the  
11 proposed facility, the district school board must request a  
12 preapplication review by the Special Facility Construction  
13 Committee or a project review subcommittee convened by the  
14 committee to include two representatives of the department and  
15 two staff from school districts not eligible to participate in  
16 the program. Within 60 days after receiving the preapplication  
17 review request, the committee or subcommittee must meet in the  
18 school district to review the project proposal and existing  
19 facilities. To determine whether the proposed project is a  
20 critical need, the committee or subcommittee shall consider,  
21 at a minimum, the capacity of all existing facilities within  
22 the district as determined by the Florida Inventory of School  
23 Houses; the district's pattern of student growth; the  
24 district's existing and projected capital outlay full-time  
25 equivalent student enrollment as determined by the department;  
26 the district's existing satisfactory student stations; the use  
27 of all existing district property and facilities; grade level  
28 configurations; and any other information that may affect the  
29 need for the proposed project.

30  
31



1           2. The construction project must be recommended in the  
2 most recent survey or surveys by the district under the rules  
3 of the State Board of Education.

4           3. The construction project must appear on the  
5 district's approved project priority list under the rules of  
6 the State Board of Education.

7           4. The district must have selected and had approved a  
8 site for the construction project in compliance with s.  
9 1013.36 and the rules of the State Board of Education.

10           5. The district shall have developed a school board  
11 adopted list of facilities that do not exceed the norm for net  
12 square feet occupancy requirements under the State  
13 Requirements for Educational Facilities, using all possible  
14 programmatic combinations for multiple use of space to obtain  
15 maximum daily use of all spaces within the facility under  
16 consideration.

17           6. Upon construction, the total cost per student  
18 station, including change orders, must not exceed the cost per  
19 student station as provided in subsection (6).

20           7. There shall be an agreement signed by the district  
21 school board stating that it will advertise for bids within 30  
22 days of receipt of its encumbrance authorization from the  
23 department.

24           8. The district shall, at the time of the request and  
25 for a continuing period of 3 years, levy the maximum millage  
26 against their nonexempt assessed property value as allowed in  
27 s. 1011.71(2) or shall raise an equivalent amount of revenue  
28 from the school capital outlay surtax authorized under s.  
29 212.055(6). Any district with a new or active project, funded  
30 under the provisions of this subsection, shall be required to  
31 budget no more than the value of 1.5 mills per year to the

1 project to satisfy the annual participation requirement in the  
2 Special Facility Construction Account.

3 9. If a contract has not been signed 90 days after the  
4 advertising of bids, the funding for the specific project  
5 shall revert to the Special Facility New Construction Account  
6 to be reallocated to other projects on the list. However, an  
7 additional 90 days may be granted by the commissioner.

8 10. The department shall certify the inability of the  
9 district to fund the survey-recommended project over a  
10 continuous 3-year period using projected capital outlay  
11 revenue derived from s. 9(d), Art. XII of the State  
12 Constitution, as amended, paragraph (3)(a) of this section,  
13 and s. 1011.71(2).

14 11. The district shall have on file with the  
15 department an adopted resolution acknowledging its 3-year  
16 commitment of all unencumbered and future revenue acquired  
17 from s. 9(d), Art. XII of the State Constitution, as amended,  
18 paragraph (3)(a) of this section, and s. 1011.71(2).

19 12. Final phase III plans must be certified by the  
20 board as complete and in compliance with the building and life  
21 safety codes prior to August 1.

22 (b) The Special Facility Construction Committee shall  
23 be composed of the following: two representatives of the  
24 Department of Education, a representative from the Governor's  
25 office, a representative selected annually by the district  
26 school boards, and a representative selected annually by the  
27 superintendents.

28 (c) The committee shall review the requests submitted  
29 from the districts, evaluate the ability of the project to  
30 relieve critical needs, and rank the requests in priority  
31 order. This statewide priority list for special facilities

1 construction shall be submitted to the Legislature in the  
2 commissioner's annual capital outlay legislative budget  
3 request at least 45 days prior to the legislative session.

4 (3)(a) Each district school board shall receive an  
5 amount from the Public Education Capital Outlay and Debt  
6 Service Trust Fund to be calculated by computing the capital  
7 outlay full-time equivalent membership as determined by the  
8 department. Such membership must include, but is not limited  
9 to:

10 1. K-12 students, except hospital and homebound  
11 part-time students; and

12 2. Students who are career and technical education  
13 students, and adult disabled students and who are enrolled in  
14 school district area technical centers. The capital outlay  
15 full-time equivalent membership shall be determined for  
16 kindergarten through the 12th grade and for area career and  
17 technical centers by averaging the unweighted full-time  
18 equivalent student membership for the second and third surveys  
19 and comparing the results on a school-by-school basis with the  
20 Florida Inventory for School Houses. The capital outlay  
21 full-time equivalent membership by grade level organization  
22 shall be used in making the following calculations: The  
23 capital outlay full-time equivalent membership by grade level  
24 organization for the 4th prior year must be used to compute  
25 the base-year allocation. The capital outlay full-time  
26 equivalent membership by grade-level organization for the  
27 prior year must be used to compute the growth over the highest  
28 of the 3 years preceding the prior year. From the total amount  
29 appropriated by the Legislature pursuant to this subsection,  
30 40 percent shall be allocated among the base capital outlay  
31 full-time equivalent membership and 60 percent among the

1 growth capital outlay full-time equivalent membership. The  
2 allocation within each of these groups shall be prorated to  
3 the districts based upon each district's percentage of base  
4 and growth capital outlay full-time membership. The most  
5 recent 4-year capital outlay full-time equivalent membership  
6 data shall be used in each subsequent year's calculation for  
7 the allocation of funds pursuant to this subsection. If a  
8 change, correction, or recomputation of data during any year  
9 results in a reduction or increase of the calculated amount  
10 previously allocated to a district, the allocation to that  
11 district shall be adjusted correspondingly. If such  
12 recomputation results in an increase or decrease of the  
13 calculated amount, such additional or reduced amounts shall be  
14 added to or reduced from the district's future appropriations.  
15 However, no change, correction, or recomputation of data shall  
16 be made subsequent to 2 years following the initial annual  
17 allocation.

18 (b) Funds accruing to a district school board from the  
19 provisions of this section shall be expended on needed  
20 projects as shown by survey or surveys under the rules of the  
21 State Board of Education.

22 (c) A district school board may lease relocatable  
23 educational facilities for up to 3 years using nonbonded PECO  
24 funds and for any time period using local capital outlay  
25 millage.

26 (d) Funds distributed to the district school boards  
27 shall be allocated solely based on the provisions of  
28 paragraphs (1)(a) and (2)(a) and paragraph (a) of this  
29 subsection. No individual school district projects shall be  
30 funded off the top of funds allocated to district school  
31 boards.

1       (4)(a) Community college boards of trustees and  
2 university boards of trustees shall receive funds for projects  
3 based on a 3-year priority list, to be updated annually, which  
4 is submitted to the Legislature in the legislative budget  
5 request at least 90 days prior to the legislative session. The  
6 State Board of Education shall submit a 3-year priority list  
7 for community colleges and a 3-year priority list for  
8 universities. The lists shall reflect decisions by the State  
9 Board of Education concerning program priorities that  
10 implement the statewide plan for program growth and quality  
11 improvement in education. No remodeling or renovation project  
12 shall be included on the 3-year priority list unless the  
13 project has been recommended pursuant to s. 1013.31 or is for  
14 the purpose of correcting health and safety deficiencies. No  
15 new construction project shall be included on the first year  
16 of the 3-year priority list unless the educational  
17 specifications have been approved by the commissioner for a  
18 community college or university project, as applicable. The  
19 funds requested for a new construction project in the first  
20 year of the 3-year priority list shall be in conformance with  
21 the scope of the project as defined in the educational  
22 specifications. Any new construction project requested in the  
23 first year of the 3-year priority list which is not funded by  
24 the Legislature shall be carried forward to be listed first in  
25 developing the updated 3-year priority list for the subsequent  
26 year's capital outlay budget. Should the order of the priority  
27 of the projects change from year to year, a justification for  
28 such change shall be included with the updated priority list.

29       (b) Community college boards of trustees and  
30 university boards of trustees may lease relocatable  
31

1 educational facilities for up to 3 years using nonbonded PECO  
2 funds.

3 (c) Community college boards of trustees and  
4 university boards of trustees shall receive funds for  
5 remodeling, renovation, maintenance and repairs, and site  
6 improvement for existing satisfactory facilities pursuant to  
7 subsection (1).

8 (5) District school boards shall identify each fund  
9 source and the use of each proportionate to the project cost,  
10 as identified in the bid document, to assure compliance with  
11 this section. The data shall be submitted to the department,  
12 which shall track this information as submitted by the boards.  
13 PECO funds shall not be expended as indicated in the  
14 following:

15 (a) District school boards shall provide landscaping  
16 by local funding sources or initiatives. District school  
17 boards are exempt from local landscape ordinances but may  
18 comply with the local requirements if such compliance is less  
19 costly than compliance with the landscape requirements of the  
20 State Uniform Building Code for Public Educational Facilities.

21 (b) PECO funds shall not be used for the construction  
22 of football fields, bleachers, site lighting for athletic  
23 facilities, tennis courts, stadiums, racquetball courts, or  
24 any other competition-type facilities not required for  
25 physical education curriculum. Regional or intradistrict  
26 football stadiums may be constructed with these funds provided  
27 a minimum of two high schools and two middle schools are  
28 assigned to the facility and the stadiums are survey  
29 recommended. Sophisticated auditoria shall be limited to  
30 magnet performing arts schools, with all other schools using  
31 basic lighting and sound systems as determined by rule. Local

1 funds shall be used for enhancement of athletic and performing  
2 arts facilities.

3 (6)(a) Each district school board must meet all  
4 educational plant space needs of its elementary, middle, and  
5 high schools before spending funds from the Public Education  
6 Capital Outlay and Debt Service Trust Fund or the School  
7 District and Community College District Capital Outlay and  
8 Debt Service Trust Fund for any ancillary plant or any other  
9 new construction, renovation, or remodeling of ancillary  
10 space. Expenditures to meet such space needs may include  
11 expenditures for site acquisition; new construction of  
12 educational plants; renovation, remodeling, and maintenance  
13 and repair of existing educational plants, including auxiliary  
14 facilities; and the directly related costs of such services of  
15 school district personnel. It is not the intent of the  
16 Legislature to preclude the use of capital outlay funding for  
17 the labor costs necessary to accomplish the authorized uses  
18 for the capital outlay funding. Day-labor contracts or any  
19 other educational facilities contracting and construction  
20 techniques pursuant to s. 1013.45 are authorized.

21 Additionally, if a school district has salaried maintenance  
22 staff whose duties consist solely of performing the labor  
23 necessary to accomplish the authorized uses for the capital  
24 outlay funding, such funding may be used for those salaries;  
25 however, if a school district has salaried staff whose duties  
26 consist partially of performing the labor necessary to  
27 accomplish the authorized uses for the capital outlay funding,  
28 the district shall prorate the portion of salary of each such  
29 employee that is based on labor for authorized capital outlay  
30 funding, and such funding may be used to pay that portion.

31

1       (b)1. A district school board must not use funds from  
2 the Public Education Capital Outlay and Debt Service Trust  
3 Fund or the School District and Community College District  
4 Capital Outlay and Debt Service Trust Fund for any new  
5 construction of educational plant space with a total cost per  
6 student station, including change orders, that equals more  
7 than:

- 8           a. \$11,600 for an elementary school,  
9           b. \$13,300 for a middle school, or  
10          c. \$17,600 for a high school,

11  
12 (1997) as adjusted annually by the Consumer Price Index.

13       2. A district school board must not use funds from the  
14 Public Education Capital Outlay and Debt Service Trust Fund or  
15 the School District and Community College District Capital  
16 Outlay and Debt Service Trust Fund for any new construction of  
17 an ancillary plant that exceeds 70 percent of the average cost  
18 per square foot of new construction for all schools.

19       (c) Except as otherwise provided, new construction  
20 initiated by a district school board after June 30, 1997, must  
21 not exceed the cost per student station as provided in  
22 paragraph (b).

23       (d) The department shall compute for each calendar  
24 year the statewide average construction costs for facilities  
25 servinq each instructional level, for relocatable educational  
26 facilities, for administrative facilities, and for other  
27 ancillary and auxiliary facilities. The department shall  
28 compute the statewide average costs per student station for  
29 each instructional level. Cost per student station includes  
30 contract costs, legal and administrative costs, fees of  
31 architects and engineers, furniture and equipment, and site



1 improvement costs. Cost per student station does not include  
2 the cost of purchasing or leasing the site for the  
3 construction or the cost of related offsite improvements.

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

10 Section 852. Section 1013.65, Florida Statutes, is  
11 created to read:

12 1013.65 Educational and ancillary plant construction  
13 funds; Public Education Capital Outlay and Debt Service Trust  
14 Fund; allocation of funds.--

15 (1) The commissioner, through the department, shall  
16 administer the Public Education Capital Outlay and Debt  
17 Service Trust Fund. The commissioner shall allocate or  
18 reallocate funds as authorized by the Legislature. Copies of  
19 each allocation or reallocation shall be provided to members  
20 of the State Board of Education and to the chairs of the House  
21 of Representatives and Senate appropriations committees. The  
22 commissioner shall provide for timely encumbrances of funds  
23 for duly authorized projects. Encumbrances may include  
24 proceeds to be received under a resolution approved by the  
25 State Board of Education authorizing the issuance of public  
26 education capital outlay bonds pursuant to s. 9(a)(2), Art.  
27 XII of the State Constitution, s. 215.61, and other applicable  
28 law. The commissioner shall provide for the timely  
29 disbursement of moneys necessary to meet the encumbrance  
30 authorizations of the boards. Records shall be maintained by  
31 the department to identify legislative appropriations.

1 allocations, encumbrance authorizations, disbursements,  
2 transfers, investments, sinking funds, and revenue receipts by  
3 source. The Department of Education shall pay the  
4 administrative costs of the Public Education Capital Outlay  
5 and Debt Service Trust Fund from the funds which comprise the  
6 trust fund.

7 (2)(a) The Public Education Capital Outlay and Debt  
8 Service Trust Fund shall be comprised of the following  
9 sources, which are hereby appropriated to the trust fund:

10 1. Proceeds, premiums, and accrued interest from the  
11 sale of public education bonds and that portion of the  
12 revenues accruing from the gross receipts tax as provided by  
13 s. 9(a)(2), Art. XII of the State Constitution, as amended,  
14 interest on investments, and federal interest subsidies.

15 2. General revenue funds appropriated to the fund for  
16 educational capital outlay purposes.

17 3. All capital outlay funds previously appropriated  
18 and certified forward pursuant to s. 216.301.

19 (b) Any funds required by law to be segregated or  
20 maintained in separate accounts shall be segregated or  
21 maintained in such manner that the relationship between  
22 program and revenue source is retained. Nothing in this  
23 subsection shall be construed so as to limit the use by the  
24 Public Education Capital Outlay and Debt Service Trust Fund of  
25 the resources of funds so segregated or maintained.

26 (3) Upon the request of each board, the department  
27 shall distribute to the board an amount sufficient to cover  
28 capital outlay disbursements anticipated from encumbrance  
29 authorizations for the following month. For projects costing  
30 in excess of \$50,000, contracts shall be approved and signed  
31 before any disbursements are authorized.

1       (4) The department may authorize each board to enter  
2 into contracts for a period exceeding 1 year, within amounts  
3 appropriated and budgeted for fixed capital outlay needs; but  
4 any contract so made shall be executory only for the value of  
5 the services to be rendered, or agreed to be paid for, in  
6 succeeding fiscal years. This subsection shall be incorporated  
7 verbatim in all executory contracts of a board.

8       (5) No board shall, during any fiscal year, expend any  
9 money, incur any liability, or enter into any contract which,  
10 by its terms, involves expenditure of money in excess of the  
11 amounts appropriated and budgeted or in excess of the cash  
12 that will be available to meet the disbursement requirements.  
13 Prior to entering into an executory, or any other, contract, a  
14 board shall obtain certification from the department that  
15 moneys will be available to meet the disbursement  
16 requirements. Any contract, verbal or written, made in  
17 violation of this subsection shall be null and void, and no  
18 payment shall be made thereon.

19       (6) The State Board of Administration is authorized to  
20 invest the trust funds of any state-supported retirement  
21 system, and any other state funds available for loans, to the  
22 trust fund at a rate of interest that is no less favorable  
23 than would have been received had such moneys been invested in  
24 accordance with authorized practices.

25       (7) Boards and entities authorized to participate in  
26 the trust fund are district school boards, the community  
27 college boards of trustees, the Trustees of the Florida School  
28 for the Deaf and the Blind, and university boards of trustees  
29 and other units of the state system of public education, and  
30 other educational entities defined in s. 228.041 for which  
31 funds are authorized by the Legislature.

1       (8) The department shall make a monthly report, by  
2 project, of requests for encumbrance authorization from each  
3 agency. Each project shall be tracked in the following manner:

4       (a) The date the request is received;

5       (b) The anticipated encumbrance date requested by the  
6 agency;

7       (c) The date the project is eligible for encumbrance  
8 authorization; and

9       (d) The date the encumbrance authorization is issued.

10       (9) The department shall make a monthly report:

11       (a) Showing the amount of cash disbursed to the agency  
12 from each appropriated allocation and the amount of cash  
13 disbursed by the agency to vendors or contractors from each  
14 appropriated allocation, by month.

15       (b) Showing updated adjustments to the budget fiscal  
16 year forecast for appropriations, encumbrances, disbursements,  
17 and cash available for encumbrance status.

18       Section 853. Section 1013.66, Florida Statutes, is  
19 created to read:

20       1013.66 Financing of approved capital projects.--

21       (1) Capital projects are to be financed in accordance  
22 with s. 9(a)(2), Art. XII of the State Constitution, as  
23 amended, or from other legally available state funds or  
24 grants, donations, or matching funds, or by a combination of  
25 such funds.

26       (2) The sum designated annually by the Legislature is  
27 the maximum sum to be expended from funds accruing under s.  
28 9(a)(2), Art. XII of the State Constitution, as amended, and  
29 from funds accruing under s. 1013.65(2). However, funds  
30 appropriated from this source and remaining unexpended from  
31 previously authorized capital projects, along with grants,

1 donations, and matching funds from other sources, may be added  
2 to such maximum sums for any item or category.

3 (3) No transfers between appropriations shall be made  
4 without prior approval under the provisions of chapter 216.

5 (4) To the extent that appropriations authority for  
6 entitlements from previous years was used for advanced  
7 funding, that authority is hereby restored to the projects for  
8 which appropriations were made by the Legislature in those  
9 previous years.

10 Section 854. Section 1013.67, Florida Statutes, is  
11 created to read:

12 1013.67 Commissioner to provide for encumbrances of  
13 funds.--The Commissioner of Education shall provide for timely  
14 encumbrances of funds for duly authorized projects.  
15 Encumbrances may include proceeds to be received under a  
16 resolution approved by the State Board of Education  
17 authorizing the issuance of 1997 school capital outlay bonds  
18 pursuant to s. 11(d), Art. VII of the State Constitution, s.  
19 1013.70, and other applicable law.

20 Section 855. Section 1013.68, Florida Statutes, is  
21 created to read:

22 1013.68 Classrooms First Program; uses.--

23 (1) The Commissioner of Education shall allocate funds  
24 appropriated for the Classrooms First Program among the  
25 district school boards. It is the intent of the Legislature  
26 that this program be administered as nearly as practicable in  
27 the same manner as the capital outlay program authorized under  
28 s. 9(d), Art. XII of the State Constitution. Each district  
29 school board's share of the annual appropriation for the  
30 Classrooms First Program must be calculated according to the  
31 following formula, but the share of each district shall, at a

1 minimum, be at least equal to the amount required for all  
2 payments of the district relating to bonds issued by the state  
3 on its behalf:

4 (a) Twenty-five percent of the appropriation shall be  
5 prorated to the districts based on each district's percentage  
6 of base capital outlay full-time equivalent membership; and 65  
7 percent shall be based on each district's percentage of growth  
8 capital outlay full-time equivalent membership as specified  
9 for the allocation of funds from the Public Education Capital  
10 Outlay and Debt Service Trust Fund by s. 1013.64(3).

11 (b) Ten percent of the appropriation must be allocated  
12 among district school boards according to the allocation  
13 formula in s. 1013.64(1)(a).

14 (2) A district school board shall expend the funds  
15 received pursuant to this section only to:

16 (a) Construct, renovate, remodel, repair, or maintain  
17 educational facilities; or

18 (b) Pay debt service on bonds issued pursuant to this  
19 section, the proceeds of which must be expended for new  
20 construction, remodeling, renovation, and major repairs. Bond  
21 proceeds shall be expended first for providing permanent  
22 classroom facilities. Bond proceeds shall not be expended for  
23 any other facilities until all unmet needs for permanent  
24 classrooms and auxiliary facilities as defined in s. 1013.01  
25 have been satisfied.

26  
27 However, if more than 9 percent of a district's total square  
28 feet is more than 50 years old, the district must spend at  
29 least 25 percent of its allocation on the renovation, major  
30 repair, or remodeling of existing schools, except that  
31

1 districts with fewer than 10,000 full-time equivalent students  
2 are exempt from this requirement.

3 (3) Each district school board that pledges moneys  
4 under paragraph (2)(b) shall notify the Department of  
5 Education of its election at a time set by the department. The  
6 Department of Education shall review the proposal of each  
7 district school board for compliance with this section and  
8 shall forward all approved proposals to the Division of Bond  
9 Finance with a request to issue bonds on behalf of the  
10 approved school districts. The Division of Bond Finance shall  
11 pool the pledges from all school districts making the election  
12 in that year and shall issue the bonds on behalf of the  
13 districts for a period not to exceed the distributions to be  
14 received under s. 24.121(2). The bonds must be issued in  
15 accordance with s. 11(d), Art. VII of the State Constitution,  
16 and each project to be constructed with the proceeds of bonds  
17 is hereby approved as provided in s. 11(f), Art. VII of the  
18 State Constitution. The bonds shall be issued pursuant to the  
19 State Bond Act to the extent not inconsistent with this  
20 section.

21 (4) Bonds issued under this section must be validated  
22 as prescribed by chapter 75. The complaint for the validation  
23 must be filed in the circuit court of the county where the  
24 seat of state government is situated; the notice required to  
25 be published by s. 75.06 must be published only in the county  
26 where the complaint is filed; and the complaint and order of  
27 the circuit court must be served only on the state attorney of  
28 the circuit in which the action is pending. The state  
29 covenants with holders of bonds issued under this section that  
30 it will not take any action that will materially and adversely  
31 affect the rights of such holders so long as such bonds are

1 outstanding. The state does hereby additionally authorize the  
2 establishment of a covenant in connection with the bonds which  
3 provides that any additional funds received by the state from  
4 new or enhanced lottery programs, video gaming, or other  
5 similar activities will first be available for payments  
6 relating to bonds pledging revenues available pursuant to s.  
7 24.121(2), prior to use for any other purpose.

8 (5) A school district may only receive a distribution  
9 for use pursuant to paragraph (2)(a) if the district school  
10 board certifies to the Commissioner of Education that the  
11 district has no unmet need for permanent classroom facilities  
12 in its 5-year capital outlay work plan. If the work plan  
13 contains such unmet needs, the district must use its  
14 distribution for the payment of bonds pursuant to paragraph  
15 (2)(b). If the district does not require its full bonded  
16 distribution to eliminate such unmet need, it may bond only  
17 that portion of its allocation necessary to meet the needs.

18 Section 856. Section 1013.69, Florida Statutes, is  
19 created to read:

20 1013.69 Full bonding required to participate in  
21 programs.--Any district with unused bonding capacity in its  
22 Capital Outlay and Debt Service Trust Fund allocation that  
23 certifies in its district facilities work program that it will  
24 not be able to meet all of its need for new student stations  
25 within existing revenues must fully bond its Capital Outlay  
26 and Debt Service Trust Fund allocation before it may  
27 participate in Classrooms First, the School Infrastructure  
28 Thrift (SIT) Program, or the Effort Index Grants Program.

29 Section 857. Section 1013.70, Florida Statutes, is  
30 created to read:

31



1           1013.70 The 1997 School Capital Outlay Bond  
2 Program.--There is hereby established the 1997 School Capital  
3 Outlay Bond Program.

4           (1) The issuance of revenue bonds payable from the  
5 first lottery revenues transferred to the Educational  
6 Enhancement Trust Fund each fiscal year, as provided by s.  
7 24.121(2), is authorized to finance or refinance the  
8 construction, acquisition, reconstruction, or renovation of  
9 educational facilities. Such bonds shall be issued pursuant to  
10 and in compliance with the provisions of s. 11(d), Art. VII of  
11 the State Constitution, the provisions of the State Bond Act,  
12 ss. 215.57-215.83, as amended, and the provisions of this  
13 section. The state does hereby covenant with the holders of  
14 such revenue bonds that it will not take any action which will  
15 materially and adversely affect the rights of such holders so  
16 long as bonds authorized by this section are outstanding. The  
17 state does hereby additionally authorize the establishment of  
18 a covenant in connection with the bonds which provides that  
19 any additional funds received by the state from new or  
20 enhanced lottery programs, video gaming, or other similar  
21 activities will first be available for payments relating to  
22 bonds pledging revenues available pursuant to s. 24.121(2),  
23 prior to use for any other purpose.

24           (2) The bonds shall be issued by the Division of Bond  
25 Finance of the State Board of Administration on behalf of the  
26 Department of Education in such amount as shall be requested  
27 by resolution of the State Board of Education. However, debt  
28 service and other amounts payable with respect to the bonds  
29 issued pursuant to this section shall not exceed \$35 million  
30 in any state fiscal year.

31

1           (3) Proceeds available from bond sales shall be  
2 deposited in the Educational Enhancement Trust Fund within the  
3 Department of Education.

4           (4) The facilities to be financed with the proceeds of  
5 such bonds are designated as state fixed capital outlay  
6 projects for purposes of s. 11(d), Art. VII of the State  
7 Constitution and the specific facilities to be financed shall  
8 be determined by the Department of Education in accordance  
9 with state law and appropriations from the Educational  
10 Enhancement Trust Fund. Each educational facility to be  
11 financed with the proceeds of the bonds issued pursuant to  
12 this section is hereby approved as required by s. 11(f), Art.  
13 VII of the State Constitution.

14           (5) Bonds issued pursuant to this section shall be  
15 validated in the manner provided by chapter 75. The complaint  
16 for such validation shall be filed in the circuit court of the  
17 county where the seat of state government is situated, the  
18 notice required to be published by s. 75.06 shall be published  
19 only in the county where the complaint is filed, and the  
20 complaint and order of the circuit court shall be served only  
21 on the state attorney of the circuit in which the action is  
22 pending.

23           Section 858. Section 1013.71, Florida Statutes, is  
24 created to read:

25           1013.71 Lottery Capital Outlay and Debt Service Trust  
26 Fund.--

27           (1)(a) The Lottery Capital Outlay and Debt Service  
28 Trust Fund is hereby created, to be administered by the  
29 Department of Education. Funds shall be credited to the trust  
30 fund from legislative appropriations and interest earnings.  
31 The purpose of the trust fund is to maintain and account for

1 lottery funds appropriated for fixed capital outlay and debt  
2 service separately from lottery funds appropriated for current  
3 operations.

4 (b) Notwithstanding the provisions of s. 216.301 and  
5 pursuant to s. 216.351, any balance in the trust fund at the  
6 end of any fiscal year shall remain in the trust fund and  
7 shall be available for carrying out the purposes of the trust  
8 fund.

9 (2) Lottery funds appropriated for fixed capital  
10 outlay and debt service, along with any interest earned  
11 thereon, shall be transferred from the Educational Enhancement  
12 Trust Fund to the Lottery Capital Outlay and Debt Service  
13 Trust Fund.

14 (3) Pursuant to the provisions of s. 19(f)(3), Art.  
15 III of the State Constitution, the trust fund is not subject  
16 to termination under s. 19(f)(2), Art. III of the State  
17 Constitution.

18 Section 859. Section 1013.72, Florida Statutes, is  
19 created to read:

20 1013.72 SIT Program award eligibility; maximum cost  
21 per student station of educational facilities; frugality  
22 incentives; recognition awards.--

23 (1) It is the intent of the Legislature that district  
24 school boards that seek awards of SIT Program funds use due  
25 diligence and sound business practices in the design,  
26 construction, and use of educational facilities.

27 (2) A school district may seek an award from the SIT  
28 Program, pursuant to this section and s. 1013.42, based on the  
29 district's new construction of educational facilities if the  
30 cost per student station is less than:

31 (a) \$11,600 for an elementary school.

1           (b) \$13,300 for a middle school, or

2           (c) \$17,600 for a high school,

3

4 (1997) as adjusted annually by the Consumer Price Index. The  
5 award shall be up to 50 percent of such savings, as  
6 recommended by the SMART Schools Clearinghouse.

7           (3) A school district may seek a SMART school of the  
8 year recognition award for building the highest quality  
9 functional, frugal school. The commissioner may present a  
10 trophy or plaque and a cash award to the school recommended by  
11 the SMART Schools Clearinghouse for a SMART school of the year  
12 recognition award.

13           Section 860. Section 1013.73, Florida Statutes, is  
14 created to read:

15           1013.73 Effort index grants for school district  
16 facilities.--

17           (1) The Legislature hereby allocates for effort index  
18 grants the sum of \$300 million from the funds appropriated  
19 from the Educational Enhancement Trust Fund by s. 46, chapter  
20 97-384, Laws of Florida, contingent upon the sale of school  
21 capital outlay bonds. From these funds, the Commissioner of  
22 Education shall allocate to the four school districts deemed  
23 eligible for an effort index grant by the SMART Schools  
24 Clearinghouse the sums of \$7,442,890 to the Clay County School  
25 District, \$62,755,920 to the Dade County School District,  
26 \$1,628,590 to the Hendry County School District, and \$414,950  
27 to the Madison County School District. The remaining funds  
28 shall be allocated among the remaining district school boards  
29 that qualify for an effort index grant by meeting the local  
30 capital outlay effort criteria in paragraph (a) or paragraph  
31 (b).

1        (a) Between July 1, 1995, and June 30, 1999, the  
2 school district received direct proceeds from the  
3 one-half-cent sales surtax for public school capital outlay  
4 authorized by s. 212.055(6) or from the local government  
5 infrastructure sales surtax authorized by s. 212.055(2).

6        (b) The school district met two of the following  
7 criteria:

8            1. Levied the full 2 mills of nonvoted discretionary  
9 capital outlay authorized by s. 1011.71(2) during 1995-1996,  
10 1996-1997, 1997-1998, and 1998-1999.

11            2. Levied a cumulative voted millage for capital  
12 outlay and debt service equal to 2.5 mills for fiscal years  
13 1995 through 1999.

14            3. Received proceeds of school impact fees greater  
15 than \$500 per dwelling unit which were in effect on July 1,  
16 1998.

17            4. Received direct proceeds from either the  
18 one-half-cent sales surtax for public school capital outlay  
19 authorized by s. 212.055(6) or from the local government  
20 infrastructure sales surtax authorized by s. 212.055(2).

21        (2) It is the intent of the Legislature that this  
22 program be administered as nearly as is practicable in the  
23 same manner as the capital outlay program authorized under s.  
24 9(d), Art. XII of the State Constitution. Each district school  
25 board's share of the appropriation for the effort index grants  
26 must be calculated according to the following formula using  
27 the same basis as the Classrooms First allocation formula, but  
28 the share of each district shall, at a minimum, be at least  
29 equal to the amount required for all payments of the district  
30 relating to bonds issued by the state on its behalf:

31

1       (a) Twenty-five percent of the appropriation shall be  
2 prorated to the districts based on each district's percentage  
3 of base capital outlay full-time-equivalent membership; and 65  
4 percent shall be based on each district's percentage of growth  
5 capital outlay full-time-equivalent membership as specified  
6 for the allocation of funds from the Public Education Capital  
7 Outlay and Debt Service Trust Fund by s. 1013.64(3).

8       (b) Ten percent of the appropriation must be allocated  
9 among district school boards according to the allocation  
10 formula in s. 1013.64(1)(a).

11       (3) A district school board shall expend the funds  
12 received under this section only to:

13       (a) Construct, renovate, remodel, repair, or maintain  
14 educational facilities; or

15       (b) Pay debt service on bonds issued under this  
16 section, the proceeds of which must be expended for new  
17 construction, remodeling, renovation, and major repairs. Bond  
18 proceeds shall be expended first for providing permanent  
19 classroom facilities and related auxiliary facilities. Bond  
20 proceeds may not be expended for any other facilities until  
21 all unmet needs for permanent classrooms and auxiliary  
22 facilities as defined in s. 1013.01 have been satisfied.

23  
24 However, if more than 9 percent of a district's total square  
25 feet is more than 50 years old, the district must spend at  
26 least 25 percent of its allocation on the renovation, major  
27 repair, or remodeling of existing schools, except that  
28 districts having fewer than 10,000 full-time equivalent  
29 students are exempt from this requirement.

30       (4) Each district school board that pledges moneys  
31 under paragraph (3)(b) shall notify the Department of

1 Education of its election at a time set by the department. The  
2 Department of Education shall review the proposal of each  
3 district school board for compliance with this section and  
4 shall forward all approved proposals to the Division of Bond  
5 Finance with a request to issue bonds on behalf of the  
6 approved school districts.

7 (5) A district school board that chooses to pledge  
8 allocations from the Classrooms First Program for the issuance  
9 of bonds must encumber those bond proceeds before pledging  
10 funds for the payment of debt service on bonds issued pursuant  
11 to this section.

12 (6) A school district may receive a distribution for  
13 use pursuant to paragraph (3)(a) only if the district school  
14 board certifies to the Commissioner of Education that the  
15 district has no unmet need for permanent classroom facilities  
16 in its 5-year capital outlay work plan. If the work plan  
17 contains such unmet needs, the district must use its  
18 distribution for the payment of bonds under paragraph (2)(b).  
19 If the district does not require its full bonded distribution  
20 to eliminate such unmet needs, it may bond only that portion  
21 of its allocation necessary to meet the needs.

22 Section 861. Section 1013.74, Florida Statutes, is  
23 created to read:

24 1013.74 University authorization for fixed capital  
25 outlay projects.--

26 (1) Notwithstanding the provisions of chapter 216,  
27 including s. 216.351, a university may accomplish fixed  
28 capital outlay projects consistent with the provisions of this  
29 section. Projects authorized by this section shall not require  
30 educational plant survey approval as prescribed in chapter  
31 235.

1           (2) The following types of projects may be  
2 accomplished pursuant to this section:

3           (a) Construction of any new buildings, or remodeling  
4 of existing buildings, when funded from nonstate sources such  
5 as federal grant funds, private gifts, grants, or lease  
6 arrangements if such grants or gifts are given for the  
7 specific purpose of construction;

8           (b) The replacement of any buildings destroyed by fire  
9 or other calamity;

10           (c) Construction of projects financed as provided in  
11 ss. 1010.60-1010.619 or 1013.71;

12           (d) Construction of new facilities or remodeling of  
13 existing facilities to meet needs for research, provided that  
14 such projects are financed pursuant to s. 1004.22; or

15           (e) Construction of facilities or remodeling of  
16 existing facilities to meet needs as determined by the  
17 university, provided that the amount of funds for any such  
18 project does not exceed \$500,000, and the trust funds, other  
19 than the funds used to accomplish projects contemplated in  
20 this subsection, are authorized and available for such  
21 purposes.

22           (3) Other than those projects currently authorized, no  
23 project proposed by a university which is to be funded from  
24 Capital Improvement Trust Fund fees or building fees shall be  
25 submitted to the State Board of Education for approval without  
26 prior consultation with the student government association of  
27 that university. The State Board of Education shall promulgate  
28 rules which are consistent with this requirement.

29           (4) The university board of trustees shall, in  
30 consultation with local and state emergency management  
31 agencies, assess existing facilities to identify the extent to



1 which each campus has public hurricane evacuation shelter  
2 space. The board shall submit to the Governor and the  
3 Legislature by August 1 of each year a 5-year capital  
4 improvements program that identifies new or retrofitted  
5 facilities that will incorporate enhanced hurricane resistance  
6 standards and that can be used as public hurricane evacuation  
7 shelters. Enhanced hurricane resistance standards include  
8 fixed passive protection for window and door applications to  
9 provide mitigation protection, security protection with  
10 egress, and energy efficiencies that meet standards required  
11 in the 130-mile-per-hour wind zone areas. The board must also  
12 submit proposed facility retrofit projects to the Department  
13 of Community Affairs for assessment and inclusion in the  
14 annual report prepared in accordance with s. 252.385(3). Until  
15 a regional planning council region in which a campus is  
16 located has sufficient public hurricane evacuation shelter  
17 space, any campus building for which a design contract is  
18 entered into subsequent to July 1, 2001, and which has been  
19 identified by the board, with the concurrence of the local  
20 emergency management agency or the Department of Community  
21 Affairs, to be appropriate for use as a public hurricane  
22 evacuation shelter, must be constructed in accordance with  
23 public shelter standards.

24 Section 862. Section 1013.75, Florida Statutes, is  
25 created to read:

26 1013.75 Cooperative funding of vocational educational  
27 facilities.--

28 (1) Each district school board operating a designated  
29 area technical center may submit, prior to August 1 of each  
30 year, a request to the commissioner for funds from the Public  
31 Education Capital Outlay and Debt Service Trust Fund to plan,

1 construct, and equip a career educational facility identified  
2 as being critical to the economic development and the  
3 workforce needs of the school district. Prior to submitting a  
4 request, each school district shall:

5 (a) Adopt and submit to the commissioner a resolution  
6 indicating its commitment to fund the planning, construction,  
7 and equipping of the proposed facility at 40 percent of the  
8 requested project amount. The resolution shall also designate  
9 the locale of the proposed facility. If funds from a private  
10 or noneducational public entity are to be committed to the  
11 project, then a joint resolution shall be required.

12 (b) Except as provided in paragraph (5)(b), levy the  
13 maximum millage against the nonexempt assessed property value  
14 as provided in s. 1011.71(2).

15 (c) Certify to the Office of Workforce and Economic  
16 Development that the project has been survey recommended.

17 (d) Certify to the Office of Workforce and Economic  
18 Development that final phase III construction documents comply  
19 with applicable building codes and life safety codes.

20 (e) Sign an agreement that the district school board  
21 shall advertise for bids within 90 days of receiving an  
22 encumbrance authorization from the department.

23 (f) If a construction contract has not been signed 90  
24 days after the advertising of bids, certify to the Office of  
25 Workforce and Economic Development and the department the  
26 cause for delay. Upon request, an additional 90 days may be  
27 granted by the commissioner.

28 (2) The Office of Workforce and Economic Development  
29 shall establish the need for additional career education  
30 programs and the continuation of existing programs before  
31 facility construction or renovation related to career

1 education can be included in the educational plant survey.  
2 Information used by the Office of Workforce and Economic  
3 Development to establish facility needs shall include, but not  
4 be limited to, labor market needs analysis and information  
5 submitted by the school districts.  
6 (3) The total cost of the proposed facility shall be  
7 determined by the district school board using established  
8 state board averages for determining new construction cost.  
9 (4)(a) A career education construction committee shall  
10 be composed of the following: three representatives from the  
11 Department of Education and one representative from the  
12 Executive Office of the Governor.  
13 (b) The committee shall review and evaluate the  
14 requests submitted from the school districts and rank the  
15 requests in priority order in accordance with statewide  
16 critical needs. This statewide priority list shall be  
17 submitted to the commissioner.  
18 (c) The commissioner's legislative capital outlay  
19 budget request may include up to 2 percent of the new  
20 construction allocation to public schools for area  
21 vocational-technical capital outlay projects recommended by  
22 the career education construction committee.  
23 (5)(a) Upon approval of a project, the commissioner  
24 shall include up to 60 percent of the total cost of the  
25 project in the legislative capital outlay budget request as  
26 provided in s. 1013.60 for educational plants. The  
27 participating district school board shall provide 40 percent  
28 of the total cost of the project. When practical, the district  
29 school board shall solicit and encourage a private or  
30 noneducational public entity to commit to finance a portion of  
31 the funds to complete the planning, construction, and

1 equipping of the facility. If a site does not exist, the  
2 purchase price or, if donated, the assessed value of a site  
3 may be included in meeting the funding requirements of the  
4 district school board, a private or noneducational public  
5 entity, or the educational agency. The value of existing  
6 sites, intended to satisfy any portion of the funding  
7 requirement of a private or noneducational public entity,  
8 shall be determined by an independent appraiser under contract  
9 with the board. The size of the site to adequately provide for  
10 the implementation of the proposed educational programs shall  
11 be determined by the board. Funds from the Public Education  
12 Capital Outlay and Debt Service Trust Fund may not be expended  
13 on any project unless specifically authorized by the  
14 Legislature.

15 (b) In the event that a school district is not levying  
16 the maximum millage against the nonexempt assessed property  
17 value pursuant to paragraph (1)(b), state and school district  
18 funding pursuant to paragraph (a) shall be reduced by the same  
19 proportion as the millage actually being levied bears to the  
20 maximum allowable millage.

21 Section 863. Section 1013.76, Florida Statutes, is  
22 created to read:

23 1013.76 Multiyear capital improvement contracts.--Any  
24 provision of chapters 1010 and 1011 to the contrary  
25 notwithstanding, school districts are authorized to award  
26 capital improvement contracts involving expenditures to be  
27 incurred for a period of more than 1 year on the basis of  
28 voter-authorized and unissued general obligation bonding  
29 authority, provided that sufficient funds are available to,  
30 and budgeted by, the school district to pay actual  
31 disbursements during any fiscal year.

1 Section 864. Section 1013.77, Florida Statutes, is  
2 created to read:

3 1013.77 Direct-support organization; use of property;  
4 board of directors; audit.--

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

7 (a) "District school board direct-support  
8 organization" means an organization which:

9 1. Is approved by the district school board;

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

13 3. Is organized and operated exclusively to receive,  
14 hold, invest, and administer property and to make expenditures  
15 to or for the benefit of public prekindergarten through 12th  
16 grade education and adult vocational and community education  
17 programs in this state.

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

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

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

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

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

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

9        (4) ANNUAL AUDIT.--Each direct-support organization  
10 shall provide for an annual financial audit of its accounts  
11 and records, to be conducted by an independent certified  
12 public accountant in accordance with rules adopted by the  
13 Auditor General pursuant to s. 11.45(8) and the Commissioner  
14 of Education. The annual audit report shall be submitted  
15 within 9 months after the fiscal year's end to the district  
16 school board and the Auditor General. The Commissioner of  
17 Education, the Auditor General, and the Office of Program  
18 Policy Analysis and Government Accountability have the  
19 authority to require and receive from the organization or the  
20 district auditor any records relative to the operation of the  
21 organization. The identity of donors and all information  
22 identifying donors and prospective donors are confidential and  
23 exempt from the provisions of s. 119.07(1), and that anonymity  
24 shall be maintained in the auditor's report. All other records  
25 and information shall be considered public records for the  
26 purposes of chapter 119.

27        Section 865. Section 1013.78, Florida Statutes, is  
28 created to read:

29        1013.78 Approval required for certain  
30 university-related facility acquisitions.--  
31

1           (1) No university or university direct-support  
2 organization shall construct, accept, or purchase facilities  
3 for which the state will be asked for operating funds unless  
4 there has been prior approval for construction or acquisition  
5 granted by the Legislature.

6           (2) Legislative approval shall not be required for  
7 renovations, remodeling, replacement of existing facilities or  
8 construction of minor projects as defined in s. 1013.64.

9           Section 866. Section 1013.79, Florida Statutes, is  
10 created to read:

11           1013.79 University Facility Enhancement Challenge  
12 Grant Program.--

13           (1) The Legislature recognizes that the universities  
14 do not have sufficient physical facilities to meet the current  
15 demands of their instructional and research programs. It  
16 further recognizes that, to strengthen and enhance  
17 universities, it is necessary to provide facilities in  
18 addition to those currently available from existing revenue  
19 sources. It further recognizes that there are sources of  
20 private support that, if matched with state support, can  
21 assist in constructing much-needed facilities and strengthen  
22 the commitment of citizens and organizations in promoting  
23 excellence throughout the state universities. Therefore, it is  
24 the intent of the Legislature to establish a trust fund to  
25 provide the opportunity for each university to receive and  
26 match challenge grants for instructional and research-related  
27 capital facilities within the university.

28           (2) There is hereby established the Alec P. Courtelis  
29 University Facility Enhancement Challenge Grant Program for  
30 the purpose of assisting universities build high priority  
31 instructional and research-related capital facilities.

1 including common areas connecting such facilities. The  
2 associated foundations that serve the universities shall  
3 solicit gifts from private sources to provide matching funds  
4 for capital facilities. For the purposes of this act, private  
5 sources of funds shall not include any federal, state, or  
6 local government funds that a university may receive.

7 (3) There is established the Alec P. Courtelis Capital  
8 Facilities Matching Trust Fund for the purpose of providing  
9 matching funds from private contributions for the development  
10 of high priority instructional and research-related capital  
11 facilities, including common areas connecting such facilities,  
12 within a university. The Legislature shall appropriate funds  
13 to be transferred to the trust fund. The Public Education  
14 Capital Outlay and Debt Service Trust Fund, Capital  
15 Improvement Trust Fund, Division of Sponsored Research Trust  
16 Fund, and Contracts and Grants Trust Fund shall not be used as  
17 the source of the state match for private contributions. All  
18 appropriated funds deposited into the trust fund shall be  
19 invested pursuant to the provisions of s. 18.125. Interest  
20 income accruing to that portion of the trust fund shall  
21 increase the total funds available for the challenge grant  
22 program. Interest income accruing from the private donations  
23 shall be returned to the participating foundation upon  
24 completion of the project. The State Board of Education shall  
25 administer the trust fund and all related construction  
26 activities.

27 (4) No project shall be initiated unless all private  
28 funds for planning, construction, and equipping the facility  
29 have been received and deposited in the trust fund and the  
30 state's share for the minimum amount of funds needed to begin  
31 the project has been appropriated by the Legislature. The



1 Legislature may appropriate the state's matching funds in one  
2 or more fiscal years for the planning, construction, and  
3 equipping of an eligible facility. However, these requirements  
4 shall not preclude the university from expending available  
5 funds from private sources to develop a prospectus, including  
6 preliminary architectural schematics and/or models, for use in  
7 its efforts to raise private funds for a facility.

8 Additionally, any private sources of funds expended for this  
9 purpose are eligible for state matching funds should the  
10 project materialize as provided for in this section.

11 (5) To be eligible to participate in the Alec P.  
12 Courtelis Capital Facilities Matching Trust Fund, a university  
13 shall raise a contribution equal to one-half of the total cost  
14 of a facilities construction project from private  
15 nongovernmental sources which shall be matched by a state  
16 appropriation equal to the amount raised for a facilities  
17 construction project subject to the General Appropriations  
18 Act.

19 (6) If the state's share of the required match is  
20 insufficient to meet the requirements of subsection (5), the  
21 university shall renegotiate the terms of the contribution  
22 with the donors. If the project is terminated, each private  
23 donation, plus accrued interest, reverts to the foundation for  
24 remittance to the donor.

25 (7) By September 1 of each year, the State Board of  
26 Education shall transmit to the Legislature a list of projects  
27 which meet all eligibility requirements to participate in the  
28 Alec P. Courtelis Capital Facilities Matching Trust Fund and a  
29 budget request which includes the recommended schedule  
30 necessary to complete each project.

31

1           (8) In order for a project to be eligible under this  
2 program, it must be included in the university 5-year Capital  
3 Improvement Plan and must receive prior approval from the  
4 State Board of Education and the Legislature.

5           (9) No university's project shall be removed from the  
6 approved 3-year PECO priority list because of its successful  
7 participation in this program until approved by the  
8 Legislature and provided for in the General Appropriations  
9 Act. When such a project is completed and removed from the  
10 list, all other projects shall move up on the 3-year PECO  
11 priority list. A university shall not use PECO funds,  
12 including the Capital Improvement Trust Fund fee and the  
13 building fee, to complete a project under this section.

14           (10) Any project funds that are unexpended after a  
15 project is completed shall revert to the Capital Facilities  
16 Matching Trust Fund. Fifty percent of such unexpended funds  
17 shall be reserved for the university which originally received  
18 the private contribution for the purpose of providing private  
19 matching funds for future facility construction projects as  
20 provided in this section. The balance of such unexpended funds  
21 shall be available to any state university for future facility  
22 construction projects conducted pursuant to this section.

23           (11) The surveys, architectural plans, facility, and  
24 equipment shall be the property of the State of Florida. A  
25 facility constructed pursuant to this section may be named in  
26 honor of a donor at the option of the university and the State  
27 Board of Education. No facility shall be named after a living  
28 person without prior approval by the Legislature.

29           Section 867. Section 1013.81, Florida Statutes, is  
30 created to read:  
31

1           1013.81 Community college indebtedness; bonds and tax  
2 anticipation certificates; payment.--

3           (1) The indebtedness incurred for the benefit of  
4 community colleges and represented by bonds or motor vehicle  
5 tax anticipation certificates issued from time to time by the  
6 State Board of Education, hereinafter called "state board,"  
7 pursuant to s. 18, Art. XII of the State Constitution of 1885  
8 on behalf of the several former county boards of public  
9 instruction shall not be considered by the state board in  
10 determining the amount of bonds or motor vehicle tax  
11 anticipation certificates which the state board may issue from  
12 time to time on behalf of the several school districts under  
13 the provisions of s. 9(d), Art. XII of the State Constitution,  
14 as amended at the general election held on November 7, 1972,  
15 hereinafter called "school capital outlay amendment." Such  
16 indebtedness incurred on behalf of community colleges, as  
17 described above, shall be considered by the state board in  
18 determining the amount of bonds or motor vehicle tax  
19 anticipation certificates which the state board may issue from  
20 time to time on behalf of the several community college  
21 districts under the provisions of the school capital outlay  
22 amendment.

23           (2) The debt service requirements on the indebtedness  
24 incurred for the benefit of community colleges and represented  
25 by bonds or motor vehicle tax anticipation certificates issued  
26 from time to time by the state board on behalf of the several  
27 former county boards of public instruction, as described in  
28 subsection (1), shall be paid from funds distributable  
29 pursuant to the school capital outlay amendment to the credit  
30 of the several community college districts, and not from funds  
31

1 distributable pursuant to the school capital outlay amendment  
2 to the credit of the several school districts.

3 (3) Nothing herein shall ever be construed to  
4 authorize the state board to affect adversely or impair the  
5 contractual rights created and vested by reason of the prior  
6 issuance of bonds or motor vehicle tax anticipation  
7 certificates by the state board.

8 Section 868. Section 1013.82, Florida Statutes, is  
9 created to read:

10 1013.82 Contracts of institutions for supplies,  
11 utility services, and building construction exempt from  
12 operation of county or municipal ordinance or charter.--

13 (1) University boards of trustees are authorized to  
14 contract for supplies, utility services, and building  
15 construction without regulation or restriction by municipal or  
16 county charter or ordinance. Contractual arrangements shall be  
17 in the best interests of the state and shall give  
18 consideration to rates, adequacy of service, and the  
19 dependability of the contractor.

20 (2) Any municipal or county charter, ordinance, or  
21 regulation that serves to restrict or prohibit the intent of  
22 subsection (1) shall be inoperative.

23 Section 869. Section 11.061, Florida Statutes, is  
24 amended to read:

25 11.061 State, state university, and community college  
26 employee lobbyists; registration; recording attendance;  
27 penalty; exemptions.--

28 (1) Any person employed by any executive, judicial, or  
29 quasi-judicial department of the state or community college or  
30 state university of the state who seeks to encourage the  
31 passage, defeat, or modification of any legislation by

1 personal appearance or attendance before the House of  
2 Representatives or the Senate, or any committee thereof,  
3 shall, prior thereto, register as a lobbyist with the joint  
4 legislative office on a form to be provided by the joint  
5 legislative office in the same manner as any other lobbyist is  
6 required to register, whether by rule of either house or  
7 otherwise. This shall not preclude any person from contacting  
8 her or his legislator regarding any matter during hours other  
9 than the established business hours of the person's respective  
10 agency, state university, or community college.

11 (2)(a) Each state, state university, or community  
12 college employee ~~or employee of a community college~~ registered  
13 pursuant to the provisions of this section shall:

14 1. Record with the chair of the committee any  
15 attendance before any committee during established business  
16 hours of the agency, state university, or community college  
17 employing the person.

18 2. Record with the joint legislative office any  
19 attendance in the legislative chambers, committee rooms,  
20 legislative offices, legislative hallways, and other areas in  
21 the immediate vicinity during the established business hours  
22 of the agency, state university, or community college  
23 employing the person.

24 (b) Any person who appears before a committee or  
25 subcommittee of the House of Representatives or the Senate at  
26 the request of the committee or subcommittee chair as a  
27 witness or for informational purposes shall be exempt from the  
28 provisions of this subsection.

29 (3) Any state, state university, or community college  
30 employee ~~or employee of a community college~~ who violates any  
31 provision of this section by not registering with the joint

1 legislative office as a lobbyist or by failing to record hours  
2 spent as a lobbyist in areas and activities as set forth in  
3 this section during the established business hours of the  
4 agency, state university, or community college employing the  
5 person shall have deducted from her or his salary an amount  
6 equivalent to her or his hourly wage times the number of hours  
7 that she or he was in violation of this section.

8 (4) Any person employed by any executive, judicial, or  
9 quasi-judicial department of the state or by any community  
10 college or state university ~~of the state~~ whose position is  
11 designated in that department's budget as being used during  
12 all, or a portion of, the fiscal year for lobbying shall  
13 comply with the provisions of subsection (1), but shall be  
14 exempt from the provisions of subsections (2) and (3).

15 Section 870. Paragraph (c) of subsection (5) of  
16 section 11.40, Florida Statutes, is amended to read:

17 11.40 Legislative Auditing Committee.--

18 (5) Following notification by the Auditor General, the  
19 Department of Banking and Finance, or the Division of Bond  
20 Finance of the State Board of Administration of the failure of  
21 a local governmental entity, district school board, charter  
22 school, or charter technical career center to comply with the  
23 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or  
24 s. 218.38, the Legislative Auditing Committee may schedule a  
25 hearing. If a hearing is scheduled, the committee shall  
26 determine if the entity should be subject to further state  
27 action. If the committee determines that the entity should be  
28 subject to further state action, the committee shall:

29 (c) In the case of a charter school or charter  
30 technical career center, notify the appropriate sponsoring  
31

1 entity, which may terminate the charter pursuant to ss.  
2 1002.33 ~~228.056~~ and 1002.34 ~~228.505~~.

3 Section 871. Paragraph (a) of subsection (3) and  
4 subsection (8) of section 11.45, Florida Statutes, are amended  
5 to read:

6 11.45 Definitions; duties; authorities; reports;  
7 rules.--

8 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

9 (a) The Auditor General may, pursuant to his or her  
10 own authority, or at the direction of the Legislative Auditing  
11 Committee, conduct audits or other engagements as determined  
12 appropriate by the Auditor General of:

13 1. The accounts and records of any governmental entity  
14 created or established by law.

15 2. The information technology programs, activities,  
16 functions, or systems of any governmental entity created or  
17 established by law.

18 3. The accounts and records of any charter school  
19 created or established by law.

20 4. The accounts and records of any direct-support  
21 organization or citizen support organization created or  
22 established by law. The Auditor General is authorized to  
23 require and receive any records from the direct-support  
24 organization or citizen support organization, or from its  
25 independent auditor.

26 5. The public records associated with any  
27 appropriation made by the General Appropriations Act to a  
28 nongovernmental agency, corporation, or person. All records of  
29 a nongovernmental agency, corporation, or person with respect  
30 to the receipt and expenditure of such an appropriation shall  
31

1 be public records and shall be treated in the same manner as  
2 other public records are under general law.

3 6. State financial assistance provided to any nonstate  
4 entity.

5 7. The Tobacco Settlement Financing Corporation  
6 created pursuant to s. 215.56005.

7 8. The Florida On-Line High School created pursuant to  
8 s. 1002.37 ~~228.082~~.

9 9. Any purchases of federal surplus lands for use as  
10 sites for correctional facilities as described in s. 253.037.

11 10. Enterprise Florida, Inc., including any of its  
12 boards, advisory committees, or similar groups created by  
13 Enterprise Florida, Inc., and programs. The audit report may  
14 not reveal the identity of any person who has anonymously made  
15 a donation to Enterprise Florida, Inc., pursuant to this  
16 subparagraph. The identity of a donor or prospective donor to  
17 Enterprise Florida, Inc., who desires to remain anonymous and  
18 all information identifying such donor or prospective donor  
19 are confidential and exempt from the provisions of s.  
20 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
21 anonymity shall be maintained in the auditor's report.

22 11. The Florida Development Finance Corporation or the  
23 capital development board or the programs or entities created  
24 by the board. The audit or report may not reveal the identity  
25 of any person who has anonymously made a donation to the board  
26 pursuant to this subparagraph. The identity of a donor or  
27 prospective donor to the board who desires to remain anonymous  
28 and all information identifying such donor or prospective  
29 donor are confidential and exempt from the provisions of s.  
30 119.07(1) and s. 24(a), Art. I of the State Constitution. Such  
31 anonymity shall be maintained in the auditor's report.



1           12. The records pertaining to the use of funds from  
2 voluntary contributions on a motor vehicle registration  
3 application or on a driver's license application authorized  
4 pursuant to ss. 320.023 and 322.081.

5           13. The records pertaining to the use of funds from  
6 the sale of specialty license plates described in chapter 320.

7           14. The transportation corporations under contract  
8 with the Department of Transportation that are acting on  
9 behalf of the state to secure and obtain rights-of-way for  
10 urgently needed transportation systems and to assist in the  
11 planning and design of such systems pursuant to ss.  
12 339.401-339.421.

13           15. The acquisitions and divestitures related to the  
14 Florida Communities Trust Program created pursuant to chapter  
15 380.

16           16. The Florida Water Pollution Control Financing  
17 Corporation created pursuant to s. 403.1837.

18           17. The Florida Partnership for School Readiness  
19 created pursuant to s. 411.01.

20           18. The Occupational Access and Opportunity Commission  
21 created pursuant to s. 413.83.

22           19. The Florida Special Disability Trust Fund  
23 Financing Corporation created pursuant to s. 440.49.

24           20. Workforce Florida, Inc., or the programs or  
25 entities created by Workforce Florida, Inc., created pursuant  
26 to s. 445.004.

27           21. The corporation defined in s. 455.32 that is under  
28 contract with the Department of Business and Professional  
29 Regulation to provide administrative, investigative,  
30 examination, licensing, and prosecutorial support services in  
31

1 accordance with the provisions of s. 455.32 and the practice  
2 act of the relevant profession.

3           22. The Florida Engineers Management Corporation  
4 created pursuant to chapter 471.

5           23. The Investment Fraud Restoration Financing  
6 Corporation created pursuant to chapter 517.

7           24. The books and records of any permitholder that  
8 conducts race meetings or jai alai exhibitions under chapter  
9 550.

10           25. The corporation defined in part II of chapter 946,  
11 known as the Prison Rehabilitative Industries and Diversified  
12 Enterprises, Inc., or PRIDE Enterprises.

13           (8) RULES OF THE AUDITOR GENERAL.--The Auditor  
14 General, in consultation with the Board of Accountancy, shall  
15 adopt rules for the form and conduct of all financial audits  
16 performed by independent certified public accountants pursuant  
17 to ss. 215.981, 218.39, 1004.28, 1004.70, and 1013.77~~237.40,~~  
18 ~~240.299, and 240.331~~. The rules for audits of local  
19 governmental entities and district school boards must include,  
20 but are not limited to, requirements for the reporting of  
21 information necessary to carry out the purposes of the Local  
22 Government Financial Emergencies Act as stated in s. 218.501.

23           Section 872. Subsections (1) and (4), paragraph (c) of  
24 subsection (5), and subsection (7) of section 20.15, Florida  
25 Statutes, are amended to read:

26           20.15 Department of Education.--There is created a  
27 Department of Education.

28           (1) STATE BOARD OF EDUCATION.--In accordance with s.  
29 2, Art. IX of the State Constitution, the State Board of  
30 Education is the chief policymaking body of public education  
31 in the state as specified in s. 1001.02 ~~chapter 229~~. The

1 Governor is chair of the board, and the Commissioner of  
2 Education is the secretary and executive officer and in the  
3 absence of the Governor shall serve as chair.

4 (4) DIRECTORS.--The Board of Regents is the director  
5 of the Division of Universities, and the State Board of  
6 Community Colleges is the director of the Division of  
7 Community Colleges, pursuant to chapter 240. The directors of  
8 all other divisions shall be appointed by the commissioner  
9 subject to approval by the state board.

10 (5) POWERS AND DUTIES.--The State Board of Education  
11 and the Commissioner of 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 1001.10, 1007.24, 1007.25, and 1007.271 ~~229.512 and 229.551~~,  
18 the duties concerning physical facilities in chapter 1013 ~~235~~,  
19 and the duties assigned to the Division of Workforce  
20 Development in chapter 239.

21 (7) BOARDS.--Notwithstanding anything contained in law  
22 to the contrary, all members of the Board of Regents, the  
23 State Board of Community Colleges, and the community college  
24 district boards of trustees must be appointed according to  
25 chapter 240.

26 Section 873. Paragraphs (a) and (b) of subsection (1),  
27 paragraph (d) of subsection (3), and paragraph (a) of  
28 subsection (5) of section 23.1225, Florida Statutes, are  
29 amended to read:

30 23.1225 Mutual aid agreements.--

31

1           (1) The term "mutual aid agreement," as used in this  
2 part, refers to one of the following types of agreement:

3           (a) A voluntary cooperation written agreement between  
4 two or more law enforcement agencies, or between one or more  
5 law enforcement agencies and either a school board that  
6 employs school safety officers or a state university that  
7 employs or appoints university police officers in accordance  
8 with s. 1012.97 ~~240.268~~, which agreement permits voluntary  
9 cooperation and assistance of a routine law enforcement nature  
10 across jurisdictional lines. The agreement must specify the  
11 nature of the law enforcement assistance to be rendered, the  
12 agency or entity that shall bear any liability arising from  
13 acts undertaken under the agreement, the procedures for  
14 requesting and for authorizing assistance, the agency or  
15 entity that has command and supervisory responsibility, a time  
16 limit for the agreement, the amount of any compensation or  
17 reimbursement to the assisting agency or entity, and any other  
18 terms and conditions necessary to give it effect. Examples of  
19 law enforcement activities that may be addressed in a  
20 voluntary cooperation written agreement include, but are not  
21 limited to, establishing a joint city-county task force on  
22 narcotics smuggling, authorizing school safety officers to  
23 enforce laws in an area within 1,000 feet of a school or  
24 school board property, or establishing a joint city-county  
25 traffic enforcement task force.

26           (b) A requested operational assistance written  
27 agreement between two or more law enforcement agencies, or  
28 between one or more law enforcement agencies and either a  
29 school board that employs school safety officers or a state  
30 university that employs or appoints university police officers  
31 in accordance with s. 1012.97 ~~240.268~~, which agreement is for

1 the rendering of assistance in a law enforcement emergency.  
2 The agreement must specify the nature of the law enforcement  
3 assistance to be rendered, the agency or entity that shall  
4 bear any liability arising from acts undertaken under the  
5 agreement, the procedures for requesting and for authorizing  
6 assistance, the agency or entity that has command and  
7 supervisory responsibility, a time limit for the agreement,  
8 the amount of any compensation or reimbursement to the  
9 assisting agency or entity, and any other terms and conditions  
10 necessary to give it effect. An example of the use of a  
11 requested operational assistance written agreement is to meet  
12 a request for assistance due to a civil disturbance or other  
13 emergency as defined in s. 252.34.

14 (3) A mutual aid agreement may be entered into by:

15 (d) A state university that employs or appoints  
16 university police officers in accordance with s. 1012.97  
17 ~~240.268~~.

18 (5) In the event of a disaster or emergency such that  
19 a state of emergency is declared by the Governor pursuant to  
20 chapter 252, the requirement that a requested operational  
21 assistance agreement be a written agreement for rendering of  
22 assistance in a law enforcement emergency may be waived by the  
23 participating agencies for a period of up to 90 days from the  
24 declaration of the disaster.

25 (a) When a law enforcement agency, a school board  
26 employing school safety officers, or a state university  
27 employing or appointing university police officers in  
28 accordance with s. 1012.97 ~~240.268~~ lends assistance pursuant  
29 to this subsection, all powers, privileges, and immunities  
30 listed in s. 23.127, except with regard to interstate mutual  
31 aid agreements, apply to the agency or entity, provided that

1 the law enforcement, school board, or university employees  
2 rendering services are being requested and coordinated by the  
3 affected local law enforcement executive in charge of law  
4 enforcement operations.

5 Section 874. Subsection (2) and paragraphs (c) and (d)  
6 of subsection (5) of section 24.121, Florida Statutes, are  
7 amended to read:

8 24.121 Allocation of revenues and expenditure of funds  
9 for public education.--

10 (2) Each fiscal year, at least 38 percent of the gross  
11 revenue from the sale of lottery tickets and other earned  
12 revenue, excluding application processing fees, shall be  
13 deposited in the Educational Enhancement Trust Fund, which is  
14 hereby created in the State Treasury to be administered by the  
15 Department of Education. The Department of the Lottery shall  
16 transfer moneys to the Educational Enhancement Trust Fund at  
17 least once each quarter. Funds in the Educational Enhancement  
18 Trust Fund shall be used to the benefit of public education in  
19 accordance with the provisions of this act. Notwithstanding  
20 any other provision of law, a maximum of \$180 million of  
21 lottery revenues transferred to the Educational Enhancement  
22 Trust Fund in fiscal year 1997-1998 and for 30 years  
23 thereafter shall be reserved as needed and used to meet the  
24 requirements of the documents authorizing the bonds issued by  
25 the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70  
26 ~~235.2195~~ or distributed to school districts for the Classrooms  
27 First Program as provided in s. 1013.68 ~~235.187~~. Such lottery  
28 revenues are hereby pledged to the payment of debt service on  
29 bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s.  
30 1013.70 ~~235.2195~~. Debt service payable on bonds issued by the  
31 state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~

1 shall be payable from the first lottery revenues transferred  
2 to the Educational Enhancement Trust Fund in each fiscal year.  
3 Amounts distributable to school districts that request the  
4 issuance of bonds pursuant to s. 1013.68(3)~~235.187(3)~~are  
5 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of  
6 the State Constitution. The amounts distributed through the  
7 Classrooms First Program shall equal \$145 million in each  
8 fiscal year. These funds are intended to provide up to \$2.5  
9 billion for public school facilities.

10 (5)

11 (c) A portion of such net revenues, as determined  
12 annually by the Legislature, shall be distributed to each  
13 school district and shall be made available to each public  
14 school in the district for enhancing school performance  
15 through development and implementation of a school improvement  
16 plan pursuant to s. 1003.02(3)~~230.23(16)~~. A portion of these  
17 moneys, as determined annually in the General Appropriations  
18 Act, must be allocated to each school in an equal amount for  
19 each student enrolled. These moneys may be expended only on  
20 programs or projects selected by the school advisory council  
21 or by a parent advisory committee created pursuant to this  
22 paragraph. If a school does not have a school advisory  
23 council, the district advisory council must appoint a parent  
24 advisory committee composed of parents of students enrolled in  
25 that school, which committee is representative of the ethnic,  
26 racial, and economic community served by the school, to advise  
27 the school's principal on the programs or projects to be  
28 funded. A principal may not override the recommendations of  
29 the school advisory council or the parent advisory committee.  
30 These moneys may not be used for capital improvements, nor may  
31 they be used for any project or program that has a duration of

1 more than 1 year; however, a school advisory council or parent  
2 advisory committee may independently determine that a program  
3 or project formerly funded under this paragraph should receive  
4 funds in a subsequent year.

5 (d) No funds shall be released for any purpose from  
6 the Educational Enhancement Trust Fund to any school district  
7 in which one or more schools do not have an approved school  
8 improvement plan pursuant to s. 1003.02(3)~~230.23(16)~~ or do  
9 not comply with school advisory council membership composition  
10 requirements pursuant to s. 229.58(1). Effective July 1, 2002,  
11 the Commissioner of Education shall withhold disbursements  
12 from the trust fund to any school district that fails to adopt  
13 the performance-based salary schedule required by s.  
14 1012.22(1)~~230.23(5)~~.

15 Section 875. Paragraph (a) of subsection (5) of  
16 section 39.0015, Florida Statutes, is amended to read:

17 39.0015 Child abuse prevention training in the  
18 district school system.--

19 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION  
20 PROCESS; MONITORING AND EVALUATION.--

21 (a) Each training center shall perform the following  
22 functions:

23 1. Act as a clearinghouse to provide information on  
24 prevention curricula which meet the requirements of this  
25 section and the requirements of s. ss-39.001 ~~and 231.17~~.

26 2. Assist the local school district in selecting a  
27 prevention program model which meets the needs of the local  
28 community.

29 3. At the request of the local school district, design  
30 and administer training sessions to develop or expand local  
31 primary prevention and training programs.



1           4. Provide assistance to local school districts,  
2 including, but not limited to, all of the following:  
3 administration, management, program development, multicultural  
4 staffing, and community education, in order to better meet the  
5 requirements of this section and of ~~s. ss-39.001 and 231.17.~~

6           5. At the request of the department or the local  
7 school district, provide ongoing program development and  
8 training to achieve all of the following:

9           a. Meet the special needs of children, including, but  
10 not limited to, the needs of disabled and high-risk children.

11           b. Conduct an outreach program to inform the  
12 surrounding communities of the existence of primary prevention  
13 and training programs and of funds to conduct such programs.

14           6. Serve as a resource to the Department of Children  
15 and Family Services and its districts.

16           Section 876. Paragraph (c) of subsection (3) of  
17 section 39.407, Florida Statutes, is amended to read:

18           39.407 Medical, psychiatric, and psychological  
19 examination and treatment of child; physical or mental  
20 examination of parent or person requesting custody of child.--

21           (3)

22           (c) The judge may also order such child to be  
23 evaluated by a district school board educational needs  
24 assessment team. The educational needs assessment provided by  
25 the district school board educational needs assessment team  
26 shall include, but not be limited to, reports of intelligence  
27 and achievement tests, screening for learning disabilities and  
28 other handicaps, and screening for the need for alternative  
29 education as defined in s. 1001.42 ~~230.23~~.

30           Section 877. Subsection (1) of section 61.13015,  
31 Florida Statutes, is amended to read:

1           61.13015 Petition for suspension or denial of  
2 professional licenses and certificates.--

3           (1) An obligee may petition the court which entered  
4 the support order or the court which is enforcing the support  
5 order for an order to suspend or deny the license or  
6 certificate issued pursuant to chapters ~~231~~,409, 455, 456,  
7 and 559, and 1012 of any obligor with a delinquent support  
8 obligation. However, no petition may be filed until the  
9 obligee has exhausted all other available remedies. The  
10 purpose of this section is to promote the public policy of s.  
11 409.2551.

12           Section 878. Subsection (2) of section 105.061,  
13 Florida Statutes, is amended to read:

14           105.061 Electors qualified to vote.--

15           (2) The election of members of a school board shall be  
16 by vote of the qualified electors as prescribed in chapter  
17 1001 ~~230~~

18           Section 879. Paragraph (a) of subsection (1) of  
19 section 110.1228, Florida Statutes, is amended to read:

20           110.1228 Participation by small counties, small  
21 municipalities, and district school boards located in small  
22 counties.--

23           (1) As used in this section, the term:

24           (a) "District school board" means a district school  
25 board located in a small county or a district school board  
26 that receives funding pursuant to s. 1011.62(6) ~~236-081(6)~~.

27           Section 880. Paragraphs (b), (c), (f), (g), and (h) of  
28 subsection (2) of section 110.123, Florida Statutes, are  
29 amended to read:

30           110.123 State group insurance program.--

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

1 (b) "Enrollee" means all state officers and employees,  
2 retired state officers and employees, surviving spouses of  
3 deceased state officers and employees, and terminated  
4 employees or individuals with continuation coverage who are  
5 enrolled in an insurance plan offered by the state group  
6 insurance program."Enrolee" includes all state university  
7 officers and employees, retired state university officers and  
8 employees, surviving spouses of deceased state university  
9 officers or employees, and terminated university employees or  
10 individuals with continuation coverage who are enrolled in an  
11 insurance plan offered by the state group insurance program.

12 (c) "Full-time state employees" includes all full-time  
13 employees of all branches or agencies of state government  
14 holding salaried positions and paid by state warrant or from  
15 agency funds, and employees paid from regular salary  
16 appropriations for 8 months' employment, including university  
17 personnel on academic contracts, but in no case shall "state  
18 employee" or "salaried position" include persons paid from  
19 other-personal-services (OPS) funds."Full-time employees"  
20 includes all full-time employees of the state universities.

21 (f) "Part-time state employee" means any employee of  
22 any branch or agency of state government paid by state warrant  
23 from salary appropriations or from agency funds, and who is  
24 employed for less than the normal full-time workweek  
25 established by the department or, if on academic contract or  
26 seasonal or other type of employment which is less than  
27 year-round, is employed for less than 8 months during any  
28 12-month period, but in no case shall "part-time" employee  
29 include a person paid from other-personal-services (OPS)  
30 funds."Part-time state employee" includes any part-time  
31 employee of the state universities.

1 (g) "Retired state officer or employee" or "retiree"  
2 means any state or state university officer or ~~state~~ employee  
3 who retires under a state retirement system or a state  
4 optional annuity or retirement program or is placed on  
5 disability retirement, and who was insured under the state  
6 group insurance program at the time of retirement, and who  
7 begins receiving retirement benefits immediately after  
8 retirement from state or state university office or  
9 employment.

10 (h) "State agency" or "agency" means any branch,  
11 department, or agency of state government. "State agency" or  
12 "agency" includes any state university for purposes of this  
13 section only.

14 Section 881. Subsection (1) of section 110.151,  
15 Florida Statutes, is amended to read:

16 110.151 State officers' and employees' child care  
17 services.--

18 (1) The Department of Management Services shall  
19 approve, administer, and coordinate child care services for  
20 state officers' and employees' children or dependents. Duties  
21 shall include, but not be limited to, reviewing and approving  
22 requests from state agencies for child care services;  
23 providing technical assistance on child care program startup  
24 and operation; and assisting other agencies in conducting  
25 needs assessments, designing centers, and selecting service  
26 providers. Primary emphasis for child care services shall be  
27 given to children who are not subject to compulsory school  
28 attendance pursuant to part II of chapter 1003 ~~chapter 232~~,  
29 and, to the extent possible, emphasis shall be placed on child  
30 care for children aged 2 and under.

31

1           Section 882. Subsection (5) of section 110.181,  
2 Florida Statutes, is amended to read:

3           110.181 Florida State Employees' Charitable  
4 Campaign.--

5           (5) PARTICIPATION OF STATE UNIVERSITIES.--Each  
6 university may elect to participate in the Florida State  
7 Employees' Charitable Campaign, upon timely notice to the  
8 department. Each university may also conduct annual  
9 charitable fundraising drives for employees under the  
10 authority granted in s. 1001.74(19)~~240.209(3)(f)~~.

11           Section 883. Paragraph (d) of subsection (2) of  
12 section 110.205, Florida Statutes, is amended to read:

13           110.205 Career service; exemptions.--

14           (2) EXEMPT POSITIONS.--The exempt positions that are  
15 not covered by this part include the following:

16           (d) All officers and employees of the State University  
17 System and the Correctional Education Program within the  
18 Department of Corrections, and the academic personnel and  
19 academic administrative personnel of the Florida School for  
20 the Deaf and the Blind. In accordance with the provisions of  
21 s. 1002.36 ~~chapter 242~~, the salaries for academic personnel  
22 and academic administrative personnel of the Florida School  
23 for the Deaf and the Blind shall be set by the board of  
24 trustees for the school, subject only to the approval of the  
25 State Board of Education. The salaries for all instructional  
26 personnel and all administrative and noninstructional  
27 personnel of the Correctional Education Program shall be set  
28 by the Department of Corrections, subject to the approval of  
29 the Department of Management Services.

30           Section 884. Paragraphs (b) and (c) of subsection (1)  
31 of section 112.1915, Florida Statutes, are amended to read:

1           112.1915 Teachers and school administrators; death  
2 benefits.--Any other provision of law to the contrary  
3 notwithstanding:

4           (1) As used in this section, the term:

5           (b) "Teacher" means any instructional staff personnel  
6 as described in s. 1012.01(2)~~228.041(9)~~.

7           (c) "School administrator" means any school  
8 administrator as described in s. 1012.01(3) ~~228.041(10)(c)~~.

9           Section 885. Paragraph (h) of subsection (12) of  
10 section 112.313, Florida Statutes, is amended to read:

11           112.313 Standards of conduct for public officers,  
12 employees of agencies, and local government attorneys.--

13           (12) EXEMPTION.--The requirements of subsections (3)  
14 and (7) as they pertain to persons serving on advisory boards  
15 may be waived in a particular instance by the body which  
16 appointed the person to the advisory board, upon a full  
17 disclosure of the transaction or relationship to the  
18 appointing body prior to the waiver and an affirmative vote in  
19 favor of waiver by two-thirds vote of that body. In instances  
20 in which appointment to the advisory board is made by an  
21 individual, waiver may be effected, after public hearing, by a  
22 determination by the appointing person and full disclosure of  
23 the transaction or relationship by the appointee to the  
24 appointing person. In addition, no person shall be held in  
25 violation of subsection (3) or subsection (7) if:

26           (h) The transaction is made pursuant to s. 1004.22  
27 ~~240.229~~ or s. 1004.23 ~~240.241~~ and is specifically approved by  
28 the president and the Chancellor. The Chancellor shall submit  
29 to the Governor and the Legislature by March 1 of each year a  
30 report of the transactions approved pursuant to this paragraph  
31 during the preceding year.

1 Section 886. Paragraphs (a), (c), (e), (g), (i), and  
2 (j) of subsection (1) of section 120.81, Florida Statutes, are  
3 amended to read:

4 120.81 Exceptions and special requirements; general  
5 areas.--

6 (1) EDUCATIONAL UNITS.--

7 (a) Notwithstanding s. 120.536(1) and the flush left  
8 provisions of s. 120.52(8), district school boards may adopt  
9 rules to implement their general powers under s. 1001.41  
10 ~~230.22~~.

11 (c) Notwithstanding s. 120.52(15), any tests, test  
12 scoring criteria, or testing procedures relating to student  
13 assessment which are developed or administered by the  
14 Department of Education pursuant to s. 1003.43 ~~229.57~~, s.  
15 1008.22 ~~232.245~~, s. 1008.25 ~~232.246~~, or s. 232.247, or any  
16 other statewide educational tests required by law, are not  
17 rules.

18 (e) Educational units, other than the state  
19 universities ~~units of the State University System~~ and the  
20 Florida School for the Deaf and the Blind, shall not be  
21 required to make filings with the committee of the documents  
22 required to be filed by s. 120.54 or s. 120.55(1)(a)4.

23 (g) Sections 120.569 and 120.57 do not apply to any  
24 proceeding in which the substantial interests of a student are  
25 determined by a state university ~~the State University System~~  
26 or a community college district. Each university board of  
27 trustees ~~The Board of Regents~~ shall establish a committee, at  
28 least half of whom shall be appointed by the student  
29 government association ~~Council of Student Body Presidents~~,  
30 which shall establish rules and guidelines ensuring fairness  
31

1 and due process in judicial proceedings involving students in  
2 the state university ~~State University System~~.

3 (i) For purposes of s. 120.68, a district school board  
4 whose decision is reviewed under the provisions of s. 1012.33  
5 ~~231.36~~ and whose final action is modified by a superior  
6 administrative decision shall be a party entitled to judicial  
7 review of the final action.

8 (j) Notwithstanding s. 120.525(2), the agenda for a  
9 special meeting of a district school board under authority of  
10 s. 1001.372(1)~~230.16~~ shall be prepared upon the calling of  
11 the meeting, but not less than 48 hours prior to the meeting.

12 Section 887. Paragraph (c) of subsection (2) of  
13 section 121.051, Florida Statutes, is amended to read:

14 121.051 Participation in the system.--

15 (2) OPTIONAL PARTICIPATION.--

16 (c) Employees of members of the Florida Community  
17 College System or charter technical career centers sponsored  
18 by members of the Florida Community College System, as  
19 designated in s. 1004.02(2)~~240.3031~~, who are members of the  
20 Regular Class of the Florida Retirement System and who comply  
21 with the criteria set forth in this paragraph and in s.  
22 1012.875 ~~240.3195~~ may elect, in lieu of participating in the  
23 Florida Retirement System, to withdraw from the Florida  
24 Retirement System altogether and participate in a lifetime  
25 monthly annuity program, to be known as the State Community  
26 College System Optional Retirement Program, which may be  
27 provided by the employing agency under s. 1012.875 ~~240.3195~~.  
28 Pursuant thereto:

29 1. Through June 30, 2001, the cost to the employer for  
30 such annuity shall equal the normal cost portion of the  
31 employer retirement contribution which would be required if



1 the employee were a member of the Regular Class defined  
2 benefit program, plus the portion of the contribution rate  
3 required by s. 112.363(8) that would otherwise be assigned to  
4 the Retiree Health Insurance Subsidy Trust Fund. Effective  
5 July 1, 2001, each employer shall contribute on behalf of each  
6 participant in the optional program an amount equal to 10.43  
7 percent of the participant's gross monthly compensation. The  
8 employer shall deduct an amount to provide for the  
9 administration of the optional retirement program. The  
10 employer providing such annuity shall contribute an additional  
11 amount to the Florida Retirement System Trust Fund equal to  
12 the unfunded actuarial accrued liability portion of the  
13 Regular Class contribution rate.

14 2. The decision to participate in such an optional  
15 retirement program shall be irrevocable for as long as the  
16 employee holds a position eligible for participation. Any  
17 service creditable under the Florida Retirement System shall  
18 be retained after the member withdraws from the Florida  
19 Retirement System; however, additional service credit in the  
20 Florida Retirement System shall not be earned while a member  
21 of the optional retirement program.

22 3. Participation in an optional annuity program shall  
23 be limited to those employees who satisfy the following  
24 eligibility criteria:

25 a. The employee must be otherwise eligible for  
26 membership in the Regular Class of the Florida Retirement  
27 System, as provided in s. 121.021(11) and (12).

28 b. The employee must be employed in a full-time  
29 position classified in the Accounting Manual for Florida's  
30 Public Community Colleges as:

31 (I) Instructional; or

1 (II) Executive Management, Instructional Management,  
2 or Institutional Management, if a community college determines  
3 that recruiting to fill a vacancy in the position is to be  
4 conducted in the national or regional market, and:

5 (A) The duties and responsibilities of the position  
6 include either the formulation, interpretation, or  
7 implementation of policies; or

8 (B) The duties and responsibilities of the position  
9 include the performance of functions that are unique or  
10 specialized within higher education and that frequently  
11 involve the support of the mission of the community college.

12 c. The employee must be employed in a position not  
13 included in the Senior Management Service Class of the Florida  
14 Retirement System, as described in s. 121.055.

15 4. Participants in the program are subject to the same  
16 reemployment limitations, renewed membership provisions, and  
17 forfeiture provisions as are applicable to regular members of  
18 the Florida Retirement System under ss. 121.091(9), 121.122,  
19 and 121.091(5), respectively.

20 5. Eligible community college employees shall be  
21 compulsory members of the Florida Retirement System until,  
22 pursuant to the procedures set forth in s. 1012.875 ~~240.3195~~,  
23 the first day of the next full calendar month following the  
24 filing of both a written election to withdraw and a completed  
25 application for an individual contract or certificate with the  
26 program administrator and receipt of such election by the  
27 division.

28 Section 888. Paragraph (a) of subsection (13) of  
29 section 121.091, Florida Statutes, is amended to read:

30 121.091 Benefits payable under the system.--Benefits  
31 may not be paid under this section unless the member has

1 terminated employment as provided in s. 121.021(39)(a) or  
2 begun participation in the Deferred Retirement Option Program  
3 as provided in subsection (13), and a proper application has  
4 been filed in the manner prescribed by the department. The  
5 department may cancel an application for retirement benefits  
6 when the member or beneficiary fails to timely provide the  
7 information and documents required by this chapter and the  
8 department's rules. The department shall adopt rules  
9 establishing procedures for application for retirement  
10 benefits and for the cancellation of such application when the  
11 required information or documents are not received.

12 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,  
13 and subject to the provisions of this section, the Deferred  
14 Retirement Option Program, hereinafter referred to as the  
15 DROP, is a program under which an eligible member of the  
16 Florida Retirement System may elect to participate, deferring  
17 receipt of retirement benefits while continuing employment  
18 with his or her Florida Retirement System employer. The  
19 deferred monthly benefits shall accrue in the System Trust  
20 Fund on behalf of the participant, plus interest compounded  
21 monthly, for the specified period of the DROP participation,  
22 as provided in paragraph (c). Upon termination of employment,  
23 the participant shall receive the total DROP benefits and  
24 begin to receive the previously determined normal retirement  
25 benefits. Participation in the DROP does not guarantee  
26 employment for the specified period of DROP.

27 (a) Eligibility of member to participate in the  
28 DROP.--All active Florida Retirement System members in a  
29 regularly established position, and all active members of  
30 either the Teachers' Retirement System established in chapter  
31 238 or the State and County Officers' and Employees'

1 Retirement System established in chapter 122 which systems are  
2 consolidated within the Florida Retirement System under s.  
3 121.011, are eligible to elect participation in the DROP  
4 provided that:

5         1. The member is not a renewed member of the Florida  
6 Retirement System under s. 121.122, or a member of the State  
7 Community College System Optional Retirement Program under s.  
8 121.051, the Senior Management Service Optional Annuity  
9 Program under s. 121.055, or the optional retirement program  
10 for the State University System under s. 121.35.

11         2. Except as provided in subparagraph 6., election to  
12 participate is made within 12 months immediately following the  
13 date on which the member first reaches normal retirement date,  
14 or, for a member who reaches normal retirement date based on  
15 service before he or she reaches age 62, or age 55 for Special  
16 Risk Class members, election to participate may be deferred to  
17 the 12 months immediately following the date the member  
18 attains 57, or age 52 for Special Risk Class members. For a  
19 member who first reached normal retirement date or the  
20 deferred eligibility date described above prior to the  
21 effective date of this section, election to participate shall  
22 be made within 12 months after the effective date of this  
23 section. A member who fails to make an election within such  
24 12-month limitation period shall forfeit all rights to  
25 participate in the DROP. The member shall advise his or her  
26 employer and the division in writing of the date on which the  
27 DROP shall begin. Such beginning date may be subsequent to the  
28 12-month election period, but must be within the 60-month  
29 limitation period as provided in subparagraph (b)1. When  
30 establishing eligibility of the member to participate in the  
31 DROP for the 60-month maximum participation period, the member

1 may elect to include or exclude any optional service credit  
2 purchased by the member from the total service used to  
3 establish the normal retirement date. A member with dual  
4 normal retirement dates shall be eligible to elect to  
5 participate in DROP within 12 months after attaining normal  
6 retirement date in either class.

7           3. The employer of a member electing to participate in  
8 the DROP, or employers if dually employed, shall acknowledge  
9 in writing to the division the date the member's participation  
10 in the DROP begins and the date the member's employment and  
11 DROP participation will terminate.

12           4. Simultaneous employment of a participant by  
13 additional Florida Retirement System employers subsequent to  
14 the commencement of participation in the DROP shall be  
15 permissible provided such employers acknowledge in writing a  
16 DROP termination date no later than the participant's existing  
17 termination date or the 60-month limitation period as provided  
18 in subparagraph (b)1.

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

21           a. A change of employment must take place without a  
22 break in service so that the member receives salary for each  
23 month of continuous DROP participation. If a member receives  
24 no salary during a month, DROP participation shall cease  
25 unless the employer verifies a continuation of the employment  
26 relationship for such participant pursuant to s.  
27 121.021(39)(b).

28           b. Such participant and new employer shall notify the  
29 division on forms required by the division as to the identity  
30 of the new employer.  
31

1 c. The new employer shall acknowledge, in writing, the  
2 participant's DROP termination date, which may be extended but  
3 not beyond the original 60-month period provided in  
4 subparagraph (b)1., shall acknowledge liability for any  
5 additional retirement contributions and interest required if  
6 the participant fails to timely terminate employment, and  
7 shall be subject to the adjustment required in  
8 sub-subparagraph (c)5.d.

9 6. Effective July 1, 2001, for instructional personnel  
10 as defined in s. 1012.01(2)~~228.041(9)(a)-(d)~~, election to  
11 participate in the DROP shall be made at any time following  
12 the date on which the member first reaches normal retirement  
13 date. The member shall advise his or her employer and the  
14 division in writing of the date on which the Deferred  
15 Retirement Option Program shall begin. When establishing  
16 eligibility of the member to participate in the DROP for the  
17 60-month maximum participation period, as provided in  
18 subparagraph (b)1., the member may elect to include or exclude  
19 any optional service credit purchased by the member from the  
20 total service used to establish the normal retirement date. A  
21 member with dual normal retirement dates shall be eligible to  
22 elect to participate in either class.

23 Section 889. Subsection (2) of section 145.131,  
24 Florida Statutes, is amended to read:

25 145.131 Repeal of other laws relating to compensation;  
26 exceptions.--

27 (2) The compensation of any official whose salary is  
28 fixed by this chapter shall be the subject of general law  
29 only, except that the compensation of certain school  
30 superintendents may be set by school boards in accordance with  
31 the provisions of s. 1001.47 ~~230.303~~.

1           Section 890. Subsection (2) of section 145.19, Florida  
2 Statutes, is amended to read:

3           145.19 Annual percentage increases based on increase  
4 for state career service employees; limitation.--

5           (2) Each fiscal year, the salaries of all officials  
6 listed in this chapter and ss. 1001.395 ~~230.202~~ and 1001.47  
7 ~~230.303~~ shall be adjusted by the annual factor. The Department  
8 of Management Services shall certify the annual factor and the  
9 cumulative annual factors. The adjusted salary rate shall be  
10 the product, rounded to the nearest dollar, of the salary rate  
11 granted by the appropriate section of this chapter multiplied  
12 first by the initial factor, then by the cumulative annual  
13 factor, and finally by the annual factor. Any special  
14 qualification salary received under this chapter shall be  
15 added to such adjusted salary rate, which special  
16 qualification salary shall be \$2,000, but shall not exceed  
17 \$2,000.

18           Section 891. Section 153.77, Florida Statutes, is  
19 amended to read:

20           153.77 District bonds as securities for public  
21 bodies.--All revenue bonds, general obligation bonds, or  
22 assessment bonds issued pursuant to this law shall be and  
23 constitute legal investments for state, county, municipal, and  
24 all other public funds and for banks, savings banks, insurance  
25 companies, executors, administrators, trustees, and all other  
26 fiduciaries and shall also be and constitute securities  
27 eligible as collateral security for all state, county,  
28 municipal, or other public funds, subject to the restrictions  
29 and limitations of chapters 18, 136, ~~237~~, 518, 655, 657, 658,  
30 ~~and~~ 660-665, and 1011.

31

1           Section 892. Subsection (22) of section 159.27,  
2 Florida Statutes, is amended to read:

3           159.27 Definitions.--The following words and terms,  
4 unless the context clearly indicates a different meaning,  
5 shall have the following meanings:

6           (22) "Educational facility" means:

7           (a) Property, limited to a structure suitable for use  
8 as a dormitory or other housing facility or a dining facility,  
9 that is operated in the public sector and used for or useful  
10 in connection with the operation of an institution for higher  
11 education, as defined in s. 243.20(8), which offers the  
12 baccalaureate or a higher degree and that is constructed in  
13 compliance with applicable codes as determined by appropriate  
14 state agencies.

15           (b) Property that comprises the buildings and  
16 equipment, structures, and special education use areas that  
17 are built, installed, or established to serve primarily the  
18 educational purposes of operating any nonprofit private  
19 preschool, kindergarten, elementary school, middle school, or  
20 high school that is established under chapter 617 or chapter  
21 623, or that is owned or operated by an organization described  
22 in s. 501(c)(3) of the United States Internal Revenue Code, or  
23 operating any preschool, kindergarten, elementary school,  
24 middle school, or high school that is owned or operated as  
25 part of the state's system of public education, including, but  
26 not limited to, a charter school or a developmental research  
27 school operated under chapter 1002 ~~228~~. The requirements of  
28 this part for the financing of projects through local agencies  
29 shall also apply to such schools. Bonds issued under the  
30 provisions of this part for such schools shall not be deemed  
31 to constitute a debt, liability, or obligation of the state or



1 any political subdivision thereof, or a pledge of the faith  
2 and credit of the state or of any such political subdivision,  
3 but shall be payable solely from the revenues provided  
4 therefor.

5 Section 893. Paragraph (h) of subsection (6) and  
6 paragraph (a) of subsection (12) of section 163.3177, Florida  
7 Statutes, are amended to read:

8 163.3177 Required and optional elements of  
9 comprehensive plan; studies and surveys.--

10 (6) In addition to the requirements of subsections  
11 (1)-(5), the comprehensive plan shall include the following  
12 elements:

13 (h)1. An intergovernmental coordination element  
14 showing relationships and stating principles and guidelines to  
15 be used in the accomplishment of coordination of the adopted  
16 comprehensive plan with the plans of school boards and other  
17 units of local government providing services but not having  
18 regulatory authority over the use of land, with the  
19 comprehensive plans of adjacent municipalities, the county,  
20 adjacent counties, or the region, and with the state  
21 comprehensive plan, as the case may require and as such  
22 adopted plans or plans in preparation may exist. This element  
23 of the local comprehensive plan shall demonstrate  
24 consideration of the particular effects of the local plan,  
25 when adopted, upon the development of adjacent municipalities,  
26 the county, adjacent counties, or the region, or upon the  
27 state comprehensive plan, as the case may require.

28 a. The intergovernmental coordination element shall  
29 provide for procedures to identify and implement joint  
30 planning areas, especially for the purpose of annexation,  
31

1 municipal incorporation, and joint infrastructure service  
2 areas.

3           b. The intergovernmental coordination element shall  
4 provide for recognition of campus master plans prepared  
5 pursuant to s. 1013.30 ~~240.155~~.

6           c. The intergovernmental coordination element may  
7 provide for a voluntary dispute resolution process as  
8 established pursuant to s. 186.509 for bringing to closure in  
9 a timely manner intergovernmental disputes. A local  
10 government may develop and use an alternative local dispute  
11 resolution process for this purpose.

12           2. The intergovernmental coordination element shall  
13 further state principles and guidelines to be used in the  
14 accomplishment of coordination of the adopted comprehensive  
15 plan with the plans of school boards and other units of local  
16 government providing facilities and services but not having  
17 regulatory authority over the use of land. In addition, the  
18 intergovernmental coordination element shall describe joint  
19 processes for collaborative planning and decisionmaking on  
20 population projections and public school siting, the location  
21 and extension of public facilities subject to concurrency, and  
22 siting facilities with countywide significance, including  
23 locally unwanted land uses whose nature and identity are  
24 established in an agreement. Within 1 year of adopting their  
25 intergovernmental coordination elements, each county, all the  
26 municipalities within that county, the district school board,  
27 and any unit of local government service providers in that  
28 county shall establish by interlocal or other formal agreement  
29 executed by all affected entities, the joint processes  
30 described in this subparagraph consistent with their adopted  
31 intergovernmental coordination elements.

1           3. To foster coordination between special districts  
2 and local general-purpose governments as local general-purpose  
3 governments implement local comprehensive plans, each  
4 independent special district must submit a public facilities  
5 report to the appropriate local government as required by s.  
6 189.415.

7           4. The state land planning agency shall establish a  
8 schedule for phased completion and transmittal of plan  
9 amendments to implement subparagraphs 1., 2., and 3. from all  
10 jurisdictions so as to accomplish their adoption by December  
11 31, 1999. A local government may complete and transmit its  
12 plan amendments to carry out these provisions prior to the  
13 scheduled date established by the state land planning agency.  
14 The plan amendments are exempt from the provisions of s.  
15 163.3187(1).

16           (12) A public school facilities element adopted to  
17 implement a school concurrency program shall meet the  
18 requirements of this subsection.

19           (a) A public school facilities element shall be based  
20 upon data and analyses that address, among other items, how  
21 level-of-service standards will be achieved and maintained.  
22 Such data and analyses must include, at a minimum, such items  
23 as: the 5-year school district facilities work program adopted  
24 pursuant to s. 1013.35 ~~235.185~~; the educational plant survey  
25 and an existing educational and ancillary plant map or map  
26 series; information on existing development and development  
27 anticipated for the next 5 years and the long-term planning  
28 period; an analysis of problems and opportunities for existing  
29 schools and schools anticipated in the future; an analysis of  
30 opportunities to collocate future schools with other public  
31 facilities such as parks, libraries, and community centers; an

1 analysis of the need for supporting public facilities for  
2 existing and future schools; an analysis of opportunities to  
3 locate schools to serve as community focal points; projected  
4 future population and associated demographics, including  
5 development patterns year by year for the upcoming 5-year and  
6 long-term planning periods; and anticipated educational and  
7 ancillary plants with land area requirements.

8 Section 894. Paragraph (k) of subsection (2) of  
9 section 163.3191, Florida Statutes, is amended to read:

10 163.3191 Evaluation and appraisal of comprehensive  
11 plan.--

12 (2) The report shall present an evaluation and  
13 assessment of the comprehensive plan and shall contain  
14 appropriate statements to update the comprehensive plan,  
15 including, but not limited to, words, maps, illustrations, or  
16 other media, related to:

17 (k) The coordination of the comprehensive plan with  
18 existing public schools and those identified in the applicable  
19 5-year school district facilities work program adopted  
20 pursuant to s. 1013.35 ~~235.185~~. The assessment shall address,  
21 where relevant, the success or failure of the coordination of  
22 the future land use map and associated planned residential  
23 development with public schools and their capacities, as well  
24 as the joint decisionmaking processes engaged in by the local  
25 government and the school board in regard to establishing  
26 appropriate population projections and the planning and siting  
27 of public school facilities. If the issues are not relevant,  
28 the local government shall demonstrate that they are not  
29 relevant.

30 Section 895. Paragraph (b) of subsection (3) of  
31 section 195.096, Florida Statutes, is amended to read:

1 195.096 Review of assessment rolls.--

2 (3)

3 (b) When necessary for compliance with s. 1011.62  
4 ~~236.081~~, and for those counties not being studied in the  
5 current year, the department shall project value-weighted mean  
6 levels of assessment for each county. The department shall  
7 make its projection based upon the best information available,  
8 utilizing professionally accepted methodology, and shall  
9 separately allocate changes in total assessed value to:

- 10 1. New construction, additions, and deletions.
- 11 2. Changes in the value of the dollar.
- 12 3. Changes in the market value of property other than  
13 those attributable to changes in the value of the dollar.
- 14 4. Changes in the level of assessment.

15

16 In lieu of the statistical and analytical measures published  
17 pursuant to paragraph (a), the department shall publish  
18 details concerning the computation of estimated assessment  
19 levels and the allocation of changes in assessed value for  
20 those counties not subject to an in-depth review.

21 Section 896. Subsection (5) of section 196.012,  
22 Florida Statutes, is amended to read:

23 196.012 Definitions.--For the purpose of this chapter,  
24 the following terms are defined as follows, except where the  
25 context clearly indicates otherwise:

26 (5) "Educational institution" means a federal, state,  
27 parochial, church, or private school, college, or university  
28 conducting regular classes and courses of study required for  
29 eligibility to certification by, accreditation to, or  
30 membership in the State Department of Education of Florida,  
31 Southern Association of Colleges and Schools, or the Florida

1 Council of Independent Schools; a nonprofit private school the  
2 principal activity of which is conducting regular classes and  
3 courses of study accepted for continuing postgraduate dental  
4 education credit by a board of the Division of Medical Quality  
5 Assurance; educational direct-support organizations created  
6 pursuant to ss. 1004.28 and 1004.70 ~~229.8021, 240.299, and~~  
7 ~~240.331~~; facilities located on the property of eligible  
8 entities which will become owned by those entities on a date  
9 certain; and institutions of higher education, as defined  
10 under and participating in the Higher Educational Facilities  
11 Financing Act.

12 Section 897. Subsection (4) of section 196.031,  
13 Florida Statutes, is amended to read:

14 196.031 Exemption of homesteads.--

15 (4) The property appraisers of the various counties  
16 shall each year compile a list of taxable property and its  
17 value removed from the assessment rolls of each school  
18 district as a result of the excess of exempt value above that  
19 amount allowed for nonschool levies as provided in subsections  
20 (1) and (3), as well as a statement of the loss of tax revenue  
21 to each school district from levies other than the minimum  
22 financial effort required pursuant to s. 1011.60(6) ~~236.02(6)~~,  
23 and shall deliver a copy thereof to the Department of Revenue  
24 upon certification of the assessment roll to the tax  
25 collector.

26 Section 898. Section 196.1983, Florida Statutes, is  
27 amended to read:

28 196.1983 Charter school exemption from ad valorem  
29 taxes.--Any facility, or portion thereof, used to house a  
30 charter school whose charter has been approved by the sponsor  
31 and the governing board pursuant to s. 1002.33(9) ~~228.056(9)~~

1 shall be exempt from ad valorem taxes. For leasehold  
2 properties, the landlord must certify by affidavit to the  
3 charter school that the lease payments shall be reduced to the  
4 extent of the exemption received. The owner of the property  
5 shall disclose to a charter school the full amount of the  
6 benefit derived from the exemption and the method for ensuring  
7 that the charter school receives such benefit. The charter  
8 school shall receive the full benefit derived from the  
9 exemption through either an annual or monthly credit to the  
10 charter school's lease payments.

11 Section 899. Paragraphs (a), (b), and (d) of  
12 subsection (3) of section 200.001, Florida Statutes, are  
13 amended to read:

14 200.001 Millages; definitions and general  
15 provisions.--

16 (3) School millages shall be composed of five  
17 categories of millage rates, as follows:

18 (a) Nonvoted required school operating millage, which  
19 shall be that nonvoted millage rate set by the county school  
20 board for current operating purposes and imposed pursuant to  
21 s. 1011.60(6)~~236.02(6)~~.

22 (b) Nonvoted discretionary school operating millage,  
23 which shall be that nonvoted millage rate set by the county  
24 school board for operating purposes other than the rate  
25 imposed pursuant to s. 1011.60(6)~~236.02(6)~~ and other than the  
26 rate authorized in s. 1011.71(2)~~236.25(2)~~.

27 (d) Nonvoted district school capital improvement  
28 millage, which shall be that millage rate set by the district  
29 school board for capital improvements as authorized in s.  
30 1011.71(2)~~236.25(2)~~.

31

1           Section 900. Paragraph (a) of subsection (2),  
2 paragraphs (c) and (d) of subsection (3), paragraph (a) of  
3 subsection (9), subsection (10), and paragraph (b) of  
4 subsection (12) of section 200.065, Florida Statutes, are  
5 amended to read:

6           200.065 Method of fixing millage.--

7           (2) No millage shall be levied until a resolution or  
8 ordinance has been approved by the governing board of the  
9 taxing authority which resolution or ordinance must be  
10 approved by the taxing authority according to the following  
11 procedure:

12           (a)1. Upon preparation of a tentative budget, but  
13 prior to adoption thereof, each taxing authority shall compute  
14 a proposed millage rate necessary to fund the tentative budget  
15 other than the portion of the budget to be funded from sources  
16 other than ad valorem taxes. In computing proposed or final  
17 millage rates, each taxing authority shall utilize not less  
18 than 95 percent of the taxable value certified pursuant to  
19 subsection (1).

20           2. The tentative budget of the county commission shall  
21 be prepared and submitted in accordance with s. 129.03.

22           3. The tentative budget of the school district shall  
23 be prepared and submitted in accordance with chapter 1011 ~~237~~,  
24 provided that the date of submission shall not be later than  
25 24 days after certification of value pursuant to subsection  
26 (1).

27           4. Taxing authorities other than the county and school  
28 district shall prepare and consider tentative and final  
29 budgets in accordance with this section and applicable  
30 provisions of law, including budget procedures applicable to  
31



1 the taxing authority, provided such procedures do not conflict  
2 with general law.

3 (3) The advertisement shall be no less than  
4 one-quarter page in size of a standard size or a tabloid size  
5 newspaper, and the headline in the advertisement shall be in a  
6 type no smaller than 18 point. The advertisement shall not be  
7 placed in that portion of the newspaper where legal notices  
8 and classified advertisements appear. The advertisement shall  
9 be published in a newspaper of general paid circulation in the  
10 county or in a geographically limited insert of such  
11 newspaper. The geographic boundaries in which such insert is  
12 circulated shall include the geographic boundaries of the  
13 taxing authority. It is the legislative intent that, whenever  
14 possible, the advertisement appear in a newspaper that is  
15 published at least 5 days a week unless the only newspaper in  
16 the county is published less than 5 days a week, or that the  
17 advertisement appear in a geographically limited insert of  
18 such newspaper which insert is published throughout the taxing  
19 authority's jurisdiction at least twice each week. It is  
20 further the legislative intent that the newspaper selected be  
21 one of general interest and readership in the community and  
22 not one of limited subject matter, pursuant to chapter 50.

23 (c) For school districts which have proposed a millage  
24 rate in excess of 100 percent of the rolled-back rate computed  
25 pursuant to subsection (1) and which propose to levy nonvoted  
26 millage in excess of the minimum amount required pursuant to  
27 s. 1011.60(6)~~236.02(6)~~, the advertisement shall be in the  
28 following form:

29  
30 NOTICE OF PROPOSED TAX INCREASE  
31

1           The ...(name of school district)... will soon consider  
2 a measure to increase its property tax levy.

3 Last year's property tax levy:

4           A. Initially proposed tax levy.....\$XX,XXX,XXX

5           B. Less tax reductions due to Value Adjustment Board  
6 and other assessment changes.....(\$XX,XXX,XXX)

7           C. Actual property tax levy.....\$XX,XXX,XXX

8 This year's proposed tax levy.....\$XX,XXX,XXX

9           A portion of the tax levy is required under state law  
10 in order for the school board to receive \$...(amount A)... in  
11 state education grants. The required portion has ...(increased  
12 or decreased)... by ...(amount B)... percent and represents  
13 approximately ...(amount C)... of the total proposed taxes.

14           The remainder of the taxes is proposed solely at the  
15 discretion of the school board.

16           All concerned citizens are invited to a public hearing  
17 on the tax increase to be held on ...(date and time)... at  
18 ...(meeting place)....

19           A DECISION on the proposed tax increase and the budget  
20 will be made at this hearing.

21  
22           1. AMOUNT A shall be an estimate, provided by the  
23 Department of Education, of the amount to be received in the  
24 current fiscal year by the district from state appropriations  
25 for the Florida Education Finance Program.

26           2. AMOUNT B shall be the percent increase over the  
27 rolled-back rate necessary to levy only the required local  
28 effort in the current fiscal year, computed as though in the  
29 preceding fiscal year only the required local effort was  
30 levied.

31

1           3. AMOUNT C shall be the quotient of required  
2 local-effort millage divided by the total proposed nonvoted  
3 millage, rounded to the nearest tenth and stated in words;  
4 however, the stated amount shall not exceed nine-tenths.

5  
6           (d) For school districts which have proposed a millage  
7 rate in excess of 100 percent of the rolled-back rate computed  
8 pursuant to subsection (1) and which propose to levy as  
9 nonvoted millage only the minimum amount required pursuant to  
10 s. 1011.60(6)~~236.02(6)~~, the advertisement shall be the same  
11 as provided in paragraph (c), except that the second and third  
12 paragraphs shall be replaced with the following paragraph:

13  
14           This increase is required under state law in order for  
15 the school board to receive \$...(amount A)... in state  
16 education grants.

17  
18           (9)(a) In addition to the notice required in  
19 subsection (3), a district school board shall publish a second  
20 notice of intent to levy additional taxes under s. 1011.71(2)  
21 ~~236.25(2)~~. Such notice shall specify the projects or number  
22 of school buses anticipated to be funded by such additional  
23 taxes and shall be published in the size, within the time  
24 periods, adjacent to, and in substantial conformity with the  
25 advertisement required under subsection (3). The projects  
26 shall be listed in priority within each category as follows:  
27 construction and remodeling; maintenance, renovation, and  
28 repair; motor vehicle purchases; new and replacement  
29 equipment; payments for educational facilities and sites due  
30 under a lease-purchase agreement; payments for renting and  
31 leasing educational facilities and sites; payments of loans

1 approved pursuant to ss. 1011.14 ~~237.161~~ and 1011.15 ~~237.162~~;  
2 payment of costs of compliance with environmental statutes and  
3 regulations; and payment of costs of leasing relocatable  
4 educational facilities. The additional notice shall be in the  
5 following form, except that if the district school board is  
6 proposing to levy the same millage under s. 1011.71(2)  
7 ~~236.25(2)~~ which it levied in the prior year, the words  
8 "continue to" shall be inserted before the word "impose" in  
9 the first sentence, and except that the second sentence of the  
10 second paragraph shall be deleted if the district is  
11 advertising pursuant to paragraph (3)(e):

12  
13 NOTICE OF TAX FOR SCHOOL  
14 CAPITAL OUTLAY  
15

16 The ...(name of school district)... will soon consider  
17 a measure to impose a ...(number)... mill property tax for the  
18 capital outlay projects listed herein.

19 This tax is in addition to the school board's proposed  
20 tax of ...(number)... mills for operating expenses and is  
21 proposed solely at the discretion of the school board. THE  
22 PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING  
23 EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

24 The capital outlay tax will generate approximately  
25 \$...(amount)..., to be used for the following projects:

26  
27 ...(list of capital outlay projects)...  
28

29 All concerned citizens are invited to a public hearing  
30 to be held on ...(date and time)... at ...(meeting place)....  
31

1           A DECISION on the proposed CAPITAL OUTLAY TAXES will be  
2 made at this hearing.

3  
4           (10) Notwithstanding the provisions of paragraph  
5 (2)(b) and s. 200.069(4)(c) to the contrary, the proposed  
6 millage rates provided to the property appraiser by the taxing  
7 authority, except for millage rates adopted by referendum, for  
8 rates authorized by s. 1011.71 ~~236.25~~, and for rates required  
9 by law to be in a specified millage amount, shall be adjusted  
10 in the event that a review notice is issued pursuant to s.  
11 193.1142(4) and the taxable value on the approved roll is at  
12 variance with the taxable value certified pursuant to  
13 subsection (1). The adjustment shall be made by the property  
14 appraiser, who shall notify the taxing authorities affected by  
15 the adjustment within 5 days of the date the roll is approved  
16 pursuant to s. 193.1142(4). The adjustment shall be such as  
17 to provide for no change in the dollar amount of taxes levied  
18 from that initially proposed by the taxing authority.

19           (12)

20           (b) Within 30 days of the deadline for certification  
21 of compliance required by s. 200.068, the department shall  
22 notify any taxing authority in violation of this section that  
23 it is subject to paragraph (c). Except for revenues from voted  
24 levies or levies imposed pursuant to s. 1011.60(6) ~~236.02(6)~~,  
25 the revenues of any taxing authority in violation of this  
26 section collected in excess of the rolled-back rate shall be  
27 held in escrow until the process required by paragraph (c) is  
28 completed and approved by the department. The department shall  
29 direct the tax collector to so hold such funds.

1 Section 901. Subsection (3) and paragraph (a) of  
2 subsection (4) of section 200.069, Florida Statutes, are  
3 amended to read:

4 200.069 Notice of proposed property taxes and non-ad  
5 valorem assessments.--Pursuant to s. 200.065(2)(b), the  
6 property appraiser, in the name of the taxing authorities and  
7 local governing boards levying non-ad valorem assessments  
8 within his or her jurisdiction and at the expense of the  
9 county, shall prepare and deliver by first-class mail to each  
10 taxpayer to be listed on the current year's assessment roll a  
11 notice of proposed property taxes, which notice shall be in  
12 substantially the following form. Notwithstanding the  
13 provisions of s. 195.022, no county officer shall use a form  
14 other than that provided by the department for this purpose,  
15 except as provided in s. 200.065(13).

16 (3) There shall be under each column heading an entry  
17 for the county; the school district levy required pursuant to  
18 s. 1011.60(6)~~236.02(6)~~; other operating school levies; the  
19 municipality or municipal service taxing unit or units in  
20 which the parcel lies, if any; the water management district  
21 levying pursuant to s. 373.503; the independent special  
22 districts in which the parcel lies, if any; and for all voted  
23 levies for debt service applicable to the parcel, if any.

24 (4) For each entry listed in subsection (3), there  
25 shall appear on the notice the following:

26 (a) In the first column, a brief, commonly used name  
27 for the taxing authority or its governing body. The entry in  
28 the first column for the levy required pursuant to s.  
29 1011.60(6)~~236.02(6)~~ shall be "By State Law." The entry for  
30 other operating school district levies shall be "By Local  
31 Board." Both school levy entries shall be indented and

1 preceded by the notation "Public Schools:". For each voted  
2 levy for debt service, the entry shall be "Voter Approved Debt  
3 Payments."

4 Section 902. Subsection (2) of section 201.24, Florida  
5 Statutes, is amended to read:

6 201.24 Obligations of municipalities, political  
7 subdivisions, and agencies of the state.--There shall be  
8 exempt from all taxes imposed by this chapter:

9 (2) Any assignment, transfer, or other disposition, or  
10 any document, which arises out of a rental, lease, or  
11 lease-purchase for real property agreement entered pursuant to  
12 s. 1013.15(2) or ~~(4)235.056(2) or (3)~~.

13 Section 903. Paragraph (b) of subsection (2) of  
14 section 210.20, Florida Statutes, is amended to read:

15 210.20 Employees and assistants; distribution of  
16 funds.--

17 (2) As collections are received by the division from  
18 such cigarette taxes, it shall pay the same into a trust fund  
19 in the State Treasury designated "Cigarette Tax Collection  
20 Trust Fund" which shall be paid and distributed as follows:

21 (b) Beginning January 1, 1999, and continuing for 10  
22 years thereafter, the division shall from month to month  
23 certify to the Comptroller the amount derived from the  
24 cigarette tax imposed by s. 210.02, less the service charges  
25 provided for in s. 215.20 and less 0.9 percent of the amount  
26 derived from the cigarette tax imposed by s. 210.02 which  
27 shall be deposited into the Alcoholic Beverage and Tobacco  
28 Trust Fund, specifying an amount equal to 2.59 percent of the  
29 net collections, and that amount shall be paid to the Board of  
30 Directors of the H. Lee Moffitt Cancer Center and Research  
31 Institute, established under s. 1004.43 ~~240.512~~, by warrant

1 drawn by the Comptroller upon the State Treasury. These funds  
2 are hereby appropriated monthly out of the Cigarette Tax  
3 Collection Trust Fund, to be used for the purpose of  
4 constructing, furnishing, and equipping a cancer research  
5 facility at the University of South Florida adjacent to the H.  
6 Lee Moffitt Cancer Center and Research Institute. In fiscal  
7 years 1999-2000 and thereafter with the exception of fiscal  
8 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer  
9 Center and Research Institute authorized by this paragraph  
10 shall not be less than the amount which would have been paid  
11 to the H. Lee Moffitt Cancer Center and Research Institute for  
12 fiscal year 1998-1999 had payments been made for the entire  
13 fiscal year rather than for a 6-month period thereof.

14 Section 904. Paragraph (a) of subsection (2) of  
15 section 212.04, Florida Statutes, is amended to read:

16 212.04 Admissions tax; rate, procedure, enforcement.--

17 (2)(a)1. No tax shall be levied on admissions to  
18 athletic or other events sponsored by elementary schools,  
19 junior high schools, middle schools, high schools, community  
20 colleges, public or private colleges and universities, deaf  
21 and blind schools, facilities of the youth services programs  
22 of the Department of Children and Family Services, and state  
23 correctional institutions when only student, faculty, or  
24 inmate talent is used. However, this exemption shall not apply  
25 to admission to athletic events sponsored by an institution  
26 within the State University System, and the proceeds of the  
27 tax collected on such admissions shall be retained and used by  
28 each institution to support women's athletics as provided in  
29 s. 1006.71(2)(c)~~240.533(3)(c)~~.

30 2.a. No tax shall be levied on dues, membership fees,  
31 and admission charges imposed by not-for-profit sponsoring



1 organizations. To receive this exemption, the sponsoring  
2 organization must qualify as a not-for-profit entity under the  
3 provisions of s. 501(c)(3) of the Internal Revenue Code of  
4 1954, as amended.

5           b. No tax shall be levied on admission charges to an  
6 event sponsored by a governmental entity, sports authority, or  
7 sports commission when held in a convention hall, exhibition  
8 hall, auditorium, stadium, theater, arena, civic center,  
9 performing arts center, or publicly owned recreational  
10 facility and when 100 percent of the risk of success or  
11 failure lies with the sponsor of the event and 100 percent of  
12 the funds at risk for the event belong to the sponsor, and  
13 student or faculty talent is not exclusively used. As used in  
14 this sub-subparagraph, the terms "sports authority" and  
15 "sports commission" mean a nonprofit organization that is  
16 exempt from federal income tax under s. 501(c)(3) of the  
17 Internal Revenue Code and that contracts with a county or  
18 municipal government for the purpose of promoting and  
19 attracting sports-tourism events to the community with which  
20 it contracts.

21           3. No tax shall be levied on an admission paid by a  
22 student, or on the student's behalf, to any required place of  
23 sport or recreation if the student's participation in the  
24 sport or recreational activity is required as a part of a  
25 program or activity sponsored by, and under the jurisdiction  
26 of, the student's educational institution, provided his or her  
27 attendance is as a participant and not as a spectator.

28           4. No tax shall be levied on admissions to the  
29 National Football League championship game, on admissions to  
30 any semifinal game or championship game of a national  
31

1 collegiate tournament, or on admissions to a Major League  
2 Baseball all-star game.

3         5. A participation fee or sponsorship fee imposed by a  
4 governmental entity as described in s. 212.08(6) for an  
5 athletic or recreational program is exempt when the  
6 governmental entity by itself, or in conjunction with an  
7 organization exempt under s. 501(c)(3) of the Internal Revenue  
8 Code of 1954, as amended, sponsors, administers, plans,  
9 supervises, directs, and controls the athletic or recreational  
10 program.

11         6. Also exempt from the tax imposed by this section to  
12 the extent provided in this subparagraph are admissions to  
13 live theater, live opera, or live ballet productions in this  
14 state which are sponsored by an organization that has received  
15 a determination from the Internal Revenue Service that the  
16 organization is exempt from federal income tax under s.  
17 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
18 the organization actively participates in planning and  
19 conducting the event, is responsible for the safety and  
20 success of the event, is organized for the purpose of  
21 sponsoring live theater, live opera, or live ballet  
22 productions in this state, has more than 10,000 subscribing  
23 members and has among the stated purposes in its charter the  
24 promotion of arts education in the communities which it  
25 serves, and will receive at least 20 percent of the net  
26 profits, if any, of the events which the organization sponsors  
27 and will bear the risk of at least 20 percent of the losses,  
28 if any, from the events which it sponsors if the organization  
29 employs other persons as agents to provide services in  
30 connection with a sponsored event. Prior to March 1 of each  
31 year, such organization may apply to the department for a

1 certificate of exemption for admissions to such events  
2 sponsored in this state by the organization during the  
3 immediately following state fiscal year. The application shall  
4 state the total dollar amount of admissions receipts collected  
5 by the organization or its agents from such events in this  
6 state sponsored by the organization or its agents in the year  
7 immediately preceding the year in which the organization  
8 applies for the exemption. Such organization shall receive the  
9 exemption only to the extent of \$1.5 million multiplied by the  
10 ratio that such receipts bear to the total of such receipts of  
11 all organizations applying for the exemption in such year;  
12 however, in no event shall such exemption granted to any  
13 organization exceed 6 percent of such admissions receipts  
14 collected by the organization or its agents in the year  
15 immediately preceding the year in which the organization  
16 applies for the exemption. Each organization receiving the  
17 exemption shall report each month to the department the total  
18 admissions receipts collected from such events sponsored by  
19 the organization during the preceding month and shall remit to  
20 the department an amount equal to 6 percent of such receipts  
21 reduced by any amount remaining under the exemption. Tickets  
22 for such events sold by such organizations shall not reflect  
23 the tax otherwise imposed under this section.

24           7. Also exempt from the tax imposed by this section  
25 are entry fees for participation in freshwater fishing  
26 tournaments.

27           8. Also exempt from the tax imposed by this section  
28 are participation or entry fees charged to participants in a  
29 game, race, or other sport or recreational event if spectators  
30 are charged a taxable admission to such event.

31

1           9. No tax shall be levied on admissions to any  
2 postseason collegiate football game sanctioned by the National  
3 Collegiate Athletic Association.

4           Section 905. Effective July 1, 2003, paragraph (a) of  
5 subsection (2) of section 212.04, Florida Statutes, as amended  
6 by section 4 of chapter 2000-345, Laws of Florida, is amended  
7 to read:

8           212.04 Admissions tax; rate, procedure, enforcement.--

9           (2)(a)1. No tax shall be levied on admissions to  
10 athletic or other events sponsored by elementary schools,  
11 junior high schools, middle schools, high schools, community  
12 colleges, public or private colleges and universities, deaf  
13 and blind schools, facilities of the youth services programs  
14 of the Department of Children and Family Services, and state  
15 correctional institutions when only student, faculty, or  
16 inmate talent is used. However, this exemption shall not apply  
17 to admission to athletic events sponsored by an institution  
18 within the State University System, and the proceeds of the  
19 tax collected on such admissions shall be retained and used by  
20 each institution to support women's athletics as provided in  
21 s. 1006.71(2)(c)~~240.533(3)(c)~~.

22           2. No tax shall be levied on dues, membership fees,  
23 and admission charges imposed by not-for-profit sponsoring  
24 organizations. To receive this exemption, the sponsoring  
25 organization must qualify as a not-for-profit entity under the  
26 provisions of s. 501(c)(3) of the Internal Revenue Code of  
27 1954, as amended.

28           3. No tax shall be levied on an admission paid by a  
29 student, or on the student's behalf, to any required place of  
30 sport or recreation if the student's participation in the  
31 sport or recreational activity is required as a part of a

1 program or activity sponsored by, and under the jurisdiction  
2 of, the student's educational institution, provided his or her  
3 attendance is as a participant and not as a spectator.

4 4. No tax shall be levied on admissions to the  
5 National Football League championship game, on admissions to  
6 any semifinal game or championship game of a national  
7 collegiate tournament, or on admissions to a Major League  
8 Baseball all-star game.

9 5. A participation fee or sponsorship fee imposed by a  
10 governmental entity as described in s. 212.08(6) for an  
11 athletic or recreational program is exempt when the  
12 governmental entity by itself, or in conjunction with an  
13 organization exempt under s. 501(c)(3) of the Internal Revenue  
14 Code of 1954, as amended, sponsors, administers, plans,  
15 supervises, directs, and controls the athletic or recreational  
16 program.

17 6. Also exempt from the tax imposed by this section to  
18 the extent provided in this subparagraph are admissions to  
19 live theater, live opera, or live ballet productions in this  
20 state which are sponsored by an organization that has received  
21 a determination from the Internal Revenue Service that the  
22 organization is exempt from federal income tax under s.  
23 501(c)(3) of the Internal Revenue Code of 1954, as amended, if  
24 the organization actively participates in planning and  
25 conducting the event, is responsible for the safety and  
26 success of the event, is organized for the purpose of  
27 sponsoring live theater, live opera, or live ballet  
28 productions in this state, has more than 10,000 subscribing  
29 members and has among the stated purposes in its charter the  
30 promotion of arts education in the communities which it  
31 serves, and will receive at least 20 percent of the net

1 profits, if any, of the events which the organization sponsors  
2 and will bear the risk of at least 20 percent of the losses,  
3 if any, from the events which it sponsors if the organization  
4 employs other persons as agents to provide services in  
5 connection with a sponsored event. Prior to March 1 of each  
6 year, such organization may apply to the department for a  
7 certificate of exemption for admissions to such events  
8 sponsored in this state by the organization during the  
9 immediately following state fiscal year. The application shall  
10 state the total dollar amount of admissions receipts collected  
11 by the organization or its agents from such events in this  
12 state sponsored by the organization or its agents in the year  
13 immediately preceding the year in which the organization  
14 applies for the exemption. Such organization shall receive the  
15 exemption only to the extent of \$1.5 million multiplied by the  
16 ratio that such receipts bear to the total of such receipts of  
17 all organizations applying for the exemption in such year;  
18 however, in no event shall such exemption granted to any  
19 organization exceed 6 percent of such admissions receipts  
20 collected by the organization or its agents in the year  
21 immediately preceding the year in which the organization  
22 applies for the exemption. Each organization receiving the  
23 exemption shall report each month to the department the total  
24 admissions receipts collected from such events sponsored by  
25 the organization during the preceding month and shall remit to  
26 the department an amount equal to 6 percent of such receipts  
27 reduced by any amount remaining under the exemption. Tickets  
28 for such events sold by such organizations shall not reflect  
29 the tax otherwise imposed under this section.

30  
31

1           7. Also exempt from the tax imposed by this section  
2 are entry fees for participation in freshwater fishing  
3 tournaments.

4           8. Also exempt from the tax imposed by this section  
5 are participation or entry fees charged to participants in a  
6 game, race, or other sport or recreational event if spectators  
7 are charged a taxable admission to such event.

8           9. No tax shall be levied on admissions to any  
9 postseason collegiate football game sanctioned by the National  
10 Collegiate Athletic Association.

11           Section 906. Section 212.0602, Florida Statutes, is  
12 amended to read:

13           212.0602 Education; limited exemption.--To facilitate  
14 investment in education and job training, there is also exempt  
15 from the taxes levied under this chapter, subject to the  
16 provisions of this section, the purchase or lease of  
17 materials, equipment, and other items or the license in or  
18 lease of real property by any entity, institution, or  
19 organization that is primarily engaged in teaching students to  
20 perform any of the activities or services described in s.  
21 212.031(1)(a)9., that conducts classes at a fixed location  
22 located in this state, that is licensed under chapters 246 or  
23 1005 ~~chapter 246~~, and that has at least 500 enrolled students.  
24 Any entity, institution, or organization meeting the  
25 requirements of this section shall be deemed to qualify for  
26 the exemptions in ss. 212.031(1)(a)9. and 212.08(5)(f) and  
27 (12), and to qualify for an exemption for its purchase or  
28 lease of materials, equipment, and other items used for  
29 education or demonstration of the school's curriculum,  
30 including supporting operations. Nothing in this section  
31 shall preclude an entity described in this section from

1 qualifying for any other exemption provided for in this  
2 chapter.

3 Section 907. Paragraph (q) of subsection (5) of  
4 section 212.08, Florida Statutes, is amended to read:

5 212.08 Sales, rental, use, consumption, distribution,  
6 and storage tax; specified exemptions.--The sale at retail,  
7 the rental, the use, the consumption, the distribution, and  
8 the storage to be used or consumed in this state of the  
9 following are hereby specifically exempt from the tax imposed  
10 by this chapter.

11 (5) EXEMPTIONS; ACCOUNT OF USE.--

12 (q) Community contribution tax credit for donations.--

13 1. Authorization.--Beginning July 1, 2001, persons who  
14 are registered with the department under s. 212.18 to collect  
15 or remit sales or use tax and who make donations to eligible  
16 sponsors are eligible for tax credits against their state  
17 sales and use tax liabilities as provided in this paragraph:

18 a. The credit shall be computed as 50 percent of the  
19 person's approved annual community contribution;

20 b. The credit shall be granted as a refund against  
21 state sales and use taxes reported on returns and remitted in  
22 the 12 months preceding the date of application to the  
23 department for the credit as required in sub-subparagraph 3.c.  
24 If the annual credit is not fully used through such refund  
25 because of insufficient tax payments during the applicable  
26 12-month period, the unused amount may be included in an  
27 application for a refund made pursuant to sub-subparagraph  
28 3.c. in subsequent years against the total tax payments made  
29 for such year. Carryover credits may be applied for a 3-year  
30 period without regard to any time limitation that would  
31 otherwise apply under s. 215.26;



1 c. No person shall receive more than \$200,000 in  
2 annual tax credits for all approved community contributions  
3 made in any one year;

4 d. All proposals for the granting of the tax credit  
5 shall require the prior approval of the Office of Tourism,  
6 Trade, and Economic Development;

7 e. The total amount of tax credits which may be  
8 granted for all programs approved under this paragraph, s.  
9 220.183, and s. 624.5105 is \$10 million annually; and

10 f. A person who is eligible to receive the credit  
11 provided for in this paragraph, s. 220.183, or s. 624.5105 may  
12 receive the credit only under the one section of the person's  
13 choice.

14 2. Eligibility requirements.--

15 a. A community contribution by a person must be in the  
16 following form:

17 (I) Cash or other liquid assets;

18 (II) Real property;

19 (III) Goods or inventory; or

20 (IV) Other physical resources as identified by the  
21 Office of Tourism, Trade, and Economic Development.

22 b. All community contributions must be reserved  
23 exclusively for use in a project. As used in this  
24 sub-subparagraph, the term "project" means any activity  
25 undertaken by an eligible sponsor which is designed to  
26 construct, improve, or substantially rehabilitate housing that  
27 is affordable to low-income or very-low-income households as  
28 defined in s. 420.9071(19) and (28); designed to provide  
29 commercial, industrial, or public resources and facilities; or  
30 designed to improve entrepreneurial and job-development  
31 opportunities for low-income persons. A project may be the

1 investment necessary to increase access to high-speed  
2 broadband capability in rural communities with enterprise  
3 zones, including projects that result in improvements to  
4 communications assets that are owned by a business. A project  
5 may include the provision of museum educational programs and  
6 materials that are directly related to any project approved  
7 between January 1, 1996, and December 31, 1999, and located in  
8 an enterprise zone as referenced in s. 290.00675. This  
9 paragraph does not preclude projects that propose to construct  
10 or rehabilitate housing for low-income or very-low-income  
11 households on scattered sites. The Office of Tourism, Trade,  
12 and Economic Development may reserve up to 50 percent of the  
13 available annual tax credits for housing for very-low-income  
14 households pursuant to s. 420.9071(28) for the first 6 months  
15 of the fiscal year. With respect to housing, contributions may  
16 be used to pay the following eligible low-income and  
17 very-low-income housing-related activities:

18 (I) Project development impact and management fees for  
19 low-income or very-low-income housing projects;

20 (II) Down payment and closing costs for eligible  
21 persons, as defined in s. 420.9071(19) and (28);

22 (III) Administrative costs, including housing  
23 counseling and marketing fees, not to exceed 10 percent of the  
24 community contribution, directly related to low-income or  
25 very-low-income projects; and

26 (IV) Removal of liens recorded against residential  
27 property by municipal, county, or special district local  
28 governments when satisfaction of the lien is a necessary  
29 precedent to the transfer of the property to an eligible  
30 person, as defined in s. 420.9071(19) and (28), for the  
31

1 purpose of promoting home ownership. Contributions for lien  
2 removal must be received from a nonrelated third party.

3 c. The project must be undertaken by an "eligible  
4 sponsor," which includes:

5 (I) A community action program;

6 (II) A nonprofit community-based development  
7 organization whose mission is the provision of housing for  
8 low-income or very-low-income households or increasing  
9 entrepreneurial and job-development opportunities for  
10 low-income persons;

11 (III) A neighborhood housing services corporation;

12 (IV) A local housing authority created under chapter  
13 421;

14 (V) A community redevelopment agency created under s.  
15 163.356;

16 (VI) The Florida Industrial Development Corporation;

17 (VII) A historic preservation district agency or  
18 organization;

19 (VIII) A regional workforce board;

20 (IX) A direct-support organization as provided in s.  
21 1009.983 ~~240.551~~;

22 (X) An enterprise zone development agency created  
23 under s. 290.0056;

24 (XI) A community-based organization incorporated under  
25 chapter 617 which is recognized as educational, charitable, or  
26 scientific pursuant to s. 501(c)(3) of the Internal Revenue  
27 Code and whose bylaws and articles of incorporation include  
28 affordable housing, economic development, or community  
29 development as the primary mission of the corporation;

30 (XII) Units of local government;

31 (XIII) Units of state government; or

1 (XIV) Any other agency that the Office of Tourism,  
2 Trade, and Economic Development designates by rule.

3  
4 In no event may a contributing person have a financial  
5 interest in the eligible sponsor.

6 d. The project must be located in an area designated  
7 an enterprise zone or a Front Porch Florida Community pursuant  
8 to s. 14.2015(9)(b), unless the project increases access to  
9 high-speed broadband capability for rural communities with  
10 enterprise zones but is physically located outside the  
11 designated rural zone boundaries. Any project designed to  
12 construct or rehabilitate housing for low-income or  
13 very-low-income households as defined in s. 420.0971(19) and  
14 (28) is exempt from the area requirement of this  
15 sub-subparagraph.

16 3. Application requirements.--

17 a. Any eligible sponsor seeking to participate in this  
18 program must submit a proposal to the Office of Tourism,  
19 Trade, and Economic Development which sets forth the name of  
20 the sponsor, a description of the project, and the area in  
21 which the project is located, together with such supporting  
22 information as is prescribed by rule. The proposal must also  
23 contain a resolution from the local governmental unit in which  
24 the project is located certifying that the project is  
25 consistent with local plans and regulations.

26 b. Any person seeking to participate in this program  
27 must submit an application for tax credit to the Office of  
28 Tourism, Trade, and Economic Development which sets forth the  
29 name of the sponsor, a description of the project, and the  
30 type, value, and purpose of the contribution. The sponsor  
31 shall verify the terms of the application and indicate its

1 receipt of the contribution, which verification must be in  
2 writing and accompany the application for tax credit. The  
3 person must submit a separate tax credit application to the  
4 office for each individual contribution that it makes to each  
5 individual project.

6 c. Any person who has received notification from the  
7 Office of Tourism, Trade, and Economic Development that a tax  
8 credit has been approved must apply to the department to  
9 receive the refund. Application must be made on the form  
10 prescribed for claiming refunds of sales and use taxes and be  
11 accompanied by a copy of the notification. A person may submit  
12 only one application for refund to the department within any  
13 12-month period.

14 4. Administration.--

15 a. The Office of Tourism, Trade, and Economic  
16 Development may adopt rules pursuant to ss. 120.536(1) and  
17 120.54 necessary to administer this paragraph, including rules  
18 for the approval or disapproval of proposals by a person.

19 b. The decision of the Office of Tourism, Trade, and  
20 Economic Development must be in writing, and, if approved, the  
21 notification shall state the maximum credit allowable to the  
22 person. Upon approval, the office shall transmit a copy of the  
23 decision to the Department of Revenue.

24 c. The Office of Tourism, Trade, and Economic  
25 Development shall periodically monitor all projects in a  
26 manner consistent with available resources to ensure that  
27 resources are used in accordance with this paragraph; however,  
28 each project must be reviewed at least once every 2 years.

29 d. The Office of Tourism, Trade, and Economic  
30 Development shall, in consultation with the Department of  
31 Community Affairs, the Florida Housing Finance Corporation,

1 and the statewide and regional housing and financial  
2 intermediaries, market the availability of the community  
3 contribution tax credit program to community-based  
4 organizations.

5 5. Expiration.--This paragraph expires June 30, 2005;  
6 however, any accrued credit carryover that is unused on that  
7 date may be used until the expiration of the 3-year carryover  
8 period for such credit.

9 Section 908. Subsection (6) of section 213.053,  
10 Florida Statutes, is amended to read:

11 213.053 Confidentiality and information sharing.--

12 (6) Any information received by the Department of  
13 Revenue in connection with the administration of taxes,  
14 including, but not limited to, information contained in  
15 returns, reports, accounts, or declarations filed by persons  
16 subject to tax, shall be made available by the department to  
17 the Auditor General or his or her authorized agent, the  
18 director of the Office of Program Policy Analysis and  
19 Government Accountability or his or her authorized agent, the  
20 Comptroller or his or her authorized agent, the Insurance  
21 Commissioner or his or her authorized agent, the Treasurer or  
22 his or her authorized agent, or a property appraiser or tax  
23 collector or their authorized agents pursuant to s.  
24 195.084(1), in the performance of their official duties, or to  
25 designated employees of the Department of Education solely for  
26 determination of each school district's price level index  
27 pursuant to s. 1011.62(2)~~236.081(2)~~; however, no information  
28 shall be disclosed to the Auditor General or his or her  
29 authorized agent, the director of the Office of Program Policy  
30 Analysis and Government Accountability or his or her  
31 authorized agent, the Comptroller or his or her authorized

1 agent, the Insurance Commissioner or his or her authorized  
2 agent, the Treasurer or his or her authorized agent, or to a  
3 property appraiser or tax collector or their authorized  
4 agents, or to designated employees of the Department of  
5 Education if such disclosure is prohibited by federal law. The  
6 Auditor General or his or her authorized agent, the director  
7 of the Office of Program Policy Analysis and Government  
8 Accountability or his or her authorized agent, the Comptroller  
9 or his or her authorized agent, the Treasurer or his or her  
10 authorized agent, and the property appraiser or tax collector  
11 and their authorized agents, or designated employees of the  
12 Department of Education shall be subject to the same  
13 requirements of confidentiality and the same penalties for  
14 violation of the requirements as the department. For the  
15 purpose of this subsection, "designated employees of the  
16 Department of Education" means only those employees directly  
17 responsible for calculation of price level indices pursuant to  
18 s. 1011.62(2)~~236.081(2)~~. It does not include the supervisors  
19 of such employees or any other employees or elected officials  
20 within the Department of Education.

21 Section 909. Paragraph (j) of subsection (4) of  
22 section 215.20, Florida Statutes, is amended to read:

23 215.20 Certain income and certain trust funds to  
24 contribute to the General Revenue Fund.--

25 (4) The income of a revenue nature deposited in the  
26 following described trust funds, by whatever name designated,  
27 is that from which the deductions authorized by subsection (3)  
28 shall be made:

29 (j) The Educational Certification and Service Trust  
30 Fund created by s. 1012.59 ~~231.30~~.

31

1 The enumeration of the foregoing moneys or trust funds shall  
2 not prohibit the applicability thereto of s. 215.24 should the  
3 Governor determine that for the reasons mentioned in s. 215.24  
4 the money or trust funds should be exempt herefrom, as it is  
5 the purpose of this law to exempt income from its force and  
6 effect when, by the operation of this law, federal matching  
7 funds or contributions or private grants to any trust fund  
8 would be lost to the state.

9 Section 910. Subsection (2) of section 215.82, Florida  
10 Statutes, is amended to read:

11 215.82 Validation; when required.--

12 (2) Any bonds issued pursuant to this act which are  
13 validated shall be validated in the manner provided by chapter  
14 75. In actions to validate bonds to be issued in the name of  
15 the State Board of Education under s. 9(a) and (d), Art. XII  
16 of the State Constitution and bonds to be issued pursuant to  
17 chapter 259, the Land Conservation Act of 1972, the complaint  
18 shall be filed in the circuit court of the county where the  
19 seat of state government is situated, the notice required to  
20 be published by s. 75.06 shall be published only in the county  
21 where the complaint is filed, and the complaint and order of  
22 the circuit court shall be served only on the state attorney  
23 of the circuit in which the action is pending. In any action  
24 to validate bonds issued pursuant to ss. 1010.61-1010.619 ~~part~~  
25 ~~of chapter 243~~ or issued pursuant to s. 9(a)(1), Art. XII of  
26 the State Constitution or issued pursuant to s. 215.605 or s.  
27 338.227, the complaint shall be filed in the circuit court of  
28 the county where the seat of state government is situated, the  
29 notice required to be published by s. 75.06 shall be published  
30 in a newspaper of general circulation in the county where the  
31 complaint is filed and in two other newspapers of general



1 circulation in the state, and the complaint and order of the  
2 circuit court shall be served only on the state attorney of  
3 the circuit in which the action is pending; provided, however,  
4 that if publication of notice pursuant to this section would  
5 require publication in more newspapers than would publication  
6 pursuant to s. 75.06, such publication shall be made pursuant  
7 to s. 75.06.

8 Section 911. Subsection (7) of section 216.181,  
9 Florida Statutes, is amended to read:

10 216.181 Approved budgets for operations and fixed  
11 capital outlay.--

12 (7) The Executive Office of the Governor may, for the  
13 purpose of improved contract administration, authorize the  
14 consolidation of two or more fixed capital outlay  
15 appropriations for an agency, and the Chief Justice of the  
16 Supreme Court for the judicial branch, except for projects  
17 authorized under chapter 1013 235, provided the original scope  
18 and purpose of each project are not changed.

19 Section 912. Subsection (3) of section 216.301,  
20 Florida Statutes, is amended to read:

21 216.301 Appropriations; undisbursed balances.--

22 (3) Notwithstanding the provisions of subsection (2),  
23 the unexpended balance of any appropriation for fixed capital  
24 outlay subject to but not under the terms of a binding  
25 contract or a general construction contract prior to February  
26 1 of the second fiscal year, or the third fiscal year if it is  
27 for an educational facility as defined in chapter 1013 235 or  
28 a construction project of the Board of Regents, of the  
29 appropriation shall revert on February 1 of such year to the  
30 fund from which appropriated and shall be available for  
31 reappropriation. The Executive Office of the Governor shall,

1 not later than February 20 of each year, furnish the  
2 Comptroller, the legislative appropriations committees, and  
3 the Auditor General a report listing in detail the items and  
4 amounts reverting under the authority of this subsection,  
5 including the fund to which reverted and the agency affected.

6 Section 913. Paragraphs (e) and (f) of subsection (1)  
7 of section 218.39, Florida Statutes, are amended to read:

8 218.39 Annual financial audit reports.--

9 (1) If, by the first day in any fiscal year, a local  
10 governmental entity, district school board, charter school, or  
11 charter technical career center has not been notified that a  
12 financial audit for that fiscal year will be performed by the  
13 Auditor General, each of the following entities shall have an  
14 annual financial audit of its accounts and records completed  
15 within 12 months after the end of its fiscal year by an  
16 independent certified public accountant retained by it and  
17 paid from its public funds:

18 (e) Each charter school established under s. 1002.33  
19 ~~228.056~~.

20 (f) Each charter technical center established under s.  
21 1002.34 ~~228.505~~.

22 Section 914. Paragraph (c) of subsection (2) of  
23 section 220.183, Florida Statutes, is amended to read:

24 220.183 Community contribution tax credit.--

25 (2) ELIGIBILITY REQUIREMENTS.--

26 (c) The project must be undertaken by an "eligible  
27 sponsor," defined here as:

- 28 1. A community action program;
- 29 2. A nonprofit community-based development  
30 organization whose mission is the provision of housing for  
31 low-income or very-low-income households or increasing

1 entrepreneurial and job-development opportunities for  
2 low-income persons;  
3         3. A neighborhood housing services corporation;  
4         4. A local housing authority, created pursuant to  
5 chapter 421;  
6         5. A community redevelopment agency, created pursuant  
7 to s. 163.356;  
8         6. The Florida Industrial Development Corporation;  
9         7. An historic preservation district agency or  
10 organization;  
11         8. A regional workforce board;  
12         9. A direct-support organization as provided in s.  
13 1009.983 ~~240.551~~;  
14         10. An enterprise zone development agency created  
15 pursuant to s. 290.0056;  
16         11. A community-based organization incorporated under  
17 chapter 617 which is recognized as educational, charitable, or  
18 scientific pursuant to s. 501(c)(3) of the Internal Revenue  
19 Code and whose bylaws and articles of incorporation include  
20 affordable housing, economic development, or community  
21 development as the primary mission of the corporation;  
22         12. Units of local government;  
23         13. Units of state government; or  
24         14. Such other agency as the Office of Tourism, Trade,  
25 and Economic Development may, from time to time, designate by  
26 rule.  
27  
28 In no event shall a contributing business firm have a  
29 financial interest in the eligible sponsor.  
30         Section 915. Subsection (1) of section 222.22, Florida  
31 Statutes, is amended to read:

1           222.22 Exemption of moneys in the Prepaid College  
2 Trust Fund or in a Medical Savings Account from legal  
3 process.--

4           (1)(a) Moneys paid into or out of the Florida Prepaid  
5 College Trust Fund by or on behalf of a purchaser or qualified  
6 beneficiary pursuant to an advance payment contract made under  
7 part IV of chapter 1009 s. 240.551, which contract has not  
8 been terminated, are not liable to attachment, garnishment, or  
9 legal process in the state in favor of any creditor of the  
10 purchaser or beneficiary of such advance payment contract.

11           (b) Moneys paid into or out of the Prepaid College  
12 Trust Fund by or on behalf of a benefactor or designated  
13 beneficiary pursuant to a participation agreement made under  
14 s. 1009.981 240.553, which agreement has not been terminated,  
15 are not liable to attachment, garnishment, or legal process in  
16 the state in favor of any creditor of the purchaser or  
17 beneficiary of such participation agreement.

18           Section 916. Subsection (4) of section 250.115,  
19 Florida Statutes, is amended to read:

20           250.115 Department of Military Affairs direct-support  
21 organization.--

22           (4) ACTIVITIES; RESTRICTIONS.--Any transaction or  
23 agreement between the direct-support organization organized  
24 pursuant to this section and another direct-support  
25 organization or center of technology innovation designated  
26 under s. 1004.77 240.3335 must be approved by the Adjutant  
27 General.

28           Section 917. Section 255.0515, Florida Statutes, is  
29 amended to read:

30           255.0515 Bids for state contracts; substitution of  
31 subcontractors.--With respect to state contracts let pursuant

1 to competitive bidding, whether under chapter 1013 235,  
2 relating to educational facilities, or this chapter, relating  
3 to public buildings, the contractor shall not remove or  
4 replace subcontractors listed in the bid subsequent to the  
5 lists being made public at the bid opening, except upon good  
6 cause shown.

7 Section 918. Section 255.0516, Florida Statutes, is  
8 amended to read:

9 255.0516 Bid protests by educational boards.--With  
10 respect to state contracts and bids pursuant to competitive  
11 bidding, whether under chapter 1013 235, relating to  
12 educational facilities, or under this chapter, relating to  
13 public buildings, if a school board, a community college board  
14 of trustees, or the Board of Regents uses procedures pursuant  
15 to chapter 120 for bid protests, the board may require the  
16 protestor to post a bond amounting to:

17 (1) Twenty-five thousand dollars or 2 percent of the  
18 lowest accepted bid, whichever is greater, for projects valued  
19 over \$500,000; and

20 (2) Five percent of the lowest accepted bid for all  
21 other projects,

22  
23 conditioned upon payment of all costs and fees which may be  
24 adjudged against the protestor in the administrative hearing.  
25 If at the hearing the agency prevails, it shall recover all  
26 costs and attorney's fees from the protestor; if the protestor  
27 prevails, the protestor shall recover from the agency all  
28 costs and attorney's fees.

29 Section 919. Paragraph (e) of subsection (1) of  
30 section 265.2861, Florida Statutes, is amended to read:

31 265.2861 Cultural Institutions Program; trust fund.--

1 (1) CULTURAL INSTITUTIONS TRUST FUND.--There is  
2 created a Cultural Institutions Trust Fund to be administered  
3 by the Department of State for the purposes set forth in this  
4 section and to support the following programs as follows:

5 (e)1. For the officially designated Art Museum of the  
6 State of Florida described in s. 1004.45 ~~240.711~~, \$2.2  
7 million, and for state-owned cultural facilities assigned to  
8 the Department of State, which receive a portion of any  
9 operating funds from the Department of State and one of the  
10 primary purposes of which is the presentation of fine arts or  
11 performing arts, \$500,000.

12 2. For fiscal year 2001-2002 only, the provisions of  
13 subparagraph 1. relating to state-owned cultural facilities  
14 shall not be applicable. This subparagraph expires July 1,  
15 2002.

16  
17 The trust fund shall consist of moneys appropriated by the  
18 Legislature, moneys deposited pursuant to s. 607.1901(2), and  
19 moneys contributed to the fund from any other source.

20 Section 920. Paragraph (d) of subsection (5) of  
21 section 265.603, Florida Statutes, is amended to read:

22 265.603 Definitions relating to Cultural Endowment  
23 Program.--The following terms and phrases when used in ss.  
24 265.601-265.607 shall have the meaning ascribed to them in  
25 this section, except where the context clearly indicates a  
26 different meaning:

27 (5) "Sponsoring organization" means a cultural  
28 organization which:

29 (d) Is primarily and directly responsible for  
30 conducting, creating, producing, presenting, staging, or  
31 sponsoring a cultural exhibit, performance, or event. This

1 provision includes museums owned and operated by political  
2 subdivisions of the state, except those constituted pursuant  
3 to s. 1004.67 ~~240.317~~.

4 Section 921. Subsection (8) of section 267.173,  
5 Florida Statutes, is amended to read:

6 267.173 Historic preservation in West Florida; goals;  
7 contracts for historic preservation; powers and duties.--

8 (8) Notwithstanding any other provision of law, the  
9 University of West Florida and its direct-support organization  
10 are eligible to match state funds in the Trust Fund for Major  
11 Gifts established pursuant to s. 1004.27 ~~240.2605~~.

12 Section 922. Subsections (4), (5), (7), and (9) of  
13 section 267.1732, Florida Statutes, are amended to read:

14 267.1732 Direct-support organization.--

15 (4) The university may authorize a direct-support  
16 organization to use its property (except money), facilities,  
17 and personal services, subject to the provisions of this  
18 section and s. 1004.28 ~~240.299~~. A direct-support organization  
19 that does not provide equal employment opportunities to all  
20 persons regardless of race, color, religion, sex, age, or  
21 national origin may not use the property, facilities, or  
22 personal services of the university. For the purposes of this  
23 subsection, the term "personal services" includes full-time  
24 personnel and part-time personnel as well as payroll  
25 processing.

26 (5) The university shall establish policies and may  
27 adopt rules pursuant to s. 1004.28 ~~240.299~~ prescribing the  
28 procedures by which the direct-support organization is  
29 governed and any conditions with which a direct-support  
30 organization must comply to use property, facilities, or  
31 personal services of the university.

1           (7) The direct-support organization shall provide for  
2 an annual financial and compliance audit of its financial  
3 accounts and records by an independent certified public  
4 accountant in accordance with s. 251.981 and generally  
5 accepted accounting standards. The annual audit report must be  
6 submitted to the university for review and approval. The  
7 university, the Auditor General, and others authorized in s.  
8 1004.28 ~~240.299~~ shall have the authority to require and  
9 receive from the direct-support organization, or from its  
10 independent auditor, any detail or supplemental data relative  
11 to the operation of the organization. Upon approval, the  
12 university shall certify the audit report to the Auditor  
13 General for review.

14           (9) Provisions governing direct-support organizations  
15 in s. 1004.28 and not provided in this section shall apply to  
16 the direct-support organization.

17           Section 923. Subsection (9) of section 282.005,  
18 Florida Statutes, is amended to read:

19           282.005 Legislative findings and intent.--The  
20 Legislature finds that:

21           (9) To ensure the best management of the state's  
22 information technology and notwithstanding other provisions of  
23 law to the contrary, the functions of information technology  
24 are hereby assigned to the university boards of trustees ~~Board~~  
25 ~~of Regents as the agency responsible~~ for the development and  
26 implementation of ~~policy,~~planning, management, rulemaking,  
27 standards, and guidelines for the state universities ~~State~~  
28 ~~University System;~~ to the community college boards of trustees  
29 ~~State Board of Community Colleges as the agency responsible~~  
30 for establishing and developing rules ~~and policies~~ for the  
31 community colleges ~~Florida Community College System;~~ to the



1 Supreme Court, for the judicial branch; to each state attorney  
2 and public defender; and to the State Technology Office for  
3 the executive branch of state government.

4 Section 924. Subsections (1) and (3) of section  
5 282.103, Florida Statutes, are amended to read:

6 282.103 SUNCOM Network; exemptions from the required  
7 use.--

8 (1) There is created within the State Technology  
9 Office the SUNCOM Network which shall be developed to serve as  
10 the state communications system for providing local and  
11 long-distance communications services to state agencies,  
12 political subdivisions of the state, municipalities, state  
13 universities and nonprofit corporations pursuant to ss.  
14 282.101-282.111. The SUNCOM Network shall be developed to  
15 transmit all types of communications signals, including, but  
16 not limited to, voice, data, video, image, and radio. State  
17 agencies shall cooperate and assist in the development and  
18 joint use of communications systems and services.

19 (3) All state agencies and state universities are  
20 required to use the SUNCOM Network for agency and state  
21 university communications services as the services become  
22 available; however, no agency or university is relieved of  
23 responsibility for maintaining communications services  
24 necessary for effective management of its programs and  
25 functions. If a SUNCOM Network service does not meet the  
26 communications requirements of an agency or university, the  
27 agency or university shall notify the State Technology Office  
28 in writing and detail the requirements for that communications  
29 service. If the office is unable to meet an agency's or  
30 university's requirements by enhancing SUNCOM Network service,  
31

1 the office may grant the agency or university an exemption  
2 from the required use of specified SUNCOM Network services.

3 Section 925. Subsection (4) of section 282.105,  
4 Florida Statutes, is amended to read:

5 282.105 Use of state SUNCOM Network by nonprofit  
6 corporations.--

7 (4) Institutions qualified to participate in the  
8 William L. Boyd, IV, Florida Resident Access Grant Program  
9 pursuant to s. 1009.89 ~~240.605~~ shall be eligible to use the  
10 state SUNCOM Network, subject to the terms and conditions of  
11 the office. Such entities shall not be required to satisfy the  
12 other criteria of this section.

13 Section 926. Section 282.106, Florida Statutes, is  
14 amended to read:

15 282.106 Use of SUNCOM Network by libraries.--The State  
16 Technology Office may provide SUNCOM Network services to any  
17 library in the state, including libraries in public schools,  
18 community colleges, state universities ~~the State University~~  
19 ~~System~~, and nonprofit private postsecondary educational  
20 institutions, and libraries owned and operated by  
21 municipalities and political subdivisions.

22 Section 927. Section 282.3031, Florida Statutes, is  
23 amended to read:

24 282.3031 Assignment of information resources  
25 management responsibilities.--For purposes of ss.  
26 282.303-282.322, to ensure the best management of state  
27 information technology resources, and notwithstanding other  
28 provisions of law to the contrary, the functions of  
29 information resources management are ~~hereby~~ assigned to the  
30 university boards of trustees ~~Board of Regents as the agency~~  
31 ~~responsible~~ for the development and implementation of policy,

1 planning, management, rulemaking, standards, and guidelines  
2 for the state universities ~~State University System~~; to the  
3 community college boards of trustees ~~State Board of Community~~  
4 ~~Colleges~~ as the agency responsible for establishing and  
5 developing rules ~~and policies~~ for the community colleges  
6 ~~Florida Community College System~~; to the Supreme Court for the  
7 judicial branch; to each state attorney and public defender;  
8 and to the State Technology Office for the agencies within the  
9 executive branch of state government.

10 Section 928. Subsection (1) of section 282.3063,  
11 Florida Statutes, is amended to read:

12 282.3063 Agency Annual Enterprise Resource Planning  
13 and Management Report.--

14 (1) By September 1 of each year, ~~and for the State~~  
15 ~~University System within 90 days after completion of the~~  
16 ~~expenditure analysis developed pursuant to s. 240.271(4),~~ each  
17 Agency Chief Information Officer shall prepare and submit to  
18 the State Technology Office an Agency Annual Enterprise  
19 Resource Planning and Management Report. Following  
20 consultation with the State Technology Office and the Agency  
21 Chief Information Officers Council, the Executive Office of  
22 the Governor and the fiscal committees of the Legislature  
23 shall jointly develop and issue instructions for the format  
24 and contents of the report.

25 Section 929. Subsection (2) of section 282.310,  
26 Florida Statutes, is amended to read:

27 282.310 State Annual Report on Enterprise Resource  
28 Planning and Management.--

29 (2) The State Annual Report on Enterprise Resource  
30 Planning and Management shall contain, at a minimum, the  
31 following:

- 1           (a) The state vision for enterprise resource planning  
2 and management.
- 3           (b) A forecast of the state enterprise resource  
4 planning and management priorities and initiatives for the  
5 ensuing 2 years.
- 6           (c) A summary of major statewide policies recommended  
7 by the State Technology Office for enterprise resource  
8 planning and management.
- 9           (d) A summary of memoranda issued by the Executive  
10 Office of the Governor.
- 11           (e) An assessment of the overall progress toward an  
12 integrated electronic system for deploying government  
13 products, services, and information to individuals and  
14 businesses and state enterprise resource planning and  
15 management initiatives and priorities for the past fiscal  
16 year.
- 17           (f) A summary of major statewide issues related to  
18 improving enterprise resource planning and management by the  
19 state.
- 20           (g) An inventory list, by major categories, of state  
21 information technology resources.
- 22           (h) A summary of the total agency expenditures or  
23 descriptions of agreements, contracts, or partnerships for  
24 enterprise resource planning and management and of  
25 enterprise-wide procurements done by the office on behalf of  
26 the state.
- 27           (i) A summary of the opportunities for government  
28 agencies or entities to share enterprise resource planning and  
29 management projects or initiatives with other governmental or  
30 private sector entities.
- 31

1 The state annual report shall also include enterprise resource  
2 planning and management information from the annual reports  
3 prepared by the state universities and the community colleges  
4 ~~Board of Regents for the State University System, from the~~  
5 ~~State Board of Community Colleges for the Florida Community~~  
6 ~~College System~~, from the Supreme Court for the judicial  
7 branch, and from the Justice Administrative Commission on  
8 behalf of the state attorneys and public defenders.  
9 Expenditure information shall be taken from each agency's  
10 annual report as well as the annual reports of the state  
11 universities and the community colleges ~~Board of Regents, the~~  
12 ~~State Board of Community Colleges~~, the Supreme Court, and the  
13 Justice Administrative Commission.

14 Section 930. Section 284.34, Florida Statutes, is  
15 amended to read:

16 284.34 Professional medical liability of the  
17 university boards of trustees ~~Board of Regents~~ and nuclear  
18 energy liability excluded.--Unless specifically authorized by  
19 the Department of Insurance, no coverages shall be provided by  
20 this fund for professional medical liability insurance for the  
21 university boards of trustees ~~Board of Regents~~ or the  
22 physicians, officers, employees, or agents of any ~~the~~ board or  
23 for liability related to nuclear energy which is ordinarily  
24 subject to the standard nuclear energy liability exclusion of  
25 conventional liability insurance policies. This section does  
26 ~~shall not affect be construed as affecting~~ the self-insurance  
27 programs of the university boards of trustees ~~Board of Regents~~  
28 established pursuant to s. 1004.24 ~~240.213~~.

29 Section 931. Paragraph (b) of subsection (2) of  
30 section 285.18, Florida Statutes, is amended to read:

31

1           285.18 Tribal council as governing body; powers and  
2 duties.--

3           (2) The governing bodies of the special improvement  
4 districts shall have the duty and power:

5           (b) To contract with the district school board of any  
6 district adjoining the local school district, when deemed  
7 necessary by the tribal council, to provide public education  
8 and educational programs for their members, notwithstanding  
9 the provisions of s. 1001.42 ~~230.23~~ that authorize school  
10 boards to establish attendance areas for their districts or  
11 approve plans for attendance in other districts.

12           Section 932. Paragraph (a) of subsection (2) of  
13 section 287.042, Florida Statutes, is amended to read:

14           287.042 Powers, duties, and functions.--The department  
15 shall have the following powers, duties, and functions:

16           (2)(a) To plan and coordinate purchases in volume and  
17 to negotiate and execute purchasing agreements and contracts  
18 for commodities and contractual services under which state  
19 agencies shall make purchases pursuant to s. 287.056, and  
20 under which a federal, county, municipality, institutions  
21 qualified to participate in the William L. Boyd, IV, Florida  
22 Resident Access Grant Program pursuant to s. 1009.89 ~~240.605~~,  
23 private nonprofit community transportation coordinator  
24 designated pursuant to chapter 427, while conducting business  
25 related solely to the Commission for the Transportation  
26 Disadvantaged, or other local public agency may make  
27 purchases. The department may restrict purchases from some  
28 term contracts to state agencies only for those term contracts  
29 where the inclusion of other governmental entities will have  
30 an adverse effect on competition or to those federal  
31 facilities located in this state. In such planning or

1 purchasing the Office of Supplier Diversity may monitor to  
2 ensure that opportunities are afforded for contracting with  
3 minority business enterprises. The department, for state term  
4 contracts, and all agencies, for multiyear contractual  
5 services or term contracts, shall explore reasonable and  
6 economical means to utilize certified minority business  
7 enterprises. Purchases by any county, municipality, private  
8 nonprofit community transportation coordinator designated  
9 pursuant to chapter 427, while conducting business related  
10 solely to the Commission for the Transportation Disadvantaged,  
11 or other local public agency under the provisions in the state  
12 purchasing contracts, and purchases, from the corporation  
13 operating the correctional work programs, of products or  
14 services that are subject to paragraph (1)(f), are exempt from  
15 the competitive sealed bid requirements otherwise applying to  
16 their purchases.

17 Section 933. Paragraph (c) of subsection (9) and  
18 subsections (10) and (11) of section 287.055, Florida  
19 Statutes, are amended to read:

20 287.055 Acquisition of professional architectural,  
21 engineering, landscape architectural, or surveying and mapping  
22 services; definitions; procedures; contingent fees prohibited;  
23 penalties.--

24 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

25 (c) Except as otherwise provided in s. 240.209(3) or  
26 s. 337.11(7), the Department of Management Services shall  
27 adopt rules for the award of design-build contracts to be  
28 followed by state agencies. Each other agency must adopt  
29 rules or ordinances for the award of design-build contracts.  
30 Municipalities, political subdivisions, school districts, and  
31 school boards shall award design-build contracts by the use of

1 a competitive proposal selection process as described in this  
2 subsection, or by the use of a qualifications-based selection  
3 process pursuant to subsections (3), (4), and (5) for entering  
4 into a contract whereby the selected firm will subsequently  
5 establish a guaranteed maximum price and guaranteed completion  
6 date. If the procuring agency elects the option of  
7 qualifications-based selection, during the selection of the  
8 design-build firm the procuring agency shall employ or retain  
9 a licensed design professional appropriate to the project to  
10 serve as the agency's representative. Procedures for the use  
11 of a competitive proposal selection process must include as a  
12 minimum the following:

13 1. The preparation of a design criteria package for  
14 the design and construction of the public construction  
15 project.

16 2. The qualification and selection of no fewer than  
17 three design-build firms as the most qualified, based on the  
18 qualifications, availability, and past work of the firms,  
19 including the partners or members thereof.

20 3. The criteria, procedures, and standards for the  
21 evaluation of design-build contract proposals or bids, based  
22 on price, technical, and design aspects of the public  
23 construction project, weighted for the project.

24 4. The solicitation of competitive proposals, pursuant  
25 to a design criteria package, from those qualified  
26 design-build firms and the evaluation of the responses or bids  
27 submitted by those firms based on the evaluation criteria and  
28 procedures established prior to the solicitation of  
29 competitive proposals.

30 5. For consultation with the employed or retained  
31 design criteria professional concerning the evaluation of the



1 responses or bids submitted by the design-build firms, the  
2 supervision or approval by the agency of the detailed working  
3 drawings of the project; and for evaluation of the compliance  
4 of the project construction with the design criteria package  
5 by the design criteria professional.

6           6. In the case of public emergencies, for the agency  
7 head to declare an emergency and authorize negotiations with  
8 the best qualified design-build firm available at that time.

9           (10) REUSE OF EXISTING PLANS.--Notwithstanding any  
10 other provision of this section, there shall be no public  
11 notice requirement or utilization of the selection process as  
12 provided in this section for projects in which the agency is  
13 able to reuse existing plans from a prior project of the  
14 agency, or, in the case of a board as defined in s. 1013.01  
15 ~~chapter 235~~, a prior project of that or any other board.  
16 Except for plans of a board as defined in s. 1013.01 ~~chapter~~  
17 ~~235~~, public notice for any plans that are intended to be  
18 reused at some future time must contain a statement that  
19 provides that the plans are subject to reuse in accordance  
20 with the provisions of this subsection.

21           (11) CONSTRUCTION OF LAW.--Nothing in the amendment of  
22 this section by chapter 75-281, Laws of Florida, is intended  
23 to supersede the provisions of ss. 1013.45 and 1013.46 ~~235.211~~  
24 ~~and 235.31~~.

25           Section 934. Subsection (1) of section 287.064,  
26 Florida Statutes, is amended to read:

27           287.064 Consolidated financing of deferred-payment  
28 purchases.--

29           (1) The Division of Bond Finance of the State Board of  
30 Administration and the Comptroller shall plan and coordinate  
31 deferred-payment purchases made by or on behalf of the state

1 or its agencies or by or on behalf of state community colleges  
2 participating under this section pursuant to s. 1001.64(26)  
3 ~~240.319(4)(p)~~. The Division of Bond Finance shall negotiate  
4 and the Comptroller shall execute agreements and contracts to  
5 establish master equipment financing agreements for  
6 consolidated financing of deferred-payment, installment sale,  
7 or lease purchases with a financial institution or a  
8 consortium of financial institutions. As used in this act, the  
9 term "deferred-payment" includes installment sale and  
10 lease-purchase.

11 (a) The period during which equipment may be acquired  
12 under any one master equipment financing agreement shall be  
13 limited to not more than 3 years.

14 (b) Repayment of the whole or a part of the funds  
15 drawn pursuant to the master equipment financing agreement may  
16 continue beyond the period established pursuant to paragraph  
17 (a).

18 (c) The interest rate component of any master  
19 equipment financing agreement shall be deemed to comply with  
20 the interest rate limitation imposed in s. 287.063 so long as  
21 the interest rate component of every interagency or community  
22 college agreement entered into under such master equipment  
23 financing agreement complies with the interest rate limitation  
24 imposed in s. 287.063. Such interest rate limitation does not  
25 apply when the payment obligation under the master equipment  
26 financing agreement is rated by a nationally recognized rating  
27 service in any one of the three highest classifications, which  
28 rating services and classifications are determined pursuant to  
29 rules adopted by the Comptroller.

30 Section 935. Paragraph (f) of subsection (1) of  
31 section 288.039, Florida Statutes, is amended to read:

1           288.039 Employing and Training our Youths (ENTRY).--

2           (1) DEFINITIONS.--As used in this section:

3           (f) "Public school" shall have the same meaning as in  
4 s. 1000.04(1)~~228.041(1)(a)~~.

5           Section 936. Subsection (6) of section 288.8175,  
6 Florida Statutes, is amended to read:

7           288.8175 Linkage institutes between postsecondary  
8 institutions in this state and foreign countries.--

9           (6) Each institute is allowed to exempt from s.  
10 1009.21 ~~240.1201~~ up to 25 full-time equivalent students per  
11 year from the respective host countries to study in any of the  
12 state universities or community colleges in this state as  
13 resident students for tuition purposes. The institute  
14 directors shall develop criteria, to be approved by the  
15 Department of Education, for the selection of these students.  
16 Students must return home within 3 years after their tenure of  
17 graduate or undergraduate study for a length of time equal to  
18 their exemption period.

19           Section 937. Subsection (2) of section 295.01, Florida  
20 Statutes, is amended to read:

21           295.01 Children of deceased or disabled veterans;  
22 education.--

23           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and  
24 295.05, and 1009.40 shall apply.

25           Section 938. Subsection (2) of section 295.015,  
26 Florida Statutes, is amended to read:

27           295.015 Children of prisoners of war and persons  
28 missing in action; education.--

29           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and  
30 295.05, and 1009.40 shall apply.

31

1           Section 939. Subsection (2) of section 295.016,  
2 Florida Statutes, is amended to read:

3           295.016 Children of service members who died or became  
4 disabled in Operation Eagle Claw.--

5           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and  
6 295.05, and 1009.40 shall apply.

7           Section 940. Subsection (2) of section 295.017,  
8 Florida Statutes, is amended to read:

9           295.017 Children of service members who died or became  
10 disabled in the Lebanon and Grenada military arenas;  
11 educational opportunity.--

12           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and  
13 295.05, and 1009.40 shall apply.

14           Section 941. Subsection (2) of section 295.018,  
15 Florida Statutes, is amended to read:

16           295.018 Children of service members who died in  
17 Newfoundland air tragedy; educational opportunity.--

18           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and  
19 295.05, and 1009.40 shall apply.

20           Section 942. Subsection (2) of section 295.019,  
21 Florida Statutes, is amended to read:

22           295.019 Children of service members who died in U.S.S.  
23 Stark attack.--

24           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and  
25 295.05, and 1009.40 shall apply.

26           Section 943. Subsection (2) of section 295.0195,  
27 Florida Statutes, is amended to read:

28           295.0195 Children of deceased or disabled military  
29 personnel who died or became disabled in the Mideast Persian  
30 Gulf military arena during hostilities with Iraq or in the  
31 military action in Panama known as Operation Just Cause.--

1           (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and  
2 295.05, and 1009.40 shall apply.

3           Section 944. Subsection (45) of section 316.003,  
4 Florida Statutes, is amended to read:

5           316.003 Definitions.--The following words and phrases,  
6 when used in this chapter, shall have the meanings  
7 respectively ascribed to them in this section, except where  
8 the context otherwise requires:

9           (45) SCHOOL BUS.--Any motor vehicle that complies with  
10 the color and identification requirements of chapter 1006 ~~234~~  
11 and is used to transport children to or from public or private  
12 school or in connection with school activities, but not  
13 including buses operated by common carriers in urban  
14 transportation of school children. The term "school" includes  
15 all preelementary, elementary, secondary, and postsecondary  
16 schools.

17           Section 945. Subsection (4) of section 316.027,  
18 Florida Statutes, is amended to read:

19           316.027 Crash involving death or personal injuries.--

20           (4) A person whose commission of a noncriminal traffic  
21 infraction or any violation of this chapter or s. 1006.66  
22 ~~240.265~~ causes or results in the death of another person may,  
23 in addition to any other civil, criminal, or administrative  
24 penalty imposed, be required by the court to serve 120  
25 community service hours in a trauma center or hospital that  
26 regularly receives victims of vehicle accidents, under the  
27 supervision of a registered nurse, an emergency room  
28 physician, or an emergency medical technician pursuant to a  
29 voluntary community service program operated by the trauma  
30 center or hospital.

31

1           Section 946. Paragraph (b) of subsection (9) of  
2 section 316.515, Florida Statutes, is amended to read:

3           316.515 Maximum width, height, length.--

4           (9) BUSES AND PRIVATE MOTOR COACHES.--

5           (b) School buses which are subject to the provisions  
6 of ~~chapter 234~~ or s. 316.615 or chapter 1006 are exempt from  
7 the provisions of this subsection.

8           Section 947. Subsection (5) of section 316.6145,  
9 Florida Statutes, is amended to read:

10          316.6145 School buses; safety belts or other restraint  
11 systems required.--

12          (5) The provisions of this section shall not apply to  
13 vehicles as defined in s. 1006.25(1)(b)~~234.051(1)(b)~~.

14          Section 948. Paragraphs (a) and (c) of subsection (1)  
15 of section 316.615, Florida Statutes, are amended to read:

16          316.615 School buses; physical requirements of  
17 drivers.--

18          (1)(a) All motor vehicles, with a seating capacity of  
19 24 or more pupils, which are regularly used for the  
20 transportation of pupils to or from school, or to or from  
21 school activities, shall comply with the requirements for  
22 school buses of chapter 1006 ~~234~~.

23          (c) A bus operated by an organization that holds a tax  
24 exemption pursuant to 26 U.S.C. s. 501(c)(3) is exempt from  
25 the color, pupil-warning-lamp-system, stop-arm, and  
26 crossing-arm requirements for school buses in chapter 1006 ~~234~~  
27 if:

28           1. The bus does not pick up pupils from home or  
29 deliver pupils to home;

30           2. The bus makes no intermittent stops to unload or  
31 load pupils; and

1           3. The bus is not operated by or under the purview of  
2 the state or political subdivision.

3           Section 949. Subsection (3) of section 316.70, Florida  
4 Statutes, is amended to read:

5           316.70 Nonpublic sector buses; safety rules.--

6           (3) School buses subject to the provisions of chapter  
7 1006 ~~234~~ or s. 316.615 are exempt from the provisions of this  
8 section.

9           Section 950. Subsection (2) of section 316.72, Florida  
10 Statutes, is amended to read:

11           316.72 Buses simulating school buses in color and  
12 insignia; conditions of use.--

13           (2) Any educational, recreational, religious, or  
14 charitable organization may own, operate, rent, or lease any  
15 bus which has been painted the orange or yellow color known as  
16 "school bus chrome" and which has been equipped with the  
17 signs, lights, insignia, and other features which normally  
18 characterize a school bus, as defined in s. 1006.25 ~~234.051~~,  
19 consistent with the provisions of this section.

20           Section 951. Section 318.12, Florida Statutes, is  
21 amended to read:

22           318.12 Purpose.--It is the legislative intent in the  
23 adoption of this chapter to decriminalize certain violations  
24 of chapter 316, the Florida Uniform Traffic Control Law;  
25 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'  
26 Licenses; ~~chapter 240, Postsecondary Education;~~ and chapter  
27 338, Florida Intrastate Highway System and Toll Facilities;  
28 and chapter 1006, Support of Learning, thereby facilitating  
29 the implementation of a more uniform and expeditious system  
30 for the disposition of traffic infractions.

31

1 Section 952. Subsection (1) of section 318.14, Florida  
2 Statutes, is amended to read:

3 318.14 Noncriminal traffic infractions; exception;  
4 procedures.--

5 (1) Except as provided in ss. 318.17 and 320.07(3)(c),  
6 any person cited for a violation of s. 1006.66(3) ~~240.265~~,  
7 chapter 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,  
8 s. 322.15(1), s. 322.16(2) or (3), s. 322.161(5), ~~or~~ s.  
9 322.19, ~~or s. 1006.66~~ is charged with a noncriminal infraction  
10 and must be cited for such an infraction and cited to appear  
11 before an official. If another person dies as a result of the  
12 noncriminal infraction, the person cited may be required to  
13 perform 120 community service hours under s. 316.027(4), in  
14 addition to any other penalties.

15 Section 953. Paragraph (c) of subsection (2) of  
16 section 320.08058, Florida Statutes, is amended to read:

17 320.08058 Specialty license plates.--

18 (2) CHALLENGER LICENSE PLATES.--

19 (c) Fifty percent must be distributed to the  
20 Technological Research and Development Authority created by s.  
21 2, chapter 87-455, Laws of Florida, for the purpose of funding  
22 space-related research grants, the Teacher/Quest Scholarship  
23 Program under s. 1009.61 ~~240.4082~~ as approved by the Florida  
24 Department of Education, and space-related economic  
25 development programs. The Technological Research and  
26 Development Authority shall coordinate and distribute  
27 available resources among state universities and independent  
28 colleges and universities based on the research strengths of  
29 such institutions in space science technology, community  
30 colleges, public school districts, and not-for-profit  
31 educational organizations.



1           Section 954. Subsection (1) of section 320.20, Florida  
2 Statutes, is amended to read:

3           320.20 Disposition of license tax moneys.--The revenue  
4 derived from the registration of motor vehicles, including any  
5 delinquent fees and excluding those revenues collected and  
6 distributed under the provisions of s. 320.081, must be  
7 distributed monthly, as collected, as follows:

8           (1) The first proceeds, to the extent necessary to  
9 comply with the provisions of s. 18, Art. XII of the State  
10 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968  
11 revised constitution, and the additional provisions of s. 9(d)  
12 and s. 1010.57 ~~236.602~~, must be deposited in the district  
13 Capital Outlay and Debt Service School Trust Fund.

14           Section 955. Section 320.38, Florida Statutes, is  
15 amended to read:

16           320.38 When nonresident exemption not allowed.--The  
17 provisions of s. 320.37 authorizing the operation of motor  
18 vehicles over the roads of this state by nonresidents of this  
19 state when such vehicles are duly registered or licensed under  
20 the laws of some other state or foreign country do not apply  
21 to any nonresident who accepts employment or engages in any  
22 trade, profession, or occupation in this state, except a  
23 nonresident migrant farm worker as defined in s. 316.003(61).  
24 In every case in which a nonresident, except a nonresident  
25 migrant farm worker as defined in s. 316.003(61), accepts  
26 employment or engages in any trade, profession, or occupation  
27 in this state or enters his or her children to be educated in  
28 the public schools of this state, such nonresident shall,  
29 within 10 days after the commencement of such employment or  
30 education, register his or her motor vehicles in this state if  
31 such motor vehicles are proposed to be operated on the roads

1 of this state. Any person who is enrolled as a student in a  
2 college or university and who is a nonresident but who is in  
3 this state for a period of up to 6 months engaged in a  
4 work-study program for which academic credits are earned from  
5 a college whose credits or degrees are accepted for credit by  
6 at least three accredited institutions of higher learning, as  
7 defined in s. 1005.02 ~~246.021~~, is not required to have a  
8 Florida registration for the duration of the work-study  
9 program if the person's vehicle is properly registered in  
10 another jurisdiction. Any nonresident who is enrolled as a  
11 full-time student in such institution of higher learning is  
12 also exempt for the duration of such enrollment.

13 Section 956. Subsection (3) of section 322.031,  
14 Florida Statutes, is amended to read:

15 322.031 Nonresident; when license required.--

16 (3) A nonresident who is domiciled in another state  
17 and who commutes into this state in order to work shall not be  
18 required to obtain a Florida driver's license under this  
19 section solely because he or she has accepted employment or  
20 engages in any trade, profession, or occupation in this state  
21 if he or she has a valid driver's license issued by another  
22 state. Further, any person who is enrolled as a student in a  
23 college or university and who is a nonresident but is in this  
24 state for a period of up to 6 months engaged in a work-study  
25 program for which academic credits are earned from a college  
26 whose credits or degrees are accepted for credit by at least  
27 three accredited institutions of higher learning, as defined  
28 in s. 1005.02 ~~246.021~~, shall not be required to obtain a  
29 Florida driver's license for the duration of the work-study  
30 program if such person has a valid driver's license issued by  
31 another state. Any nonresident who is enrolled as a full-time

1 student in any such institution of higher learning is also  
2 exempt from the requirement of obtaining a Florida driver's  
3 license for the duration of such enrollment.

4 Section 957. Paragraph (e) of subsection (1) and  
5 paragraph (a) of subsection (2) of section 322.091, Florida  
6 Statutes, are amended to read:

7 322.091 Attendance requirements.--

8 (1) ELIGIBILITY REQUIREMENTS FOR DRIVING  
9 PRIVILEGES.--A minor is not eligible for driving privileges  
10 unless that minor:

11 (e) Has been issued a certificate of exemption  
12 according to s. 1003.21(3)~~232.06~~; or

13  
14 The department may not issue a driver's license or learner's  
15 driver's license to, or shall suspend the driver's license or  
16 learner's driver's license of, any minor concerning whom the  
17 department receives notification of noncompliance with the  
18 requirements of this section.

19 (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;  
20 RECORD OF NONCOMPLIANCE.--

21 (a) The department shall notify each minor for whom  
22 the department has received notification of noncompliance with  
23 the requirements of this section as provided in s. 1003.27  
24 ~~232.19~~, and the minor's parent or guardian, of the  
25 department's intent to suspend the minor's driving privileges.

26 Section 958. Subsection (5) of section 322.095,  
27 Florida Statutes, is amended to read:

28 322.095 Traffic law and substance abuse education  
29 program for driver's license applicants.--

30 (5) The provisions of this section do not apply to any  
31 person who has been licensed in any other jurisdiction or who

1 has satisfactorily completed a Department of Education  
2 driver's education course offered pursuant to s. 1003.48  
3 ~~233.063~~.

4 Section 959. Paragraphs (a), (b), (c), and (d) of  
5 subsection (1) of section 322.21, Florida Statutes, are  
6 amended to read:

7 322.21 License fees; procedure for handling and  
8 collecting fees.--

9 (1) Except as otherwise provided herein, the fee for:

10 (a) An original or renewal commercial driver's license  
11 is \$50, which shall include the fee for driver education  
12 provided by s. 1003.48 ~~233.063~~; however, if an applicant has  
13 completed training and is applying for employment or is  
14 currently employed in a public or nonpublic school system that  
15 requires the commercial license, the fee shall be the same as  
16 for a Class E driver's license. A delinquent fee of \$1 shall  
17 be added for a renewal made not more than 12 months after the  
18 license expiration date.

19 (b) An original Class D or Class E driver's license is  
20 \$20, which shall include the fee for driver's 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 a commercial driver license, the fee shall be the  
25 same as for a Class E license.

26 (c) The renewal or extension of a Class D or Class E  
27 driver's license or of a license restricted to motorcycle use  
28 only is \$15, except that a delinquent fee of \$1 shall be added  
29 for a renewal or extension made not more than 12 months after  
30 the license expiration date. The fee provided in this

31

1 paragraph shall include the fee for driver's education  
2 provided by s. 1003.48 ~~233.063~~.

3 (d) An original driver's license restricted to  
4 motorcycle use only is \$20, which shall include the fee for  
5 driver's education provided by s. 1003.48 ~~233.063~~.

6 Section 960. Paragraphs (c) and (d) of subsection (2)  
7 and subsection (6) of section 333.03, Florida Statutes, are  
8 amended to read:

9 333.03 Power to adopt airport zoning regulations.--

10 (2) In the manner provided in subsection (1), interim  
11 airport land use compatibility zoning regulations shall be  
12 adopted. When political subdivisions have adopted land  
13 development regulations in accordance with the provisions of  
14 chapter 163 which address the use of land in the manner  
15 consistent with the provisions herein, adoption of airport  
16 land use compatibility regulations pursuant to this subsection  
17 shall not be required. Interim airport land use compatibility  
18 zoning regulations shall consider the following:

19 (c) Where an airport authority or other governing body  
20 operating a publicly owned, public-use airport has conducted a  
21 noise study in accordance with the provisions of 14 C.F.R.  
22 part 150, neither residential construction nor any educational  
23 facility as defined in chapter 1013 ~~235~~, with the exception of  
24 aviation school facilities, shall be permitted within the area  
25 contiguous to the airport defined by an outer noise contour  
26 that is considered incompatible with that type of construction  
27 by 14 C.F.R. part 150, Appendix A or an equivalent noise level  
28 as established by other types of noise studies.

29 (d) Where an airport authority or other governing body  
30 operating a publicly owned, public-use airport has not  
31 conducted a noise study, neither residential construction nor

1 any educational facility as defined in chapter 1013 235, with  
2 the exception of aviation school facilities, shall be  
3 permitted within an area contiguous to the airport measuring  
4 one-half the length of the longest runway on either side of  
5 and at the end of each runway centerline.

6 (6) Nothing in subsection (2) or subsection (3) shall  
7 be construed to require the removal, alteration, sound  
8 conditioning, or other change, or to interfere with the  
9 continued use or adjacent expansion of any educational  
10 structure or site in existence on July 1, 1993, or be  
11 construed to prohibit the construction of any new structure  
12 for which a site has been determined as provided in former s.  
13 235.19, as of July 1, 1993.

14 Section 961. Subsection (7) of section 364.508,  
15 Florida Statutes, is amended to read:

16 364.508 Definitions.--As used in this part:

17 (7) "Eligible facilities" means all approved campuses  
18 and instructional centers of all public universities, public  
19 community colleges, area technical centers, public elementary  
20 schools, middle schools, and high schools, including school  
21 administrative offices, public libraries, teaching hospitals,  
22 the research institute described in s. 1004.43 240-512, and  
23 rural public hospitals as defined in s. 395.602. If no rural  
24 public hospital exists in a community, the public health  
25 clinic which is responsible for individuals before they can be  
26 transferred to a regional hospital shall be considered  
27 eligible.

28 Section 962. Paragraph (k) of subsection (3) of  
29 section 380.0651, Florida Statutes, is amended to read:

30 380.0651 Statewide guidelines and standards.--  
31

1 (3) The following statewide guidelines and standards  
2 shall be applied in the manner described in s. 380.06(2) to  
3 determine whether the following developments shall be required  
4 to undergo development-of-regional-impact review:

5 (k) Schools.--

6 1. The proposed construction of any public, private,  
7 or proprietary postsecondary educational campus which provides  
8 for a design population of more than 5,000 full-time  
9 equivalent students, or the proposed physical expansion of any  
10 public, private, or proprietary postsecondary educational  
11 campus having such a design population that would increase the  
12 population by at least 20 percent of the design population.

13 2. As used in this paragraph, "full-time equivalent  
14 student" means enrollment for 15 or more quarter hours during  
15 a single academic semester. In area vocational schools or  
16 other institutions which do not employ semester hours or  
17 quarter hours in accounting for student participation,  
18 enrollment for 18 contact hours shall be considered equivalent  
19 to one quarter hour, and enrollment for 27 contact hours shall  
20 be considered equivalent to one semester hour.

21 3. This paragraph does not apply to institutions which  
22 are the subject of a campus master plan adopted by the State  
23 Board of Education ~~Regents~~ pursuant to s. 1013.30 ~~240.155~~.

24 Section 963. Paragraph (e) of subsection (1) of  
25 section 381.003, Florida Statutes, is amended to read:

26 381.003 Communicable disease and AIDS prevention and  
27 control.--

28 (1) The department shall conduct a communicable  
29 disease prevention and control program as part of fulfilling  
30 its public health mission. A communicable disease is any  
31 disease caused by transmission of a specific infectious agent,

1 or its toxic products, from an infected person, an infected  
2 animal, or the environment to a susceptible host, either  
3 directly or indirectly. The communicable disease program must  
4 include, but need not be limited to:

5 (e) Programs for the prevention and control of  
6 vaccine-preventable diseases, including programs to immunize  
7 school children as required by s. 1003.22(3)-(11) ~~232.032~~ and  
8 the development of an automated, electronic, and centralized  
9 database or registry of immunizations. The department shall  
10 ensure that all children in this state are immunized against  
11 vaccine-preventable diseases. The immunization registry shall  
12 allow the department to enhance current immunization  
13 activities for the purpose of improving the immunization of  
14 all children in this state.

15 1. Except as provided in subparagraph 2., the  
16 department shall include all children born in this state in  
17 the immunization registry by using the birth records from the  
18 Office of Vital Statistics. The department shall add other  
19 children to the registry as immunization services are  
20 provided.

21 2. The parent or guardian of a child may refuse to  
22 have the child included in the immunization registry by  
23 signing a form obtained from the department, or from the  
24 health care practitioner or entity that provides the  
25 immunization, which indicates that the parent or guardian does  
26 not wish to have the child included in the immunization  
27 registry. The decision to not participate in the immunization  
28 registry must be noted in the registry.

29 3. The immunization registry shall allow for  
30 immunization records to be electronically transferred to  
31 entities that are required by law to have such records,



1 including schools, licensed child care facilities, and any  
2 other entity that is required by law to obtain proof of a  
3 child's immunizations.

4           4. Any health care practitioner licensed under chapter  
5 458, chapter 459, or chapter 464 in this state who complies  
6 with rules adopted by the department to access the  
7 immunization registry may, through the immunization registry,  
8 directly access immunization records and update a child's  
9 immunization history or exchange immunization information with  
10 another authorized practitioner, entity, or agency involved in  
11 a child's care. The information included in the immunization  
12 registry must include the child's name, date of birth,  
13 address, and any other unique identifier necessary to  
14 correctly identify the child; the immunization record,  
15 including the date, type of administered vaccine, and vaccine  
16 lot number; and the presence or absence of any adverse  
17 reaction or contraindication related to the immunization.  
18 Information received by the department for the immunization  
19 registry retains its status as confidential medical  
20 information and the department must maintain the  
21 confidentiality of that information as otherwise required by  
22 law. A health care practitioner or other agency that obtains  
23 information from the immunization registry must maintain the  
24 confidentiality of any medical records in accordance with s.  
25 456.057 or as otherwise required by law.

26           Section 964. Paragraph (d) of subsection (1) of  
27 section 381.005, Florida Statutes, is amended to read:

28           381.005 Primary and preventive health services.--

29           (1) The department shall conduct a primary and  
30 preventive health care program as part of fulfilling its

31

1 public health mission. This program shall include, but is not  
2 limited to:

3 (d) School health services in accordance with chapters  
4 1003 and 1006 ~~chapter 232~~.

5 Section 965. Paragraph (p) of subsection (5) of  
6 section 381.0056, Florida Statutes, is amended to read:

7 381.0056 School health services program.--

8 (5) Each county health department shall develop,  
9 jointly with the district school board and the local school  
10 health advisory committee, a school health services plan; and  
11 the plan shall include, at a minimum, provisions for:

12 (p) Maintenance of records on incidents of health  
13 problems, corrective measures taken, and such other  
14 information as may be needed to plan and evaluate health  
15 programs; except, however, that provisions in the plan for  
16 maintenance of health records of individual students must be  
17 in accordance with s. 1002.22 ~~228.093~~;

18 Section 966. Subsection (9) of section 381.0302,  
19 Florida Statutes, is amended to read:

20 381.0302 Florida Health Services Corps.--

21 (9) Persons who receive loan repayment assistance  
22 under s. 1009.65 ~~240.4067~~ shall be members of the Florida  
23 Health Services Corps.

24 Section 967. Subsection (3) of section 391.055,  
25 Florida Statutes, is amended to read:

26 391.055 Service delivery systems.--

27 (3) The Children's Medical Services network may  
28 contract with school districts participating in the certified  
29 school match program pursuant to ss. ~~236.0812~~ and 409.908(21)  
30 and 1011.70 for the provision of school-based services, as  
31

1 provided for in s. 409.9071, for Medicaid-eligible children  
2 who are enrolled in the Children's Medical Services network.

3 Section 968. Section 393.0657, Florida Statutes, is  
4 amended to read:

5 393.0657 Persons not required to be refingerprinted or  
6 rescreened.--Any provision of law to the contrary  
7 notwithstanding, human resource personnel who have been  
8 fingerprinted or screened pursuant to chapters 393, 394, 397,  
9 402, and 409, and teachers who have been fingerprinted  
10 pursuant to chapter 1012 ~~231~~, who have not been unemployed for  
11 more than 90 days thereafter, and who under the penalty of  
12 perjury attest to the completion of such fingerprinting or  
13 screening and to compliance with the provisions of this  
14 section and the standards for good moral character as  
15 contained in such provisions as ss. 110.1127(3), 393.0655(1),  
16 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be  
17 required to be refingerprinted or rescreened in order to  
18 comply with any direct service provider screening or  
19 fingerprinting requirements.

20 Section 969. Subsection (3) of section 394.4572,  
21 Florida Statutes, is amended to read:

22 394.4572 Screening of mental health personnel.--

23 (3) Prospective mental health personnel who have  
24 previously been fingerprinted or screened pursuant to this  
25 chapter, chapter 393, chapter 397, chapter 402, or chapter  
26 409, or teachers who have been fingerprinted pursuant to  
27 chapter 1012 ~~231~~, who have not been unemployed for more than  
28 90 days thereafter, and who under the penalty of perjury  
29 attest to the completion of such fingerprinting or screening  
30 and to compliance with the provisions of this section and the  
31 standards for level 1 screening contained in chapter 435,

1 shall not be required to be refingerprinted or rescreened in  
2 order to comply with any screening requirements of this part.

3 Section 970. Subsection (5) of section 394.495,  
4 Florida Statutes, is amended to read:

5 394.495 Child and adolescent mental health system of  
6 care; programs and services.--

7 (5) In order to enhance collaboration between agencies  
8 and to facilitate the provision of services by the child and  
9 adolescent mental health treatment and support system and the  
10 school district, the local child and adolescent mental health  
11 system of care shall include the local educational multiagency  
12 network for severely emotionally disturbed students specified  
13 in s. 1006.04 ~~230.2317~~.

14 Section 971. Paragraph (c) of subsection (4) of  
15 section 394.498, Florida Statutes, is amended to read:

16 394.498 Child and Adolescent Interagency System of  
17 Care Demonstration Models.--

18 (4) ESSENTIAL ELEMENTS.--

19 (c) In order for children, adolescents, and families  
20 of children and adolescents to receive timely and effective  
21 services, the basic provider network identified in each  
22 demonstration model must be well designed and managed. The  
23 provider network should be able to meet the needs of a  
24 significant proportion of the target population. The applicant  
25 must demonstrate the capability to manage the network of  
26 providers for the purchasers that participate in the  
27 demonstration model. The applicant must demonstrate its  
28 ability to perform the following network management functions:

29 1. Identify providers within the designated area of  
30 the demonstration model which are currently funded by the  
31 state agencies included in the model, and identify additional

1 providers that are needed to provide additional services for  
2 the target population. The network of providers may include:  
3       a. Licensed mental health professionals as defined in  
4 s. 394.455(2), (4), (21), (23), or (24);  
5       b. Professionals licensed under chapter 491;  
6       c. Teachers certified under s. 1012.56 ~~231.17~~;  
7       d. Facilities licensed under chapter 395, as a  
8 hospital; s. 394.875, as a crisis stabilization unit or  
9 short-term residential facility; or s. 409.175, as a  
10 residential child-caring agency; and  
11       e. Other community agencies.  
12       2. Define access points and service linkages of  
13 providers in the network.  
14       3. Define the ways in which providers and  
15 participating state agencies are expected to collaborate in  
16 providing services.  
17       4. Define methods to measure the collective  
18 performance outcomes of services provided by providers and  
19 state agencies, measure the performance of individual  
20 agencies, and implement a quality improvement process across  
21 the provider network.  
22       5. Develop brochures for family members which are  
23 written in understandable terminology, to help families  
24 identify appropriate service providers, choose the provider,  
25 and access care directly whenever possible.  
26       6. Ensure that families are given a substantial role  
27 in planning and monitoring the provider network.  
28       7. Train all providers with respect to the principles  
29 of care outlined in this section, including effective  
30 techniques of cooperation, the wraparound process and  
31

1 strengths-based assessment, the development of service plans,  
2 and techniques of case management.

3 Section 972. Subsection (3) of section 395.602,  
4 Florida Statutes, is amended to read:

5 395.602 Rural hospitals.--

6 (3) USE OF FUNDS.--It is the intent of the Legislature  
7 that funds as appropriated shall be utilized by the department  
8 for the purpose of increasing the number of primary care  
9 physicians, physician assistants, certified nurse midwives,  
10 nurse practitioners, and nurses in rural areas, either through  
11 the Medical Education Reimbursement and Loan Repayment Program  
12 as defined by s. 1009.65 ~~240.4067~~ or through a federal loan  
13 repayment program which requires state matching funds. The  
14 department may use funds appropriated for the Medical  
15 Education Reimbursement and Loan Repayment Program as matching  
16 funds for federal loan repayment programs for health care  
17 personnel, such as that authorized in Pub. L. No. 100-177, s.  
18 203. If the department receives federal matching funds, the  
19 department shall only implement the federal program.

20 Reimbursement through either program shall be limited to:

21 (a) Primary care physicians, physician assistants,  
22 certified nurse midwives, nurse practitioners, and nurses  
23 employed by or affiliated with rural hospitals, as defined in  
24 this act; and

25 (b) Primary care physicians, physician assistants,  
26 certified nurse midwives, nurse practitioners, and nurses  
27 employed by or affiliated with rural area health education  
28 centers, as defined in this section. These personnel shall  
29 practice:

30 1. In a county with a population density of no greater  
31 than 100 persons per square mile; or

1           2. Within the boundaries of a hospital tax district  
2 which encompasses a population of no greater than 100 persons  
3 per square mile.

4  
5 If the department administers a federal loan repayment  
6 program, priority shall be given to obligating state and  
7 federal matching funds pursuant to paragraphs (a) and (b).  
8 The department may use federal matching funds in other health  
9 workforce shortage areas and medically underserved areas in  
10 the state for loan repayment programs for primary care  
11 physicians, physician assistants, certified nurse midwives,  
12 nurse practitioners, and nurses who are employed by publicly  
13 financed health care programs that serve medically indigent  
14 persons.

15           Section 973. Subsection (3) of section 395.605,  
16 Florida Statutes, is amended to read:

17           395.605 Emergency care hospitals.--

18           (3) For the purpose of participation in the Medical  
19 Education Reimbursement and Loan Repayment Program as defined  
20 in s. 1009.65 ~~240.4067~~ or other loan repayment or incentive  
21 programs designed to relieve medical workforce shortages, the  
22 department shall treat emergency care hospitals in the same  
23 manner as rural hospitals.

24           Section 974. Subsection (3) of section 397.405,  
25 Florida Statutes, is amended to read:

26           397.405 Exemptions from licensure.--The following are  
27 exempt from the licensing provisions of this chapter:

28           (3) A substance abuse education program established  
29 pursuant to s. 1003.42 ~~233.061~~.

30  
31

1 The exemptions from licensure in this section do not apply to  
2 any facility or entity which receives an appropriation, grant,  
3 or contract from the state to operate as a service provider as  
4 defined in this chapter or to any substance abuse program  
5 regulated pursuant to s. 397.406. No provision of this  
6 chapter shall be construed to limit the practice of a  
7 physician licensed under chapter 458 or chapter 459, a  
8 psychologist licensed under chapter 490, or a psychotherapist  
9 licensed under chapter 491, providing outpatient or inpatient  
10 substance abuse treatment to a voluntary patient, so long as  
11 the physician, psychologist, or psychotherapist does not  
12 represent to the public that he or she is a licensed service  
13 provider under this act. Failure to comply with any  
14 requirement necessary to maintain an exempt status under this  
15 section is a misdemeanor of the first degree, punishable as  
16 provided in s. 775.082 or s. 775.083.

17 Section 975. Subsection (4) of section 397.451,  
18 Florida Statutes, is amended to read:

19 397.451 Background checks of service provider  
20 personnel who have direct contact with unmarried minor clients  
21 or clients who are developmentally disabled.--

22 (4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR  
23 RECHECKED.--Service provider personnel who have been  
24 fingerprinted or had their backgrounds checked pursuant to  
25 chapter 393, chapter 394, chapter 402, or chapter 409, or this  
26 section, and teachers who have been fingerprinted pursuant to  
27 chapter 1012 ~~231~~, who have not been unemployed for more than  
28 90 days thereafter and who, under the penalty of perjury,  
29 attest to the completion of such fingerprinting or background  
30 checks and to compliance with the provisions of this section  
31 and the standards contained in chapter 435 and this section,



1 are not required to be refingerprinted or rechecked in order  
2 to comply with service provider personnel fingerprinting or  
3 background check requirements.

4 Section 976. Paragraph (h) of subsection (2) of  
5 section 397.951, Florida Statutes, is amended to read:

6 397.951 Treatment and sanctions.--The Legislature  
7 recognizes that the integration of treatment and sanctions  
8 greatly increases the effectiveness of substance abuse  
9 treatment. It is the responsibility of the department and the  
10 substance abuse treatment provider to employ the full measure  
11 of sanctions available to require participation and completion  
12 of treatment to ensure successful outcomes for children in  
13 substance abuse treatment.

14 (2) The department shall ensure that substance abuse  
15 treatment providers employ any and all appropriate available  
16 sanctions necessary to engage, motivate, and maintain a child  
17 in treatment, including, but not limited to, provisions in law  
18 that:

19 (h) Provide that the use, possession, or sale of  
20 controlled substances, as defined in chapter 893, or  
21 possession of electronic telephone pagers, by any student  
22 while such student is upon school property or in attendance at  
23 a school function is grounds for disciplinary action by the  
24 school and may also result in criminal penalties being imposed  
25 pursuant to s. 1006.09(1)-(4)~~232-26~~.

26 Section 977. Subsection (2), (4), and (7) of section  
27 402.22, Florida Statutes, are amended to read:

28 402.22 Education program for students who reside in  
29 residential care facilities operated by the Department of  
30 Children and Family Services.--

31

1           (2) District school boards shall establish educational  
2 programs for all students ages 5 through 18 under the  
3 residential care of the Department of Children and Family  
4 Services and may provide for students below age 3 as provided  
5 for in s. 1003.21(1)(e)~~232.01(1)(e)~~. Funding of such programs  
6 shall be pursuant to s. 1011.62 ~~236.081~~.

7           (4) Students age 18 and under who are under the  
8 residential care of the Department of Children and Family  
9 Services and who receive an education program shall be  
10 calculated as full-time equivalent student membership in the  
11 appropriate cost factor as provided for in s. 1011.62(1)(c)  
12 ~~236.081(1)(c)~~. Residential care facilities of the Department  
13 of Children and Family Services shall include, but not be  
14 limited to, developmental services institutions and state  
15 mental health facilities. All students shall receive their  
16 education program from the district school system, and funding  
17 shall be allocated through the Florida Education Finance  
18 Program for the district school system.

19           (7) Notwithstanding the provisions of s. 1001.42(4)(n)  
20 ~~230.23(4)(n)~~, the educational program at the Marianna Sunland  
21 Center in Jackson County shall be operated by the Department  
22 of Education, either directly or through grants or contractual  
23 agreements with other public educational agencies. The annual  
24 state allocation to any such agency shall be computed pursuant  
25 to s. 1011.62(1), (2), and (5)~~236.081(1), (2), and (5)~~ and  
26 allocated in the amount that would have been provided the  
27 local school district in which the residential facility is  
28 located.

29           Section 978. Subsection (3) of section 402.302,  
30 Florida Statutes, is amended to read:

31           402.302 Definitions.--

1           (3) "Child care personnel" means all owners,  
2 operators, employees, and volunteers working in a child care  
3 facility. The term does not include persons who work in a  
4 child care facility after hours when children are not present  
5 or parents of children in Head Start. For purposes of  
6 screening, the term includes any member, over the age of 12  
7 years, of a child care facility operator's family, or person,  
8 over the age of 12 years, residing with a child care facility  
9 operator if the child care facility is located in or adjacent  
10 to the home of the operator or if the family member of, or  
11 person residing with, the child care facility operator has any  
12 direct contact with the children in the facility during its  
13 hours of operation. Members of the operator's family or  
14 persons residing with the operator who are between the ages of  
15 12 years and 18 years shall not be required to be  
16 fingerprinted but shall be screened for delinquency records.  
17 For purposes of screening, the term shall also include persons  
18 who work in child care programs which provide care for  
19 children 15 hours or more each week in public or nonpublic  
20 schools, summer day camps, family day care homes, or those  
21 programs otherwise exempted under s. 402.316. The term does  
22 not include public or nonpublic school personnel who are  
23 providing care during regular school hours, or after hours for  
24 activities related to a school's program for grades  
25 kindergarten through 12 as required under chapter 232. A  
26 volunteer who assists on an intermittent basis for less than  
27 40 hours per month is not included in the term "personnel" for  
28 the purposes of screening and training, provided that the  
29 volunteer is under direct and constant supervision by persons  
30 who meet the personnel requirements of s. 402.305(2).  
31 Students who observe and participate in a child care facility

1 as a part of their required coursework shall not be considered  
2 child care personnel, provided such observation and  
3 participation are on an intermittent basis and the students  
4 are under direct and constant supervision of child care  
5 personnel.

6 Section 979. Section 402.3057, Florida Statutes, is  
7 amended to read:

8 402.3057 Persons not required to be refingerprinted or  
9 rescreened.--Any provision of law to the contrary  
10 notwithstanding, human resource personnel who have been  
11 fingerprinted or screened pursuant to chapters 393, 394, 397,  
12 402, and 409, and teachers and noninstructional personnel who  
13 have been fingerprinted pursuant to chapter 1012 ~~231~~, who have  
14 not been unemployed for more than 90 days thereafter, and who  
15 under the penalty of perjury attest to the completion of such  
16 fingerprinting or screening and to compliance with the  
17 provisions of this section and the standards for good moral  
18 character as contained in such provisions as ss. 110.1127(3),  
19 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),  
20 shall not be required to be refingerprinted or rescreened in  
21 order to comply with any caretaker screening or fingerprinting  
22 requirements.

23 Section 980. Paragraphs (a) and (b) of subsection (3)  
24 of section 409.145, Florida Statutes, are amended to read:

25 409.145 Care of children.--

26 (3)(a) The department is authorized to continue to  
27 provide the services of the children's foster care program to  
28 individuals 18 to 21 years of age who are enrolled in high  
29 school, in a program leading to a high school equivalency  
30 diploma as defined in s. 229.814, or in a full-time career  
31 education program, and to continue to provide services of the

1 children's foster care program to individuals 18 to 23 years  
2 of age who are enrolled full-time in a postsecondary  
3 educational institution granting a degree, a certificate, or  
4 an applied technology diploma, if the following requirements  
5 are met:

6 1. The individual was committed to the legal custody  
7 of the department for placement in foster care as a dependent  
8 child;

9 2. All other resources have been thoroughly explored,  
10 and it can be clearly established that there are no  
11 alternative resources for placement; and

12 3. A written service agreement which specifies  
13 responsibilities and expectations for all parties involved has  
14 been signed by a representative of the department, the  
15 individual, and the foster parent or licensed child-caring  
16 agency providing the placement resources.

17 (b) The services of the foster care program shall  
18 continue for those individuals 18 to 21 years of age only for  
19 the period of time the individual is continuously enrolled in  
20 high school, in a program leading to a high school equivalency  
21 diploma as defined in s. 229.814, or in a full-time career  
22 education program; and shall continue for those individuals 18  
23 to 23 years of age only for the period of time the individual  
24 is continuously enrolled full-time in a postsecondary  
25 educational institution granting a degree, a certificate, or  
26 an applied technology diploma. Services shall be terminated  
27 upon completion of or withdrawal or permanent expulsion from  
28 high school, the program leading to a high school equivalency  
29 diploma, the full-time career education program, or the  
30 postsecondary educational institution granting a degree, a  
31 certificate, or an applied technology diploma. In addition,

1 the department may, based upon the availability of funds,  
2 provide assistance to those individuals who leave foster care  
3 when they attain 18 years of age and subsequently request  
4 assistance prior to their 21st birthday. The following are  
5 examples of assistance that may be provided: referrals for  
6 employment, services for educational or vocational  
7 development, and housing assistance.

8 Section 981. Section 409.1757, Florida Statutes, is  
9 amended to read:

10 409.1757 Persons not required to be refingerprinted or  
11 rescreened.--Any provision of law to the contrary  
12 notwithstanding, human resource personnel who have been  
13 fingerprinted or screened pursuant to chapters 393, 394, 397,  
14 402, and this chapter, and teachers who have been  
15 fingerprinted pursuant to chapter 1012 ~~231~~, who have not been  
16 unemployed for more than 90 days thereafter, and who under the  
17 penalty of perjury attest to the completion of such  
18 fingerprinting or screening and to compliance with the  
19 provisions of this section and the standards for good moral  
20 character as contained in such provisions as ss. 110.1127(3),  
21 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),  
22 shall not be required to be refingerprinted or rescreened in  
23 order to comply with any caretaker screening or fingerprinting  
24 requirements.

25 Section 982. Subsection (1) and (2) of section  
26 409.2598, Florida Statutes, are amended to read:

27 409.2598 Suspension or denial of new or renewal  
28 licenses; registrations; certifications.--

29 (1) The Title IV-D agency may petition the court that  
30 entered the support order or the court that is enforcing the  
31 support order to deny or suspend the license, registration, or

1 certificate issued under ~~chapter 231~~,chapter 370, chapter  
2 372, chapter 409, chapter 455, chapter 456, chapter 559,  
3 chapter 1012,s. 328.42, or s. 597.010 of any obligor with a  
4 delinquent support obligation or who fails, after receiving  
5 appropriate notice, to comply with subpoenas, orders to  
6 appear, orders to show cause, or similar orders relating to  
7 paternity or support proceedings. However, a petition may not  
8 be filed until the Title IV-D agency has exhausted all other  
9 available remedies. The purpose of this section is to promote  
10 the public policy of the state as established in s. 409.2551.

11 (2) The Title IV-D agency is authorized to screen all  
12 applicants for new or renewal licenses, registrations, or  
13 certificates and current licenses, registrations, or  
14 certificates and current licensees, registration holders, and  
15 certificateholders of all licenses, registrations, and  
16 certificates issued under ~~chapter 231~~,chapter 370, ~~chapter~~  
17 ~~372~~,chapter 409, chapter 455, chapter 456, or chapter 559,  
18 chapter 1012,or s. 328.42 to ensure compliance with any  
19 support obligation and any subpoenas, orders to appear, orders  
20 to show cause, or similar orders relating to paternity or  
21 support proceedings. If the Title IV-D agency determines that  
22 an applicant, licensee, registration holder, or  
23 certificateholder is an obligor who is delinquent on a support  
24 obligation or who is not in compliance with a subpoena, order  
25 to appear, order to show cause, or similar order relating to  
26 paternity or support proceedings, the Title IV-D agency shall  
27 certify the delinquency pursuant to s. 61.14.

28 Section 983. Subsections (1) and (6) of section  
29 409.9071, Florida Statutes, as amended by section 2 of chapter  
30 97-168, Laws of Florida, are amended to read:

31

1           409.9071 Medicaid provider agreements for school  
2 districts certifying state match.--

3           (1) The agency shall submit a state plan amendment by  
4 September 1, 1997, for the purpose of obtaining federal  
5 authorization to reimburse school-based services as provided  
6 in former s. 236.0812 pursuant to the rehabilitative services  
7 option provided under 42 U.S.C. s. 1396d(a)(13). For purposes  
8 of this section, billing agent consulting services shall be  
9 considered billing agent services, as that term is used in s.  
10 409.913(9), and, as such, payments to such persons shall not  
11 be based on amounts for which they bill nor based on the  
12 amount a provider receives from the Medicaid program. This  
13 provision shall not restrict privatization of Medicaid  
14 school-based services. Subject to any limitations provided for  
15 in the General Appropriations Act, the agency, in compliance  
16 with appropriate federal authorization, shall develop policies  
17 and procedures and shall allow for certification of state and  
18 local education funds which have been provided for  
19 school-based services as specified in s. 1011.70 ~~236.0812~~ and  
20 authorized by a physician's order where required by federal  
21 Medicaid law. Any state or local funds certified pursuant to  
22 this section shall be for children with specified disabilities  
23 who are eligible for both Medicaid and part B or part H of the  
24 Individuals with Disabilities Education Act (IDEA), or the  
25 exceptional student education program, or who have an  
26 individualized educational plan.

27           (6) Retroactive reimbursements for services as  
28 specified in former s. 236.0812 as of July 1, 1996, including  
29 reimbursement for the 1995-1996 and 1996-1997 school years,  
30 subject to federal approval.

31



1           Section 984. Subsection (1) of section 409.9071,  
2 Florida Statutes, as amended by sections 13 and 18 of chapter  
3 97-263, Laws of Florida, is amended to read:

4           409.9071 Medicaid provider agreements for school  
5 districts certifying state match.--

6           (1) Subject to any limitations provided for in the  
7 General Appropriations Act, the agency, in compliance with  
8 appropriate federal authorization, shall develop policies and  
9 procedures to allow for certification of state and local  
10 education funds which have been provided for services as  
11 authorized in s. 1011.70 ~~236.0812~~. Any state or local funds  
12 certified pursuant to this section shall be for children with  
13 specified disabilities who are eligible for Medicaid and who  
14 have an individualized educational plan that demonstrates that  
15 such services are medically necessary and a physician  
16 authorization order if required by federal Medicaid laws.

17           Section 985. Subsection (21) of section 409.908,  
18 Florida Statutes, is amended to read:

19           409.908 Reimbursement of Medicaid providers.--Subject  
20 to specific appropriations, the agency shall reimburse  
21 Medicaid providers, in accordance with state and federal law,  
22 according to methodologies set forth in the rules of the  
23 agency and in policy manuals and handbooks incorporated by  
24 reference therein. These methodologies may include fee  
25 schedules, reimbursement methods based on cost reporting,  
26 negotiated fees, competitive bidding pursuant to s. 287.057,  
27 and other mechanisms the agency considers efficient and  
28 effective for purchasing services or goods on behalf of  
29 recipients. Payment for Medicaid compensable services made on  
30 behalf of Medicaid eligible persons is subject to the  
31 availability of moneys and any limitations or directions

1 provided for in the General Appropriations Act or chapter 216.  
2 Further, nothing in this section shall be construed to prevent  
3 or limit the agency from adjusting fees, reimbursement rates,  
4 lengths of stay, number of visits, or number of services, or  
5 making any other adjustments necessary to comply with the  
6 availability of moneys and any limitations or directions  
7 provided for in the General Appropriations Act, provided the  
8 adjustment is consistent with legislative intent.

9 (21) The agency shall reimburse school districts which  
10 certify the state match pursuant to ss. 1011.70 ~~236.0812~~ and  
11 409.9071 for the federal portion of the school district's  
12 allowable costs to deliver the services, based on the  
13 reimbursement schedule. The school district shall determine  
14 the costs for delivering services as authorized in ss. 1011.70  
15 ~~236.0812~~ and 409.9071 for which the state match will be  
16 certified. Reimbursement of school-based providers is  
17 contingent on such providers being enrolled as Medicaid  
18 providers and meeting the qualifications contained in 42  
19 C.F.R. s. 440.110, unless otherwise waived by the federal  
20 Health Care Financing Administration. Speech therapy providers  
21 who are certified through the Department of Education pursuant  
22 to rule 6A-4.0176, Florida Administrative Code, are eligible  
23 for reimbursement for services that are provided on school  
24 premises. Any employee of the school district who has been  
25 fingerprinted and has received a criminal background check in  
26 accordance with Department of Education rules and guidelines  
27 shall be exempt from any agency requirements relating to  
28 criminal background checks.

29 Section 986. Paragraph (a) of subsection (2) of  
30 section 409.9122, Florida Statutes, is amended to read:  
31

1           409.9122 Mandatory Medicaid managed care enrollment;  
2 programs and procedures.--

3           (2)(a) The agency shall enroll in a managed care plan  
4 or MediPass all Medicaid recipients, except those Medicaid  
5 recipients who are: in an institution; enrolled in the  
6 Medicaid medically needy program; or eligible for both  
7 Medicaid and Medicare. However, to the extent permitted by  
8 federal law, the agency may enroll in a managed care plan or  
9 MediPass a Medicaid recipient who is exempt from mandatory  
10 managed care enrollment, provided that:

11           1. The recipient's decision to enroll in a managed  
12 care plan or MediPass is voluntary;

13           2. If the recipient chooses to enroll in a managed  
14 care plan, the agency has determined that the managed care  
15 plan provides specific programs and services which address the  
16 special health needs of the recipient; and

17           3. The agency receives any necessary waivers from the  
18 federal Health Care Financing Administration.

19  
20 The agency shall develop rules to establish policies by which  
21 exceptions to the mandatory managed care enrollment  
22 requirement may be made on a case-by-case basis. The rules  
23 shall include the specific criteria to be applied when making  
24 a determination as to whether to exempt a recipient from  
25 mandatory enrollment in a managed care plan or MediPass.  
26 School districts participating in the certified school match  
27 program pursuant to ss. 1011.70 ~~236.0812~~ and 409.908(21) shall  
28 be reimbursed by Medicaid, subject to the limitations of s.  
29 1011.70(1)~~236.0812(1)~~ and (2), for a Medicaid-eligible child  
30 participating in the services as authorized in s. 1011.70  
31 ~~236.0812~~, as provided for in s. 409.9071, regardless of

1 whether the child is enrolled in MediPass or a managed care  
2 plan. Managed care plans shall make a good faith effort to  
3 execute agreements with school districts regarding the  
4 coordinated provision of services authorized under s. 1011.70  
5 ~~236.0812~~. County health departments delivering school-based  
6 services pursuant to ss. 381.0056 and 381.0057 shall be  
7 reimbursed by Medicaid for the federal share for a  
8 Medicaid-eligible child who receives Medicaid-covered services  
9 in a school setting, regardless of whether the child is  
10 enrolled in MediPass or a managed care plan. Managed care  
11 plans shall make a good faith effort to execute agreements  
12 with county health departments regarding the coordinated  
13 provision of services to a Medicaid-eligible child. To ensure  
14 continuity of care for Medicaid patients, the agency, the  
15 Department of Health, and the Department of Education shall  
16 develop procedures for ensuring that a student's managed care  
17 plan or MediPass provider receives information relating to  
18 services provided in accordance with ss. ~~236.0812~~, 381.0056,  
19 381.0057, ~~and~~ 409.9071, and 1011.70.

20 Section 987. Paragraph (d) of subsection (5) and  
21 subsection (10) of section 411.01, Florida Statutes, are  
22 amended to read:

23 411.01 Florida Partnership for School Readiness;  
24 school readiness coalitions.--

25 (5) CREATION OF SCHOOL READINESS COALITIONS.--

26 (d) Implementation.--

27 1. The school readiness program is to be phased in.  
28 Until the coalition implements its plan, the county shall  
29 continue to receive the services identified in subsection (3)  
30 through the various agencies that would be responsible for  
31 delivering those services under current law. Plan

1 implementation is subject to approval of the coalition and the  
2 plan by the Florida Partnership for School Readiness.

3           2. Each school readiness coalition shall develop a  
4 plan for implementing the school readiness program to meet the  
5 requirements of this section and the performance standards and  
6 outcome measures established by the partnership. The plan must  
7 include a written description of the role of the program in  
8 the coalition's effort to meet the first state education goal,  
9 readiness to start school, including a description of the plan  
10 to involve the prekindergarten early intervention programs,  
11 Head Start Programs, programs offered by public or private  
12 providers of child care, preschool programs for children with  
13 disabilities, programs for migrant children, Title I programs,  
14 subsidized child care programs, and teen parent programs. The  
15 plan must also demonstrate how the program will ensure that  
16 each 3-year-old and 4-year-old child in a publicly funded  
17 school readiness program receives scheduled activities and  
18 instruction designed to prepare children to enter kindergarten  
19 ready to learn. Prior to implementation of the program, the  
20 school readiness coalition must submit the plan to the  
21 partnership for approval. The partnership may approve the  
22 plan, reject the plan, or approve the plan with conditions.  
23 The Florida Partnership for School Readiness shall review  
24 coalition plans at least annually.

25           3. The plan for the school readiness program must  
26 include the following minimum standards and provisions:

27           a. A sliding fee scale establishing a copayment for  
28 parents based upon their ability to pay, which is the same for  
29 all program providers, to be implemented and reflected in each  
30 program's budget.

31

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

1 services, and such contracts may be part of the coalition's  
2 business plan.

3 j. Strategies to meet the needs of unique populations,  
4 such as migrant workers.

5  
6 As part of the plan, the coalition may request the Governor to  
7 apply for a waiver to allow the coalition to administer the  
8 Head Start Program to accomplish the purposes of the school  
9 readiness program. If any school readiness plan can  
10 demonstrate that specific statutory goals can be achieved more  
11 effectively by using procedures that require modification of  
12 existing rules, policies, or procedures, a request for a  
13 waiver to the partnership may be made as part of the plan.  
14 Upon review, the partnership may grant the proposed  
15 modification.

16 4. Persons with an early childhood teaching  
17 certificate may provide support and supervision to other staff  
18 in the school readiness program.

19 5. The coalition may not implement its plan until it  
20 submits the plan to and receives approval from the  
21 partnership. Once the plan has been approved, the plan and the  
22 services provided under the plan shall be controlled by the  
23 coalition rather than by the state agencies or departments.  
24 The plan shall be reviewed and revised as necessary, but at  
25 least biennially.

26 6. The following statutes will not apply to local  
27 coalitions with approved plans: ss. 125.901(2)(a)3., 411.221,  
28 and 411.232. To facilitate innovative practices and to allow  
29 local establishment of school readiness programs, a school  
30 readiness coalition may apply to the Governor and Cabinet for  
31 a waiver of, and the Governor and Cabinet may waive, any of

1 the provisions of ss. ~~230.23166~~, 411.223, and 411.232, and  
2 1003.54 if the waiver is necessary for implementation of the  
3 coalition's school readiness plan.

4 7. Two or more counties may join for the purpose of  
5 planning and implementing a school readiness program.

6 8. A coalition may, subject to approval of the  
7 partnership as part of the coalition's plan, receive  
8 subsidized child care funds for all children eligible for any  
9 federal subsidized child care program and be the provider of  
10 the program services.

11 9. Coalitions are authorized to enter into multiparty  
12 contracts with multicounty service providers in order to meet  
13 the needs of unique populations such as migrant workers.

14 (10) SCHOOL READINESS UNIFORM SCREENING.--The  
15 Department of Education shall implement a school readiness  
16 uniform screening, including a pilot program during the  
17 2001-2002 school year, to validate the system recommended by  
18 the Florida Partnership for School Readiness as part of a  
19 comprehensive evaluation design. Beginning with the 2002-2003  
20 school year, the department shall require that all school  
21 districts administer the school readiness uniform screening to  
22 each kindergarten student in the district school system upon  
23 the student's entry into kindergarten. Children who enter  
24 public school for the first time in first grade must undergo a  
25 uniform screening adopted for use in first grade. The  
26 department shall incorporate school readiness data into the  
27 K-20 data warehouse for longitudinal tracking. Notwithstanding  
28 s. 1002.22 ~~228.093~~, the department shall provide the  
29 partnership and the Agency for Workforce Innovation with  
30 complete and full access to kindergarten uniform screening  
31 data at the student, school, district, and state levels in a



1 format that will enable the partnership and the agency to  
2 prepare reports needed by state policymakers and local school  
3 readiness coalitions to access progress toward school  
4 readiness goals and provide input for continuous improvement  
5 of local school readiness services and programs.

6 Section 988. Paragraph (f) of subsection (8) of  
7 section 411.203, Florida Statutes, is amended to read:

8 411.203 Continuum of comprehensive services.--The  
9 Department of Education and the Department of Health and  
10 Rehabilitative Services shall utilize the continuum of  
11 prevention and early assistance services for high-risk  
12 pregnant women and for high-risk and handicapped children and  
13 their families, as outlined in this section, as a basis for  
14 the intraagency and interagency program coordination,  
15 monitoring, and analysis required in this chapter. The  
16 continuum shall be the guide for the comprehensive statewide  
17 approach for services for high-risk pregnant women and for  
18 high-risk and handicapped children and their families, and may  
19 be expanded or reduced as necessary for the enhancement of  
20 those services. Expansion or reduction of the continuum shall  
21 be determined by intraagency or interagency findings and  
22 agreement, whichever is applicable. Implementation of the  
23 continuum shall be based upon applicable eligibility criteria,  
24 availability of resources, and interagency prioritization when  
25 programs impact both agencies, or upon single agency  
26 prioritization when programs impact only one agency. The  
27 continuum shall include, but not be limited to:

28 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND  
29 PARENTS OF HIGH-RISK CHILDREN.--

30 (f) Parent support groups, such as the community  
31 resource mother or father program as established in s. 402.45,

1 the Florida First Start Program as established in s. 230.2303,  
2 or parents as first teachers, to strengthen families and to  
3 enable families of high-risk children to better meet their  
4 needs.

5 Section 989. Subsection (2) of section 411.223,  
6 Florida Statutes, is amended to read:

7 411.223 Uniform standards.--

8 (2) Duplicative diagnostic and planning practices  
9 shall be eliminated to the extent possible. Diagnostic and  
10 other information necessary to provide quality services to  
11 high-risk or handicapped children shall be shared among the  
12 program offices of the Department of Children and Family  
13 Services, pursuant to the provisions of s. 1002.22 ~~228.093~~.

14 Section 990. Subsection (1) of section 414.1251,  
15 Florida Statutes, is amended to read:

16 414.1251 Learnfare program.--

17 (1) The department shall reduce the temporary cash  
18 assistance for a participant's eligible dependent child or for  
19 an eligible teenage participant who has not been exempted from  
20 education participation requirements, if the eligible  
21 dependent child or eligible teenage participant has been  
22 identified either as a habitual truant, pursuant to s.  
23 1003.01(8)~~228.041(28)~~, or as a dropout, pursuant to s.  
24 1003.01(9)~~228.041(29)~~. For a student who has been identified  
25 as a habitual truant, the temporary cash assistance must be  
26 reinstated after a subsequent grading period in which the  
27 child's attendance has substantially improved. For a student  
28 who has been identified as a dropout, the temporary cash  
29 assistance must be reinstated after the student enrolls in a  
30 public school, receives a high school diploma or its  
31 equivalency, enrolls in preparation for the General

1 Educational Development Tests, or enrolls in other educational  
2 activities approved by the district school board. Good cause  
3 exemptions from the rule of unexcused absences include the  
4 following:

5 (a) The student is expelled from school and  
6 alternative schooling is not available.

7 (b) No licensed day care is available for a child of  
8 teen parents subject to Learnfare.

9 (c) Prohibitive transportation problems exist (e.g.,  
10 to and from day care).

11

12 Within 10 days after sanction notification, the participant  
13 parent of a dependent child or the teenage participant may  
14 file an internal fair hearings process review procedure  
15 appeal, and no sanction shall be imposed until the appeal is  
16 resolved.

17 Section 991. Paragraph (c) of subsection (1) of  
18 section 440.16, Florida Statutes, is amended to read:

19 440.16 Compensation for death.--

20 (1) If death results from the accident within 1 year  
21 thereafter or follows continuous disability and results from  
22 the accident within 5 years thereafter, the employer shall  
23 pay:

24 (c) To the surviving spouse, payment of postsecondary  
25 student fees for instruction at any area technical center  
26 established under s. 1001.44 ~~230.63~~ for up to 1,800 classroom  
27 hours or payment of student fees at any community college  
28 established under part III of chapter 1004 ~~240~~ for up to 80  
29 semester hours. The spouse of a deceased state employee shall  
30 be entitled to a full waiver of such fees as provided in ss.  
31 1009.22 ~~239.117~~ and 1009.23 ~~240.345~~ in lieu of the payment of

1 such fees. The benefits provided for in this paragraph shall  
2 be in addition to other benefits provided for in this section  
3 and shall terminate 7 years after the death of the deceased  
4 employee, or when the total payment in eligible compensation  
5 under paragraph (b) has been received. To qualify for the  
6 educational benefit under this paragraph, the spouse shall be  
7 required to meet and maintain the regular admission  
8 requirements of, and be registered at, such area technical  
9 center or community college, and make satisfactory academic  
10 progress as defined by the educational institution in which  
11 the student is enrolled.

12 Section 992. Paragraph (e) of subsection (6) and  
13 paragraph (e) of subsection (9) of section 445.004, Florida  
14 Statutes, are amended to read:

15 445.004 Workforce Florida, Inc.; creation; purpose;  
16 membership; duties and powers.--

17 (6) Workforce Florida, Inc., may take action that it  
18 deems necessary to achieve the purposes of this section,  
19 including, but not limited to:

20 (e) Providing policy direction for a system to project  
21 and evaluate labor market supply and demand using the results  
22 of the Workforce Estimating Conference created in s. 216.136  
23 and the career education performance standards identified  
24 under s. 1008.43 ~~239-233~~.

25 (9) Workforce Florida, Inc., in collaboration with the  
26 regional workforce boards and appropriate state agencies and  
27 local public and private service providers, and in  
28 consultation with the Office of Program Policy Analysis and  
29 Government Accountability, shall establish uniform measures  
30 and standards to gauge the performance of the workforce  
31

1 development strategy. These measures and standards must be  
2 organized into three outcome tiers.

3 (e) Job placement must be reported pursuant to s.  
4 1008.39 ~~229.8075~~. Positive outcomes for providers of education  
5 and training must be consistent with ss. 1008.42 ~~239.233~~ and  
6 1008.43 ~~239.245~~.

7 Section 993. Paragraph (a) of subsection (1) of  
8 section 445.0121, Florida Statutes, is amended to read:

9 445.0121 Student eligibility requirements for initial  
10 awards.--

11 (1) To be eligible for an initial award for  
12 lower-division college credit courses that lead to a  
13 baccalaureate degree, as defined in s. 445.0122(5), a student  
14 must:

15 (a)1. Have been a resident of this state for no less  
16 than 3 years for purposes other than to obtain an education;  
17 or

18 2. Have received a standard Florida high school  
19 diploma, as provided in s. 1003.43 ~~232.246~~, or its equivalent,  
20 as described in s. 229.814, unless:

21 a. The student is enrolled full-time in the  
22 early-admission program of an eligible postsecondary education  
23 institution or completes a home education program in  
24 accordance with s. 1002.41 ~~232.0201~~; or

25 b. The student earns a high school diploma from a  
26 non-Florida school while living with a parent or guardian who  
27 is on military or public service assignment outside this  
28 state.

29 Section 994. Paragraph (i) of subsection (1) of  
30 section 445.024, Florida Statutes, is amended to read:

31 445.024 Work requirements.--

1 (1) WORK ACTIVITIES.--The following activities may be  
2 used individually or in combination to satisfy the work  
3 requirements for a participant in the temporary cash  
4 assistance program:

5 (i) Education services related to employment for  
6 participants 19 years of age or younger.--Education services  
7 provided under this paragraph are designed to prepare a  
8 participant for employment in an occupation. The agency shall  
9 coordinate education services with the school-to-work  
10 activities provided under s. 1006.02 ~~229.595~~. Activities  
11 provided under this paragraph are restricted to participants  
12 19 years of age or younger who have not completed high school  
13 or obtained a high school equivalency diploma.

14 Section 995. Subsection (2), paragraph (i) of  
15 subsection (3), paragraph (a) of subsection (4), subsection  
16 (10), and subsection (18) of section 447.203, Florida  
17 Statutes, are amended to read:

18 447.203 Definitions.--As used in this part:

19 (2) "Public employer" or "employer" means the state or  
20 any county, municipality, or special district or any  
21 subdivision or agency thereof which the commission determines  
22 has sufficient legal distinctiveness properly to carry out the  
23 functions of a public employer. With respect to all public  
24 employees determined by the commission as properly belonging  
25 to a statewide bargaining unit composed of State Career  
26 Service System employees or Selected Professional Service  
27 employees, the Governor shall be deemed to be the public  
28 employer; and the university board of trustees ~~Board of~~  
29 ~~Regents~~ shall be deemed to be the public employer with respect  
30 to all public employees of the respective state university.  
31 ~~within the State University System as provided in s.~~

1 ~~240.209(3)(f), except that such employees shall have the~~  
2 ~~right, in elections to be conducted at each university by the~~  
3 ~~commission pursuant to its rules, to elect not to participate~~  
4 ~~in collective bargaining. In the event that a majority of such~~  
5 ~~voting employees at any university elect not to participate in~~  
6 ~~collective bargaining, they shall be removed from the~~  
7 ~~applicable Board of Regents bargaining unit. If, thereafter,~~  
8 ~~by election conducted by the commission pursuant to its rules,~~  
9 ~~a majority of such voting employees elect to participate in~~  
10 ~~collective bargaining, they shall be included again in the~~  
11 ~~applicable Board of Regents bargaining unit for such purpose.~~  
12 The board of trustees of a community college shall be deemed  
13 to be the public employer with respect to all employees of the  
14 community college. The district school board shall be deemed  
15 to be the public employer with respect to all employees of the  
16 school district. The Board of Trustees of the Florida School  
17 for the Deaf and the Blind shall be deemed to be the public  
18 employer with respect to the academic and academic  
19 administrative personnel of the Florida School for the Deaf  
20 and the Blind. The Governor shall be deemed to be the public  
21 employer with respect to all employees in the Correctional  
22 Education Program of the Department of Corrections established  
23 pursuant to s. 944.801.

24 (3) "Public employee" means any person employed by a  
25 public employer except:

26 (i) Those persons enrolled ~~as graduate students in the~~  
27 ~~State University System who are employed as graduate~~  
28 ~~assistants, graduate teaching assistants, graduate teaching~~  
29 ~~associates, graduate research assistants, or graduate research~~  
30 ~~associates and those persons enrolled as undergraduate~~  
31 ~~students in a state university the State University System who~~

1 perform part-time work for the state university ~~State~~  
2 ~~University System~~.

3 (4) "Managerial employees" are those employees who:

4 (a) Perform jobs that are not of a routine, clerical,  
5 or ministerial nature and require the exercise of independent  
6 judgment in the performance of such jobs and to whom one or  
7 more of the following applies:

8 1. They formulate or assist in formulating policies  
9 which are applicable to bargaining unit employees.

10 2. They may reasonably be required on behalf of the  
11 employer to assist in the preparation for the conduct of  
12 collective bargaining negotiations.

13 3. They have a role in the administration of  
14 agreements resulting from collective bargaining negotiations.

15 4. They have a significant role in personnel  
16 administration.

17 5. They have a significant role in employee relations.

18 6. They are included in the definition of  
19 administrative personnel contained in s. 1012.01(3)  
20 ~~228.041(10)~~.

21 7. They have a significant role in the preparation or  
22 administration of budgets for any public agency or institution  
23 or subdivision thereof.

24

25 However, in determining whether an individual is a managerial  
26 employee pursuant to either paragraph (a) or paragraph (b),  
27 above, the commission may consider historic relationships of  
28 the employee to the public employer and to coemployees.

29 (10) "Legislative body" means the State Legislature,  
30 the board of county commissioners, the district school board,  
31 the governing body of a municipality, or the governing body of



1 an instrumentality or unit of government having authority to  
2 appropriate funds and establish policy governing the terms and  
3 conditions of employment and which, as the case may be, is the  
4 appropriate legislative body for the bargaining unit. For  
5 purposes of s. 447.403, the state university board of trustees  
6 shall be deemed to be the legislative body with respect to all  
7 employees of the state university. For purposes of s. 447.403  
8 the board of trustees of a community college shall be deemed  
9 to be the legislative body with respect to all employees of  
10 the community college.

11 (18) "Student representative" means the representative  
12 selected by each community college or university student  
13 government association ~~and the council of student body~~  
14 ~~presidents~~. Each representative may be present at all  
15 negotiating sessions ~~that~~ which take place between the  
16 appropriate public employer and an exclusive bargaining agent.  
17 ~~The said~~ representative must ~~shall~~ be enrolled as a student  
18 with at least 8 credit hours in the respective community  
19 college or university ~~or in the State University System~~ during  
20 his or her term as student representative.

21 Section 996. Subsection (5) of section 447.301,  
22 Florida Statutes, is amended to read:

23 447.301 Public employees' rights; organization and  
24 representation.--

25 (5) ~~In negotiations over the terms and conditions of~~  
26 ~~service and other matters affecting the working environment of~~  
27 ~~employees, or the learning environment of students, in~~  
28 ~~institutions of higher education, one student representative~~  
29 ~~selected by the council of student body presidents may, at his~~  
30 ~~or her discretion, be present at all negotiating sessions~~  
31 ~~which take place between the Board of Regents and the~~

1 ~~bargaining agent for an employee bargaining unit.~~In the case  
2 of community colleges and universities, the student government  
3 association of each community college or university shall  
4 establish procedures for the selection of, and shall select, a  
5 student representative to be present, at his or her  
6 discretion, at negotiations between the bargaining agent of  
7 the employees and the board of trustees. Each student  
8 representative shall have access to all written draft  
9 agreements and all other written documents pertaining to  
10 negotiations exchanged by the appropriate public employer and  
11 the bargaining agent, including a copy of any prepared written  
12 transcripts of any negotiating session. Each student  
13 representative shall have the right at reasonable times during  
14 the negotiating session to comment to the parties and to the  
15 public upon the impact of proposed agreements on the  
16 educational environment of students. Each student  
17 representative shall have the right to be accompanied by  
18 alternates or aides, not to exceed a combined total of two in  
19 number. Each student representative shall be obligated to  
20 participate in good faith during all negotiations and shall be  
21 subject to the rules and regulations of the Public Employees  
22 Relations Commission. The student representatives shall have  
23 neither voting nor veto power in any negotiation, action, or  
24 agreement. The state or any branch, agency, division, agent,  
25 or institution of the state, including community colleges and  
26 universities, may shall not expend any moneys from any source  
27 for the payment of reimbursement for travel expenses or per  
28 diem to aides, alternates, or student representatives  
29 participating in, observing, or contributing to any  
30 negotiating sessions between the bargaining parties; ~~however,~~  
31 ~~this limitation does not apply to the use of student activity~~

1 ~~fees for the reimbursement of travel expenses and per diem to~~  
2 ~~the university student representative, aides, or alternates~~  
3 ~~participating in the aforementioned negotiations between the~~  
4 ~~Board of Regents and the bargaining agent for an employee~~  
5 ~~bargaining unit.~~

6 Section 997. Subsection (4) of section 447.403,  
7 Florida Statutes, is amended to read:

8 447.403 Resolution of impasses.--

9 (4) If ~~in the event that either~~ the public employer or  
10 the employee organization does not accept, in whole or in  
11 part, the recommended decision of the special master:

12 (a) The chief executive officer of the governmental  
13 entity involved shall, within 10 days after rejection of a  
14 recommendation of the special master, submit to the  
15 legislative body of the governmental entity involved a copy of  
16 the findings of fact and recommended decision of the special  
17 master, together with the chief executive officer's  
18 recommendations for settling the disputed impasse issues. The  
19 chief executive officer shall also transmit his or her  
20 recommendations to the employee organization; ~~If the dispute~~  
21 ~~involves employees for whom the Board of Regents is the public~~  
22 ~~employer, the Governor may also submit recommendations to the~~  
23 ~~legislative body for settling The disputed impasse issues;~~

24 (b) The employee organization shall submit its  
25 recommendations for settling the disputed impasse issues to  
26 such legislative body and to the chief executive officer;

27 (c) The legislative body or a duly authorized  
28 committee thereof shall forthwith conduct a public hearing at  
29 which the parties shall be required to explain their positions  
30 with respect to the rejected recommendations of the special  
31 master;

1           (d) Thereafter, the legislative body shall take such  
2 action as it deems to be in the public interest, including the  
3 interest of the public employees involved, to resolve all  
4 disputed impasse issues; and

5           (e) Following the resolution of the disputed impasse  
6 issues by the legislative body, the parties shall reduce to  
7 writing an agreement which includes those issues agreed to by  
8 the parties and those disputed impasse issues resolved by the  
9 legislative body's action taken pursuant to paragraph (d). The  
10 agreement shall be signed by the chief executive officer and  
11 the bargaining agent and shall be submitted to the public  
12 employer and to the public employees who are members of the  
13 bargaining unit for ratification. If such agreement is not  
14 ratified by all parties, pursuant to the provisions of s.  
15 447.309, the legislative body's action taken pursuant to the  
16 provisions of paragraph (d) shall take effect as of the date  
17 of such legislative body's action for the remainder of the  
18 first fiscal year which was the subject of negotiations;  
19 however, the legislative body's action shall not take effect  
20 with respect to those disputed impasse issues which establish  
21 the language of contractual provisions which could have no  
22 effect in the absence of a ratified agreement, including, but  
23 not limited to, preambles, recognition clauses, and duration  
24 clauses.

25           Section 998. Paragraph (b) of subsection (5) of  
26 section 450.081, Florida Statutes, is amended to read:

27           450.081 Hours of work in certain occupations.--

28           (5) The provisions of subsections (1)-(4) shall not  
29 apply to:

30           (b) Minors who are within the compulsory school  
31 attendance age limit who hold a valid certificate of exemption

1 issued by the school superintendent or his or her designee  
2 pursuant to the provisions of s. 1003.21(3)~~232.06~~.

3 Section 999. Subsection (2) of section 450.121,  
4 Florida Statutes, is amended to read:

5 450.121 Enforcement of Child Labor Law.--

6 (2) It is the duty of the department and its agents  
7 and all sheriffs or other law enforcement officers of the  
8 state or of any municipality of the state to enforce the  
9 provisions of this law, to make complaints against persons  
10 violating its provisions, and to prosecute violations of the  
11 same. The department and its agents have authority to enter  
12 and inspect at any time any place or establishment covered by  
13 this law and to have access to age certificates kept on file  
14 by the employer and such other records as may aid in the  
15 enforcement of this law. A designated school representative  
16 acting in accordance with s. 1003.26 ~~232.17~~ shall report to  
17 the department all violations of the Child Labor Law that may  
18 come to his or her knowledge.

19 Section 1000. Subsection (4) of section 458.3145,  
20 Florida Statutes, is amended to read:

21 458.3145 Medical faculty certificate.--

22 (4) In any year, the maximum number of extended  
23 medical faculty certificateholders as provided in subsection  
24 (2) may not exceed 15 persons at each institution named in  
25 subparagraphs (1)(i)1.-4. and at the facility named in s.  
26 1004.43 ~~240.512~~ and may not exceed 5 persons at the  
27 institution named in subparagraph (1)(i)5.

28 Section 1001. Subsection (1) and paragraph (a) of  
29 subsection (2) of section 458.324, Florida Statutes, are  
30 amended to read:

31

1           458.324 Breast cancer; information on treatment  
2 alternatives.--

3           (1) DEFINITION.--As used in this section, the term  
4 "medically viable," as applied to treatment alternatives,  
5 means modes of treatment generally considered by the medical  
6 profession to be within the scope of current, acceptable  
7 standards, including treatment alternatives described in the  
8 written summary prepared by the Florida Cancer Control and  
9 Research Advisory Council in accordance with s. 1004.435(4)(m)  
10 ~~240.5121(4)(m)~~.

11           (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each  
12 physician treating a patient who is, or in the judgment of the  
13 physician is at high risk of being, diagnosed as having breast  
14 cancer shall inform such patient of the medically viable  
15 treatment alternatives available to such patient; shall  
16 describe such treatment alternatives; and shall explain the  
17 relative advantages, disadvantages, and risks associated with  
18 the treatment alternatives to the extent deemed necessary to  
19 allow the patient to make a prudent decision regarding such  
20 treatment options. In compliance with this subsection:

- 21           (a) The physician may, in his or her discretion:
- 22           1. Orally communicate such information directly to the  
23 patient or the patient's legal representative;
- 24           2. Provide the patient or the patient's legal  
25 representative with a copy of the written summary prepared in  
26 accordance with s. 1004.435(4)(m)~~240.5121(4)(m)~~ and express a  
27 willingness to discuss the summary with the patient or the  
28 patient's legal representative; or
- 29           3. Both communicate such information directly and  
30 provide a copy of the written summary to the patient or the  
31

1 patient's legal representative for further consideration and  
2 possible later discussion.

3  
4 Nothing in this subsection shall reduce other provisions of  
5 law regarding informed consent.

6 Section 1002. Subsection (1) and paragraph (a) of  
7 subsection (2) of section 459.0125, Florida Statutes, are  
8 amended to read:

9 459.0125 Breast cancer; information on treatment  
10 alternatives.--

11 (1) DEFINITION.--As used in this section, the term  
12 "medically viable," as applied to treatment alternatives,  
13 means modes of treatment generally considered by the medical  
14 profession to be within the scope of current, acceptable  
15 standards, including treatment alternatives described in the  
16 written summary prepared by the Florida Cancer Control and  
17 Research Advisory Council in accordance with s. 1004.435(4)(m),  
18 ~~240.5121(4)(m)~~.

19 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is  
20 the obligation of every physician treating a patient who is,  
21 or in the judgment of the physician is at high risk of being,  
22 diagnosed as having breast cancer to inform such patient of  
23 the medically viable treatment alternatives available to such  
24 patient; to describe such treatment alternatives; and to  
25 explain the relative advantages, disadvantages, and risks  
26 associated with the treatment alternatives to the extent  
27 deemed necessary to allow the patient to make a prudent  
28 decision regarding such treatment options. In compliance with  
29 this subsection:

30 (a) The physician may, in her or his discretion:  
31

1           1. Orally communicate such information directly to the  
2 patient or the patient's legal representative;

3           2. Provide the patient or the patient's legal  
4 representative with a copy of the written summary prepared in  
5 accordance with s. 1004.435(4)(m)~~240.5121(4)(m)~~ and express  
6 her or his willingness to discuss the summary with the patient  
7 or the patient's legal representative; or

8           3. Both communicate such information directly and  
9 provide a copy of the written summary to the patient or the  
10 patient's legal representative for further consideration and  
11 possible later discussion.

12  
13 Nothing in this subsection shall reduce other provisions of  
14 law regarding informed consent.

15           Section 1003. Paragraph (c) of subsection (2) of  
16 section 468.1115, Florida Statutes, is amended to read:

17           468.1115 Exemptions.--

18           (2) The provisions of this part shall not apply to:

19           (c) Persons certified in the areas of speech-language  
20 impairment or hearing impairment in this state under chapter  
21 231 when engaging in the profession for which they are  
22 certified, or any person under the direct supervision of such  
23 a certified person, or of a licensee under this chapter, when  
24 the person under such supervision is performing hearing  
25 screenings in a school setting for prekindergarten through  
26 grade 12.

27           Section 1004. Section 468.607, Florida Statutes, is  
28 amended to read:

29           468.607 Certification of building code administration  
30 and inspection personnel.--The board shall issue a certificate  
31 to any individual whom the board determines to be qualified,



1 within such class and level as provided in this part and with  
2 such limitations as the board may place upon it. No person  
3 may be employed by a state agency or local governmental  
4 authority to perform the duties of a building code  
5 administrator, plans examiner, or building code inspector  
6 after October 1, 1993, without possessing the proper valid  
7 certificate issued in accordance with the provisions of this  
8 part. Any person who acts as an inspector and plans examiner  
9 under s. 1013.37 ~~235.26~~ while conducting activities authorized  
10 by certification under that section is certified to continue  
11 to conduct inspections for a local enforcement agency until  
12 the person's UBCI certification expires, after which time such  
13 person must possess the proper valid certificate issued in  
14 accordance with this part.

15 Section 1005. Subsection (3) of section 468.723,  
16 Florida Statutes, is amended to read:

17 468.723 Exemptions.--Nothing in this part shall be  
18 construed as preventing or restricting:

19 (3) A person employed as a teacher apprentice trainer  
20 I, a teacher apprentice trainer II, or a teacher athletic  
21 trainer under s. 1012.46 ~~232.435~~.

22 Section 1006. Section 471.0035, Florida Statutes, is  
23 amended to read:

24 471.0035 Instructors in postsecondary educational  
25 institutions; exemption from registration requirement.--For  
26 the sole purpose of teaching the principles and methods of  
27 engineering design, notwithstanding the provisions of s.  
28 471.005(7), a person employed by a public postsecondary  
29 educational institution, or by an independent postsecondary  
30 educational institution licensed or exempt from licensure  
31 pursuant to the provisions of chapter 1005 ~~246~~, is not

1 required to register under the provisions of this chapter as a  
2 registered engineer.

3 Section 1007. Paragraph (c) of subsection (2) of  
4 section 476.114, Florida Statutes, is amended to read:

5 476.114 Examination; prerequisites.--

6 (2) An applicant shall be eligible for licensure by  
7 examination to practice barbering if the applicant:

8 (c)1. Holds an active valid license to practice  
9 barbering in another state, has held the license for at least  
10 1 year, and does not qualify for licensure by endorsement as  
11 provided for in s. 476.144(5); or

12 2. Has received a minimum of 1,200 hours of training  
13 as established by the board, which shall include, but shall  
14 not be limited to, the equivalent of completion of services  
15 directly related to the practice of barbering at one of the  
16 following:

17 a. A school of barbering licensed pursuant to chapter  
18 1005 246;

19 b. A barbering program within the public school  
20 system; or

21 c. A government-operated barbering program in this  
22 state.

23  
24 The board shall establish by rule procedures whereby the  
25 school or program may certify that a person is qualified to  
26 take the required examination after the completion of a  
27 minimum of 1,000 actual school hours. If the person passes the  
28 examination, she or he shall have satisfied this requirement;  
29 but if the person fails the examination, she or he shall not  
30 be qualified to take the examination again until the  
31 completion of the full requirements provided by this section.

1           Section 1008. Paragraph (a) of subsection (6) of  
2 section 476.144, Florida Statutes, is amended to read:

3           476.144 Licensure.--

4           (6) A person may apply for a restricted license to  
5 practice barbering. The board shall adopt rules specifying  
6 procedures for an applicant to obtain a restricted license if  
7 the applicant:

8           (a)1. Has successfully completed a restricted barber  
9 course, as established by rule of the board, at a school of  
10 barbering licensed pursuant to chapter 1005 246, a barbering  
11 program within the public school system, or a  
12 government-operated barbering program in this state; or

13           2.a. Holds or has within the previous 5 years held an  
14 active valid license to practice barbering in another state or  
15 country or has held a Florida barbering license which has been  
16 declared null and void for failure to renew the license, and  
17 the applicant fulfilled the requirements of s. 476.114(2)(c)2.  
18 for initial licensure; and

19           b. Has not been disciplined relating to the practice  
20 of barbering in the previous 5 years; and

21  
22 The restricted license shall limit the licensee's practice to  
23 those specific areas in which the applicant has demonstrated  
24 competence pursuant to rules adopted by the board.

25           Section 1009. Section 476.178, Florida Statutes, is  
26 amended to read:

27           476.178 Schools of barbering; licensure.--No private  
28 school of barbering shall be permitted to operate without a  
29 license issued by the State Board of Nonpublic Career  
30 Education pursuant to chapter 246. However, this section  
31 shall not be construed to prevent certification by the

1 Department of Education of barber training programs within the  
2 public school system or to prevent government operation of any  
3 other program of barbering in this state.

4 Section 1010. Paragraph (d) of subsection (1) of  
5 section 477.0132, Florida Statutes, is amended to read:

6 477.0132 Hair braiding, hair wrapping, and body  
7 wrapping registration.--

8 (1)

9 (d) Only the board may review, evaluate, and approve a  
10 course required of an applicant for registration under this  
11 subsection in the occupation or practice of hair braiding,  
12 hair wrapping, or body wrapping. A provider of such a course  
13 is not required to hold a license under chapter 1005 246.

14 Section 1011. Paragraph (c) of subsection (2) of  
15 section 477.019, Florida Statutes, is amended to read:

16 477.019 Cosmetologists; qualifications; licensure;  
17 supervised practice; license renewal; endorsement; continuing  
18 education.--

19 (2) An applicant shall be eligible for licensure by  
20 examination to practice cosmetology if the applicant:

21 (c)1. Is authorized to practice cosmetology in another  
22 state or country, has been so authorized for at least 1 year,  
23 and does not qualify for licensure by endorsement as provided  
24 for in subsection (6); or

25 2. Has received a minimum of 1,200 hours of training  
26 as established by the board, which shall include, but shall  
27 not be limited to, the equivalent of completion of services  
28 directly related to the practice of cosmetology at one of the  
29 following:

30 a. A school of cosmetology licensed pursuant to  
31 chapter 1005 246.

1           b. A cosmetology program within the public school  
2 system.

3           c. The Cosmetology Division of the Florida School for  
4 the Deaf and the Blind, provided the division meets the  
5 standards of this chapter.

6           d. A government-operated cosmetology program in this  
7 state.

8  
9 The board shall establish by rule procedures whereby the  
10 school or program may certify that a person is qualified to  
11 take the required examination after the completion of a  
12 minimum of 1,000 actual school hours. If the person then  
13 passes the examination, he or she shall have satisfied this  
14 requirement; but if the person fails the examination, he or  
15 she shall not be qualified to take the examination again until  
16 the completion of the full requirements provided by this  
17 section.

18           Section 1012. Paragraph (b) of subsection (1) of  
19 section 477.0201, Florida Statutes, is amended to read:

20           477.0201 Specialty registration; qualifications;  
21 registration renewal; endorsement.--

22           (1) Any person is qualified for registration as a  
23 specialist in any one or more of the specialty practices  
24 within the practice of cosmetology under this chapter who:

25           (b) Has received a certificate of completion in a  
26 specialty pursuant to s. 477.013(6) from one of the following:

- 27           1. A school licensed pursuant to s. 477.023.  
28           2. A school licensed pursuant to chapter 1005 ~~246~~ or  
29 the equivalent licensing authority of another state.  
30           3. A specialty program within the public school  
31 system.

1           4. A specialty division within the Cosmetology  
2 Division of the Florida School for the Deaf and the Blind,  
3 provided the training programs comply with minimum curriculum  
4 requirements established by the board.

5           Section 1013. Section 477.023, Florida Statutes, is  
6 amended to read:

7           477.023 Schools of cosmetology; licensure.--No private  
8 school of cosmetology shall be permitted to operate without a  
9 license issued by the State Board of Nonpublic Career  
10 Education pursuant to chapter 1005 ~~246~~. However, nothing  
11 herein shall be construed to prevent certification by the  
12 Department of Education of cosmetology training programs  
13 within the public school system or to prevent government  
14 operation of any other program of cosmetology in this state.

15           Section 1014. Subsection (9) of section 480.033,  
16 Florida Statutes, is amended to read:

17           480.033 Definitions.--As used in this act:

18           (9) "Board-approved massage school" means a facility  
19 which meets minimum standards for training and curriculum as  
20 determined by rule of the board and which is licensed by the  
21 Department of Education pursuant to chapter 1005 ~~246~~ or the  
22 equivalent licensing authority of another state or is within  
23 the public school system of this state.

24           Section 1015. Paragraph (c) of subsection (1) of  
25 section 481.229, Florida Statutes, is amended to read:

26           481.229 Exceptions; exemptions from licensure.--

27           (1) No person shall be required to qualify as an  
28 architect in order to make plans and specifications for, or  
29 supervise the erection, enlargement, or alteration of:

30           (c) Any other type of building costing less than  
31 \$25,000, except a school, auditorium, or other building

1 intended for public use, provided that the services of a  
2 registered architect shall not be required for minor school  
3 projects pursuant to s. 1013.45 ~~235.211~~.

4 Section 1016. Section 488.01, Florida Statutes, is  
5 amended to read:

6 488.01 License to engage in business of operating a  
7 driver's school required.--The Department of Highway Safety  
8 and Motor Vehicles shall oversee and license all commercial  
9 driver's schools except truck driving schools. All commercial  
10 truck driving schools shall be required to be licensed  
11 pursuant to chapter 1005 ~~246~~, and additionally shall be  
12 subject to the provisions of ss. 488.04 and 488.05. No  
13 person, group, organization, institution, business entity, or  
14 corporate entity may engage in the business of operating a  
15 driver's school without first obtaining a license therefor  
16 from the Department of Highway Safety and Motor Vehicles  
17 pursuant to this chapter or from the State Board of Nonpublic  
18 Career Education pursuant to chapter 1005 ~~246~~.

19 Section 1017. Subsections (12) and (13) of section  
20 553.415, Florida Statutes, are amended to read:

21 553.415 Factory-built school buildings.--

22 (12) Such identification label shall be permanently  
23 affixed by the manufacturer in the case of newly constructed  
24 factory-built school buildings, or by the department or its  
25 designee in the case of an existing factory-built building  
26 altered to comply with provisions of s. 1013.20 ~~235.061~~.

27 (13) As of July 1, 2001, all newly constructed  
28 factory-built school buildings shall bear a label pursuant to  
29 subsection (12). As of July 1, 2002, existing factory-built  
30 school buildings and manufactured buildings used as classrooms  
31

1 and not bearing such label shall not be used as classrooms  
2 pursuant to s. 1013.20 ~~235.061~~.

3 Section 1018. Subsection (5) of section 559.902,  
4 Florida Statutes, is amended to read:

5 559.902 Scope and application.--This act shall apply  
6 to all motor vehicle repair shops in Florida, except:

7 (5) Those located in public schools as defined in s.  
8 1000.04 ~~228.041~~ or charter technical career centers as defined  
9 in s. 1002.34 ~~228.505~~.

10

11 However, such person may voluntarily register under this act.

12 Section 1019. Section 589.09, Florida Statutes, is  
13 amended to read:

14 589.09 Use of lands acquired.--All lands acquired by  
15 the Division of Forestry on behalf of the state shall be in  
16 the custody of and subject to the jurisdiction, management,  
17 and control of the said division, and, for such purposes and  
18 the utilization and development of such land, the said  
19 division may use the proceeds of the sale of any products  
20 therefrom, the proceeds of the sale of any such lands, save  
21 the 25 percent of such proceeds which shall be paid into the  
22 State School Fund as required by s. 1010.71(1) ~~228.151~~, and  
23 such other funds as may be appropriated for use by the  
24 division, and in the opinion of such division, available for  
25 such uses and purposes.

26 Section 1020. Subsection (1) of section 627.733,  
27 Florida Statutes, is amended to read:

28 627.733 Required security.--

29 (1) Every owner or registrant of a motor vehicle,  
30 other than a motor vehicle used as a taxicab, school bus as  
31 defined in s. 1006.25 ~~234.051~~, or limousine, required to be



1 registered and licensed in this state shall maintain security  
2 as required by subsection (3) in effect continuously  
3 throughout the registration or licensing period.

4 Section 1021. Subsection (2) of section 627.742,  
5 Florida Statutes, is amended to read:

6 627.742 Nonpublic sector buses; additional liability  
7 insurance coverage.--

8 (2) School buses subject to the provisions of chapter  
9 1006 ~~234~~ or s. 316.615 are exempt from the provisions of this  
10 section.

11 Section 1022. Subsection (5) of section 627.912,  
12 Florida Statutes, is amended to read:

13 627.912 Professional liability claims and actions;  
14 reports by insurers.--

15 (5) Any self-insurance program established under s.  
16 1004.24 ~~240.213~~ shall report in duplicate to the Department of  
17 Insurance any claim or action for damages for personal  
18 injuries claimed to have been caused by error, omission, or  
19 negligence in the performance of professional services  
20 provided by the Board of Regents through an employee or agent  
21 of the Board of Regents, including practitioners of medicine  
22 licensed under chapter 458, practitioners of osteopathic  
23 medicine licensed under chapter 459, podiatric physicians  
24 licensed under chapter 461, and dentists licensed under  
25 chapter 466, or based on a claimed performance of professional  
26 services without consent if the claim resulted in a final  
27 judgment in any amount, or a settlement in any amount. The  
28 reports required by this subsection shall contain the  
29 information required by subsection (3) and the name, address,  
30 and specialty of the employee or agent of the Board of Regents  
31

1 whose performance or professional services is alleged in the  
2 claim or action to have caused personal injury.

3 Section 1023. Paragraph (b) of subsection (7) of  
4 section 633.445, Florida Statutes, is amended to read:

5 633.445 State Fire Marshal Scholarship Grant  
6 Program.--

7 (7) The criteria and procedures for establishing  
8 standards of eligibility shall be recommended by the council  
9 to the Department of Insurance. The council shall recommend  
10 to the Department of Insurance a rating system upon which to  
11 base the approval of scholarship grants. However, to be  
12 eligible to receive a scholarship pursuant to this section, an  
13 applicant must:

14 (b) Have graduated from high school, have earned an  
15 equivalency diploma issued by the Department of Education  
16 pursuant to s. 229.814, or have earned an equivalency diploma  
17 issued by the United States Armed Forces Institute;

18 Section 1024. Paragraph (e) of subsection (1) of  
19 section 633.50, Florida Statutes, is amended to read:

20 633.50 Division powers and duties; Florida State Fire  
21 College.--

22 (1) The Division of State Fire Marshal of the  
23 Department of Insurance, in performing its duties related to  
24 the Florida State Fire College, specified in ss.  
25 633.43-633.49, shall:

26 (e) Develop a staffing and funding formula for the  
27 Florida State Fire College. The formula shall include  
28 differential funding levels for various types of programs,  
29 shall be based on the number of full-time equivalent students  
30 and information obtained from scheduled attendance counts  
31 taken the first day of each program, and shall provide the

1 basis for the legislative budget request. As used in this  
2 section, a full-time equivalent student is equal to a minimum  
3 of 900 hours in a vocational program and 400 hours in a  
4 degree-seeking program. The funding formula shall be as  
5 prescribed pursuant to s. 1011.62 ~~236.081~~, shall include  
6 procedures to document daily attendance, and shall require  
7 that attendance records be retained for audit purposes.

8 Section 1025. Paragraph (c) of subsection (2) of  
9 section 732.402, Florida Statutes, is amended to read:

10 732.402 Exempt property.--

11 (2) Exempt property shall consist of:

12 (c) Florida Prepaid College Program contracts  
13 purchased under s. 240.551 and Florida College Savings  
14 agreements established under s. 240.553.

15 Section 1026. Section 784.081, Florida Statutes, is  
16 amended to read:

17 784.081 Assault or battery on specified officials or  
18 employees; reclassification of offenses.--Whenever a person is  
19 charged with committing an assault or aggravated assault or a  
20 battery or aggravated battery upon any elected official or  
21 employee of: a school district; a private school; the Florida  
22 School for the Deaf and the Blind; a university developmental  
23 research school; a state university or any other entity of the  
24 state system of public education, as defined in s. 1000.04  
25 ~~228.041~~; an employee or protective investigator of the  
26 Department of Children and Family Services; or an employee of  
27 a lead community-based provider and its direct service  
28 contract providers, when the person committing the offense  
29 knows or has reason to know the identity or position or  
30 employment of the victim, the offense for which the person is  
31 charged shall be reclassified as follows:

1 (1) In the case of aggravated battery, from a felony  
2 of the second degree to a felony of the first degree.

3 (2) In the case of aggravated assault, from a felony  
4 of the third degree to a felony of the second degree.

5 (3) In the case of battery, from a misdemeanor of the  
6 first degree to a felony of the third degree.

7 (4) In the case of assault, from a misdemeanor of the  
8 second degree to a misdemeanor of the first degree.

9 Section 1027. Section 817.566, Florida Statutes, is  
10 amended to read:

11 817.566 Misrepresentation of association with, or  
12 academic standing at, postsecondary educational  
13 institution.--Any person who, with intent to defraud,  
14 misrepresents his or her association with, or academic  
15 standing or other progress at, any postsecondary educational  
16 institution by falsely making, altering, simulating, or  
17 forging a document, degree, certificate, diploma, award,  
18 record, letter, transcript, form, or other paper; or any  
19 person who causes or procures such a misrepresentation; or any  
20 person who utters and publishes or otherwise represents such a  
21 document, degree, certificate, diploma, award, record, letter,  
22 transcript, form, or other paper as true, knowing it to be  
23 false, is guilty of a misdemeanor of the first degree,  
24 punishable as provided in s. 775.082 or s. 775.083.

25 Individuals who present a religious academic degree from any  
26 college, university, seminary, or institution which is not  
27 licensed by the State Board of Independent Colleges and  
28 Universities or which is not exempt pursuant to the provisions  
29 of s. 246.085 shall disclose the religious nature of the  
30 degree upon presentation.

31

1           Section 1028. Subsection (1) of section 817.567,  
2 Florida Statutes, is amended to read:

3           817.567 Making false claims of academic degree or  
4 title.--

5           (1) No person in the state may claim, either orally or  
6 in writing, to possess an academic degree, as defined in s.  
7 1005.02 ~~246.021~~, or the title associated with said degree,  
8 unless the person has, in fact, been awarded said degree from  
9 an institution that is:

10           (a) Accredited by a regional or professional  
11 accrediting agency recognized by the United States Department  
12 of Education or the Commission on Recognition of Postsecondary  
13 Accreditation;

14           (b) Provided, operated, and supported by a state  
15 government or any of its political subdivisions or by the  
16 Federal Government;

17           (c) A school, institute, college, or university  
18 chartered outside the United States, the academic degree from  
19 which has been validated by an accrediting agency approved by  
20 the United States Department of Education as equivalent to the  
21 baccalaureate or postbaccalaureate degree conferred by a  
22 regionally accredited college or university in the United  
23 States;

24           (d) Licensed by the State Board of Independent  
25 Colleges and Universities pursuant to ss. 1005.01-1005.38  
26 ~~246.011-246.151~~ or exempt from licensure pursuant to s.  
27 246.085; or

28           (e) A religious seminary, institute, college, or  
29 university which offers only educational programs that prepare  
30 students for a religious vocation, career, occupation,  
31 profession, or lifework, and the nomenclature of whose

1 certificates, diplomas, or degrees clearly identifies the  
2 religious character of the educational program.

3 Section 1029. Paragraph (a) of subsection (1) of  
4 section 877.18, Florida Statutes, is amended to read:

5 877.18 Identification card or document purporting to  
6 contain applicant's age or date of birth; penalties for  
7 failure to comply with requirements for sale or issuance.--

8 (1) It is unlawful for any person, except a  
9 governmental agency or instrumentality, to sell or issue, or  
10 to offer to sell or issue, in this state any identification  
11 card or document purporting to contain the age or date of  
12 birth of the person in whose name it was issued, unless:

13 (a) Prior to selling or issuing such card or document,  
14 the person has first obtained from the applicant and retains  
15 for a period of 3 years from the date of sale:

16 1. An authenticated or certified copy of proof of age  
17 as provided in s. 1003.21(4)~~232.03~~; and

18 2. A notarized affidavit from the applicant attesting  
19 to the applicant's age and that the proof-of-age document  
20 required by subparagraph 1. is for such applicant.

21 Section 1030. Paragraph (a) of subsection (1) of  
22 section 921.187, Florida Statutes, is amended to read:

23 921.187 Disposition and sentencing; alternatives;  
24 restitution.--

25 (1) The alternatives provided in this section for the  
26 disposition of criminal cases shall be used in a manner that  
27 will best serve the needs of society, punish criminal  
28 offenders, and provide the opportunity for rehabilitation.

29 (a) If the offender does not receive a state prison  
30 sentence, the court may:

31

- 1           1. Impose a split sentence whereby the offender is to  
2 be placed on probation upon completion of any specified period  
3 of such sentence, which period may include a term of years or  
4 less.
- 5           2. Make any other disposition that is authorized by  
6 law.
- 7           3. Place the offender on probation with or without an  
8 adjudication of guilt pursuant to s. 948.01.
- 9           4. Impose a fine and probation pursuant to s. 948.011  
10 when the offense is punishable by both a fine and imprisonment  
11 and probation is authorized.
- 12           5. Place the offender into community control requiring  
13 intensive supervision and surveillance pursuant to chapter  
14 948.
- 15           6. Impose, as a condition of probation or community  
16 control, a period of treatment which shall be restricted to a  
17 county facility, a Department of Corrections probation and  
18 restitution center, a probation program drug punishment  
19 treatment community, or a community residential or  
20 nonresidential facility, excluding a community correctional  
21 center as defined in s. 944.026, which is owned and operated  
22 by any qualified public or private entity providing such  
23 services. Before admission to such a facility, the court shall  
24 obtain an individual assessment and recommendations on the  
25 appropriate treatment needs, which shall be considered by the  
26 court in ordering such placements. Placement in such a  
27 facility, except for a county residential probation facility,  
28 may not exceed 364 days. Placement in a county residential  
29 probation facility may not exceed 3 years. Early termination  
30 of placement may be recommended to the court, when  
31

1 appropriate, by the center supervisor, the supervising  
2 probation officer, or the probation program manager.

3 7. Sentence the offender pursuant to s. 922.051 to  
4 imprisonment in a county jail when a statute directs  
5 imprisonment in a state prison, if the offender's cumulative  
6 sentence, whether from the same circuit or from separate  
7 circuits, is not more than 364 days.

8 8. Sentence the offender who is to be punished by  
9 imprisonment in a county jail to a jail in another county if  
10 there is no jail within the county suitable for such prisoner  
11 pursuant to s. 950.01.

12 9. Require the offender to participate in a  
13 work-release or educational or vocational training program  
14 pursuant to s. 951.24 while serving a sentence in a county  
15 jail, if such a program is available.

16 10. Require the offender to perform a specified public  
17 service pursuant to s. 775.091.

18 11. Require the offender who violates chapter 893 or  
19 violates any law while under the influence of a controlled  
20 substance or alcohol to participate in a substance abuse  
21 program.

22 12.a. Require the offender who violates any criminal  
23 provision of chapter 893 to pay an additional assessment in an  
24 amount up to the amount of any fine imposed, pursuant to ss.  
25 938.21 and 938.23.

26 b. Require the offender who violates any provision of  
27 s. 893.13 to pay an additional assessment in an amount of  
28 \$100, pursuant to ss. 938.25 and 943.361.

29 13. Impose a split sentence whereby the offender is to  
30 be placed in a county jail or county work camp upon the  
31 completion of any specified term of community supervision.



1           14. Impose split probation whereby upon satisfactory  
2 completion of half the term of probation, the Department of  
3 Corrections may place the offender on administrative probation  
4 pursuant to s. 948.01 for the remainder of the term of  
5 supervision.

6           15. Require residence in a state probation and  
7 restitution center or private drug treatment program for  
8 offenders on community control or offenders who have violated  
9 conditions of probation.

10           16. Impose any other sanction which is provided within  
11 the community and approved as an intermediate sanction by the  
12 county public safety coordinating council as described in s.  
13 951.26.

14           17. Impose, as a condition of community control,  
15 probation, or probation following incarceration, a requirement  
16 that an offender who has not obtained a high school diploma or  
17 high school equivalency diploma or who lacks basic or  
18 functional literacy skills, upon acceptance by an adult  
19 education program, make a good faith effort toward completion  
20 of such basic or functional literacy skills or high school  
21 equivalency diploma, as defined in s. 229.814, in accordance  
22 with the assessed adult general education needs of the  
23 individual offender.

24           Section 1031. Subsection (15) of section 943.10,  
25 Florida Statutes, is amended to read:

26           943.10 Definitions; ss. 943.085-943.255.--The  
27 following words and phrases as used in ss. 943.085-943.255 are  
28 defined as follows:

29           (15) "Public criminal justice training school" means  
30 any school defined in s. 228.041, or any academy operated by  
31

1 an employing agency, that is certified by the commission to  
2 conduct criminal justice training courses.

3 Section 1032. Paragraph (c) of subsection (1) of  
4 section 943.22, Florida Statutes, is amended to read:

5 943.22 Salary incentive program for full-time  
6 officers.--

7 (1) For the purpose of this section, the term:

8 (c) "Community college degree or equivalent" means  
9 graduation from an accredited community college or having been  
10 granted a degree pursuant to s. 1007.25(10)~~240.239~~ or  
11 successful completion of 60 semester hours or 90 quarter hours  
12 and eligibility to receive an associate degree from an  
13 accredited college, university, or community college.

14 Section 1033. Paragraphs (b), (c), and (i) of  
15 subsection (3) of section 944.801, Florida Statutes, are  
16 amended to read:

17 944.801 Education for state prisoners.--

18 (3) The responsibilities of the Correctional Education  
19 Program shall be to:

20 (b) In cooperation with the Department of Education,  
21 pursuant to s. 229.565, monitor and assess all inmate  
22 education program services and report the results of such  
23 evaluation in the annual report of activities.

24 (c) In cooperation with the Department of Education,  
25 pursuant to s. 1008.39 ~~229.8075~~, develop complete and reliable  
26 statistics on the educational histories, the city/intracity  
27 area and school district where the inmate was domiciled prior  
28 to incarceration, the participation in state educational and  
29 training programs, and the occupations of inmates confined to  
30 state correctional facilities. The compiled statistics shall  
31

1 be summarized and analyzed in the annual report of  
2 correctional educational activities required by paragraph (f).

3 (i) Ensure that every inmate who has 2 years or more  
4 remaining to serve on his or her sentence at the time that he  
5 or she is received at an institution and who lacks basic and  
6 functional literacy skills as defined in s. 1004.02 ~~239.105~~  
7 attends not fewer than 150 hours of sequential instruction in  
8 a correctional adult basic education program. The basic and  
9 functional literacy level of an inmate shall be determined by  
10 the average composite test score obtained on a test approved  
11 for this purpose by the State Board of Education.

12 1. Upon completion of the 150 hours of instruction,  
13 the inmate shall be retested and, if a composite test score of  
14 functional literacy is not attained, the department is  
15 authorized to require the inmate to remain in the  
16 instructional program.

17 2. Highest priority of inmate participation shall be  
18 focused on youthful offenders and those inmates nearing  
19 release from the correctional system.

20 3. An inmate shall be required to attend the 150 hours  
21 of adult basic education instruction unless such inmate:

22 a. Is serving a life sentence or is under sentence of  
23 death.

24 b. Is specifically exempted for security or health  
25 reasons.

26 c. Is housed at a community correctional center, road  
27 prison, work camp, or vocational center.

28 d. Attains a functional literacy level after  
29 attendance in fewer than 150 hours of adult basic education  
30 instruction.

31

1 e. Is unable to enter such instruction because of  
2 insufficient facilities, staff, or classroom capacity.

3 4. The Department of Corrections shall provide classes  
4 to accommodate those inmates assigned to correctional or  
5 public work programs after normal working hours. The  
6 department shall develop a plan to provide academic and  
7 vocational classes on a more frequent basis and at times that  
8 accommodate the increasing number of inmates with work  
9 assignments, to the extent that resources permit.

10 5. If an inmate attends and actively participates in  
11 the 150 hours of instruction, the Department of Corrections  
12 may grant a one-time award of up to 6 additional days of  
13 incentive gain-time, which must be credited and applied as  
14 provided by law. Active participation means, at a minimum,  
15 that the inmate is attentive, responsive, cooperative, and  
16 completes assigned work.

17 Section 1034. Paragraphs (a) and (b) of subsection (9)  
18 of section 948.03, Florida Statutes, are amended to read:

19 948.03 Terms and conditions of probation or community  
20 control.--

21 (9)(a) As a condition of community control, probation,  
22 or probation following incarceration, require an offender who  
23 has not obtained a high school diploma or high school  
24 equivalency diploma or who lacks basic or functional literacy  
25 skills, upon acceptance by an adult education program, to make  
26 a good faith effort toward completion of such basic or  
27 functional literacy skills or high school equivalency diploma,  
28 as defined in s. 229.814, in accordance with the assessed  
29 adult general education needs of the individual offender. The  
30 court shall not revoke community control, probation, or  
31 probation following incarceration because of the offender's

1 inability to achieve such skills or diploma but may revoke  
2 community control, probation, or probation following  
3 incarceration if the offender fails to make a good faith  
4 effort to achieve such skills or diploma. The court may grant  
5 early termination of community control, probation, or  
6 probation following incarceration upon the offender's  
7 successful completion of the approved program. As used in  
8 this subsection, "good faith effort" means the offender is  
9 enrolled in a program of instruction and is attending and  
10 making satisfactory progress toward completion of the  
11 requirements.

12 (b) A juvenile on community control who is a public  
13 school student must attend a public adult education program or  
14 a dropout prevention program, pursuant to s. 1003.53 ~~230.2316~~,  
15 which includes a second chance school or an alternative to  
16 expulsion, if the school district where the juvenile is  
17 enrolled offers such programs, unless the principal of the  
18 school determines that special circumstances warrant  
19 continuation in the regular educational school program.

20 Section 1035. Paragraph (b) of subsection (9) and  
21 subsection (27) of section 984.03, Florida Statutes, are  
22 amended to read:

23 984.03 Definitions.--When used in this chapter, the  
24 term:

25 (9) "Child in need of services" means a child for whom  
26 there is no pending investigation into an allegation or  
27 suspicion of abuse, neglect, or abandonment; no pending  
28 referral alleging the child is delinquent; or no current  
29 supervision by the Department of Juvenile Justice or the  
30 Department of Children and Family Services for an adjudication  
31

1 of dependency or delinquency. The child must also, pursuant to  
2 this chapter, be found by the court:

3 (b) To be habitually truant from school, while subject  
4 to compulsory school attendance, despite reasonable efforts to  
5 remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and  
6 1003.27 ~~232.19~~ and through voluntary participation by the  
7 child's parents or legal custodians and by the child in family  
8 mediation, services, and treatment offered by the Department  
9 of Juvenile Justice or the Department of Children and Family  
10 Services; or

11 (27) "Habitually truant" means that:

12 (a) The child has 15 unexcused absences within 90  
13 calendar days with or without the knowledge or justifiable  
14 consent of the child's parent or legal guardian, is subject to  
15 compulsory school attendance under s. 1003.21(1) and (2)(a)  
16 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.  
17 1003.24 ~~232.09~~, or any other exemptions specified by law or  
18 the rules of the State Board of Education.

19 (b) Activities to determine the cause, and to attempt  
20 the remediation, of the child's truant behavior under ss.  
21 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~, have been completed.

22  
23 If a child who is subject to compulsory school attendance is  
24 responsive to the interventions described in ss. 1003.26  
25 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ and has completed the  
26 necessary requirements to pass the current grade as indicated  
27 in the district pupil progression plan, the child shall not be  
28 determined to be habitually truant and shall be passed. If a  
29 child within the compulsory school attendance age has 15  
30 unexcused absences within 90 calendar days or fails to enroll  
31 in school, the State Attorney may, or the appropriate

1 jurisdictional agency shall, file a child-in-need-of-services  
2 petition if recommended by the case staffing committee, unless  
3 it is determined that another alternative action is  
4 preferable. The failure or refusal of the parent or legal  
5 guardian or the child to participate, or make a good faith  
6 effort to participate, in the activities prescribed to remedy  
7 the truant behavior, or the failure or refusal of the child to  
8 return to school after participation in activities required by  
9 this subsection, or the failure of the child to stop the  
10 truant behavior after the school administration and the  
11 Department of Juvenile Justice have worked with the child as  
12 described in ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ shall  
13 be handled as prescribed in s. 1003.27 ~~232.19~~.

14 Section 1036. Section 984.05, Florida Statutes, is  
15 amended to read:

16 984.05 Rules relating to habitual truants; adoption by  
17 Department of Education and Department of Juvenile  
18 Justice.--The Department of Juvenile Justice and the  
19 Department of Education shall work together on the development  
20 of, and shall adopt, rules as necessary for the implementation  
21 of ss. ~~232.19~~, 984.03(27), ~~and~~ 985.03(25), and 1003.27.

22 Section 1037. Subsection (1) of section 984.151,  
23 Florida Statutes, is amended to read:

24 984.151 Truancy petition; prosecution; disposition.--

25 (1) If the school determines that a student subject to  
26 compulsory school attendance has had at least five unexcused  
27 absences, or absences for which the reasons are unknown,  
28 within a calendar month or 10 unexcused absences, or absences  
29 for which the reasons are unknown, within a 90-calendar-day  
30 period pursuant to s. 1003.26(1)(b) ~~232.17(1)(b)~~, or has had  
31

1 more than 15 unexcused absences in a 90-calendar-day period,  
2 the superintendent of schools may file a truancy petition.

3 Section 1038. Subsection (3) of section 984.19,  
4 Florida Statutes, is amended to read:

5 984.19 Medical, psychiatric, and psychological  
6 examination and treatment of child; physical or mental  
7 examination of parent, guardian, or person requesting custody  
8 of child.--

9 (3) A judge may order that a child alleged to be or  
10 adjudicated a child in need of services be examined by a  
11 licensed health care professional. The judge may also order  
12 such child to be evaluated by a psychiatrist or a  
13 psychologist, by a district school board educational needs  
14 assessment team, or, if a developmental disability is  
15 suspected or alleged, by the developmental disability  
16 diagnostic and evaluation team of the Department of Children  
17 and Family Services. The judge may order a family assessment  
18 if that assessment was not completed at an earlier time. If  
19 it is necessary to place a child in a residential facility for  
20 such evaluation, then the criteria and procedure established  
21 in s. 394.463(2) or chapter 393 shall be used, whichever is  
22 applicable. The educational needs assessment provided by the  
23 district school board educational needs assessment team shall  
24 include, but not be limited to, reports of intelligence and  
25 achievement tests, screening for learning disabilities and  
26 other handicaps, and screening for the need for alternative  
27 education pursuant to s. 1003.53 ~~230.2316~~.

28 Section 1039. Paragraph (b) of subsection (8) and  
29 subsection (25) of section 985.03, Florida Statutes, are  
30 amended to read:

31



1           985.03 Definitions.--When used in this chapter, the  
2 term:

3           (8) "Child in need of services" means a child for whom  
4 there is no pending investigation into an allegation or  
5 suspicion of abuse, neglect, or abandonment; no pending  
6 referral alleging the child is delinquent; or no current  
7 supervision by the Department of Juvenile Justice or the  
8 Department of Children and Family Services for an adjudication  
9 of dependency or delinquency. The child must also, pursuant to  
10 this chapter, be found by the court:

11           (b) To be habitually truant from school, while subject  
12 to compulsory school attendance, despite reasonable efforts to  
13 remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and  
14 1003.27 ~~232.19~~ and through voluntary participation by the  
15 child's parents or legal custodians and by the child in family  
16 mediation, services, and treatment offered by the Department  
17 of Juvenile Justice or the Department of Children and Family  
18 Services; or

19           (25) "Habitually truant" means that:

20           (a) The child has 15 unexcused absences within 90  
21 calendar days with or without the knowledge or justifiable  
22 consent of the child's parent or legal guardian, is subject to  
23 compulsory school attendance under s. 1003.21(1) and (2)(a)  
24 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.  
25 1003.24 ~~232.09~~, or any other exemptions specified by law or  
26 the rules of the State Board of Education.

27           (b) Escalating activities to determine the cause, and  
28 to attempt the remediation, of the child's truant behavior  
29 under ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ have been  
30 completed.

31

1 If a child who is subject to compulsory school attendance is  
2 responsive to the interventions described in ss. 1003.26  
3 ~~232.17~~ and 1003.27 ~~232.19~~ and has completed the necessary  
4 requirements to pass the current grade as indicated in the  
5 district pupil progression plan, the child shall not be  
6 determined to be habitually truant and shall be passed. If a  
7 child within the compulsory school attendance age has 15  
8 unexcused absences within 90 calendar days or fails to enroll  
9 in school, the state attorney may file a  
10 child-in-need-of-services petition. Prior to filing a  
11 petition, the child must be referred to the appropriate agency  
12 for evaluation. After consulting with the evaluating agency,  
13 the state attorney may elect to file a  
14 child-in-need-of-services petition.

15 (c) A school representative, designated according to  
16 school board policy, and a juvenile probation officer of the  
17 Department of Juvenile Justice have jointly investigated the  
18 truancy problem or, if that was not feasible, have performed  
19 separate investigations to identify conditions that could be  
20 contributing to the truant behavior; and if, after a joint  
21 staffing of the case to determine the necessity for services,  
22 such services were determined to be needed, the persons who  
23 performed the investigations met jointly with the family and  
24 child to discuss any referral to appropriate community  
25 agencies for economic services, family or individual  
26 counseling, or other services required to remedy the  
27 conditions that are contributing to the truant behavior.

28 (d) The failure or refusal of the parent or legal  
29 guardian or the child to participate, or make a good faith  
30 effort to participate, in the activities prescribed to remedy  
31 the truant behavior, or the failure or refusal of the child to

1 return to school after participation in activities required by  
2 this subsection, or the failure of the child to stop the  
3 truant behavior after the school administration and the  
4 Department of Juvenile Justice have worked with the child as  
5 described in s. 1003.27(3)~~232.19(3)~~ shall be handled as  
6 prescribed in s. 1003.27 ~~232.19~~.

7 Section 1040. Paragraph (b) of subsection (7) of  
8 section 985.04, Florida Statutes, is amended to read:

9 985.04 Oaths; records; confidential information.--  
10 (7)

11 (b) Notwithstanding paragraph (a) or any other  
12 provision of this section, when a child of any age is formally  
13 charged by a state attorney with a felony or a delinquent act  
14 that would be a felony if committed by an adult, the state  
15 attorney shall notify the superintendent of the child's school  
16 that the child has been charged with such felony or delinquent  
17 act. The information obtained by the superintendent of schools  
18 pursuant to this section must be released within 48 hours  
19 after receipt to appropriate school personnel, including the  
20 principal of the school of the child. The principal must  
21 immediately notify the child's immediate classroom teachers.  
22 Upon notification, the principal is authorized to begin  
23 disciplinary actions pursuant to s. 1006.09(1)-(4) ~~232.26~~.

24 Section 1041. Subsection (5) of section 985.316,  
25 Florida Statutes, is amended to read:

26 985.316 Conditional release.--

27 (5) Participation in the educational program by  
28 students of compulsory school attendance age pursuant to s.  
29 1003.21(1) and (2)(a)~~232.01~~ is mandatory for juvenile justice  
30 youth on conditional release or postcommitment probation  
31 status. A student of noncompulsory school-attendance age who

1 has not received a high school diploma or its equivalent must  
2 participate in the educational program. A youth who has  
3 received a high school diploma or its equivalent and is not  
4 employed must participate in workforce development or other  
5 vocational or technical education or attend a community  
6 college or a university while in the program, subject to  
7 available funding.

8 Section 1042. Subsection (3) of section 985.412,  
9 Florida Statutes, is amended to read:

10 985.412 Quality assurance and cost-effectiveness.--

11 (3) The department shall annually collect and report  
12 cost data for every program operated or contracted by the  
13 department. The cost data shall conform to a format approved  
14 by the department and the Legislature. Uniform cost data shall  
15 be reported and collected for state-operated and contracted  
16 programs so that comparisons can be made among programs. The  
17 department shall ensure that there is accurate cost accounting  
18 for state-operated services including market-equivalent rent  
19 and other shared cost. The cost of the educational program  
20 provided to a residential facility shall be reported and  
21 included in the cost of a program. The department shall submit  
22 an annual cost report to the President of the Senate, the  
23 Speaker of the House of Representatives, the Minority Leader  
24 of each house of the Legislature, the appropriate substantive  
25 and fiscal committees of each house of the Legislature, and  
26 the Governor, no later than December 1 of each year.

27 Cost-benefit analysis for educational programs will be  
28 developed and implemented in collaboration with and in  
29 cooperation with the Department of Education, local providers,  
30 and local school districts. Cost data for the report shall  
31 include data collected by the Department of Education for the

1 purposes of preparing the annual report required by s.  
2 ~~1003.52(20)230.23161(21)~~.

3 Section 1043. Section 2 of Chapter 2000-181, Laws of  
4 Florida, is repealed.

5 Section 1044. The purpose of the Legislature in  
6 revising this Education Code is to rearrange, renumber,  
7 reword, reorder, streamline, consolidate, and update the code  
8 consistent with current law and the new K-20 education  
9 governance structure. It is not the purpose of the Legislature  
10 in revising the Education Code to affect existing judicial or  
11 administrative law.

12 Section 1045. Effective January 7, 2003, part I of  
13 chapter 243 and chapters 228, 229, 230, 231, 232, 233, 234,  
14 235, 236, 237, 239, 240, 241, 242, 244, and 246 Florida  
15 Statutes (2001) are repealed.

16 Section 1046. In editing the manuscript for the 2002  
17 Florida Statutes, the Division of Statutory Revision is  
18 directed to incorporate any amendments, by laws passed during  
19 the 2002 Regular Session of the Legislature or any 2002  
20 Special Sessions of the Legislature, to provisions repealed by  
21 this act into the parallel successor provisions created by  
22 this act. The Division is further directed to transfer any  
23 provisions enacted within part I of chapter 243 or chapters  
24 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240,  
25 241, 242, 244, and 246, Florida Statutes, by 2002 legislation  
26 to parallel locations in accordance with this act.

27 Section 1047. (1) Chapters 1000, 1001, 1002, 1003,  
28 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, and  
29 1013, Florida Statutes, as created by this act, shall be  
30 reviewed by the Legislature in the 2003 Regular Session of the  
31 Legislature.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

(2) This section is repealed effective July 1, 2003.

Section 1048. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 1049. This act shall take effect January 7, 2003, except as otherwise provided.